

federa register

WEDNESDAY, JANUARY 21, 1976



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HEALTH, EDUCATION, AND WELFARE DEPARTMENT

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Occupational Safety and Health Administration—
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OFFICE OF SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

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Coast Guard—
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Fiscal Service—
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Hawaii Advisory Committee; to be held at Honolulu, Hawaii (open), 1-30-76. 59374; 12-23-75

CIVIL SERVICE COMMISSION

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DEFENSE DEPARTMENT

Navy Department—
Naval Research Advisory Committee; to be held at China Lake, Calif. (closed), 1-29 and 1-30-76. 791; 1-5-76

Office of the Secretary—

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Scientific Advisory Group on Effects, to be held in Homestead AFB, Fla. (closed), 1-27 thru 1-30-76. 56966; 12-5-75

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ington, D.C. (open with restric-
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shore Advisory Commission; to be
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National Petroleum Council's Committee
on Enhanced Recovery Techniques for
Oil and Gas, Subcommittee and Task
Groups, to be held in Dallas, Texas
(open), 1-26 and 1-27-76.... 1504;
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Advisory Committee on Reactor Safe-
guards' Subcommittee on the Pebble
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Southern Region Air Traffic Control
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Station Committee on Educational Al-
lowances; to be held in Montgomery,
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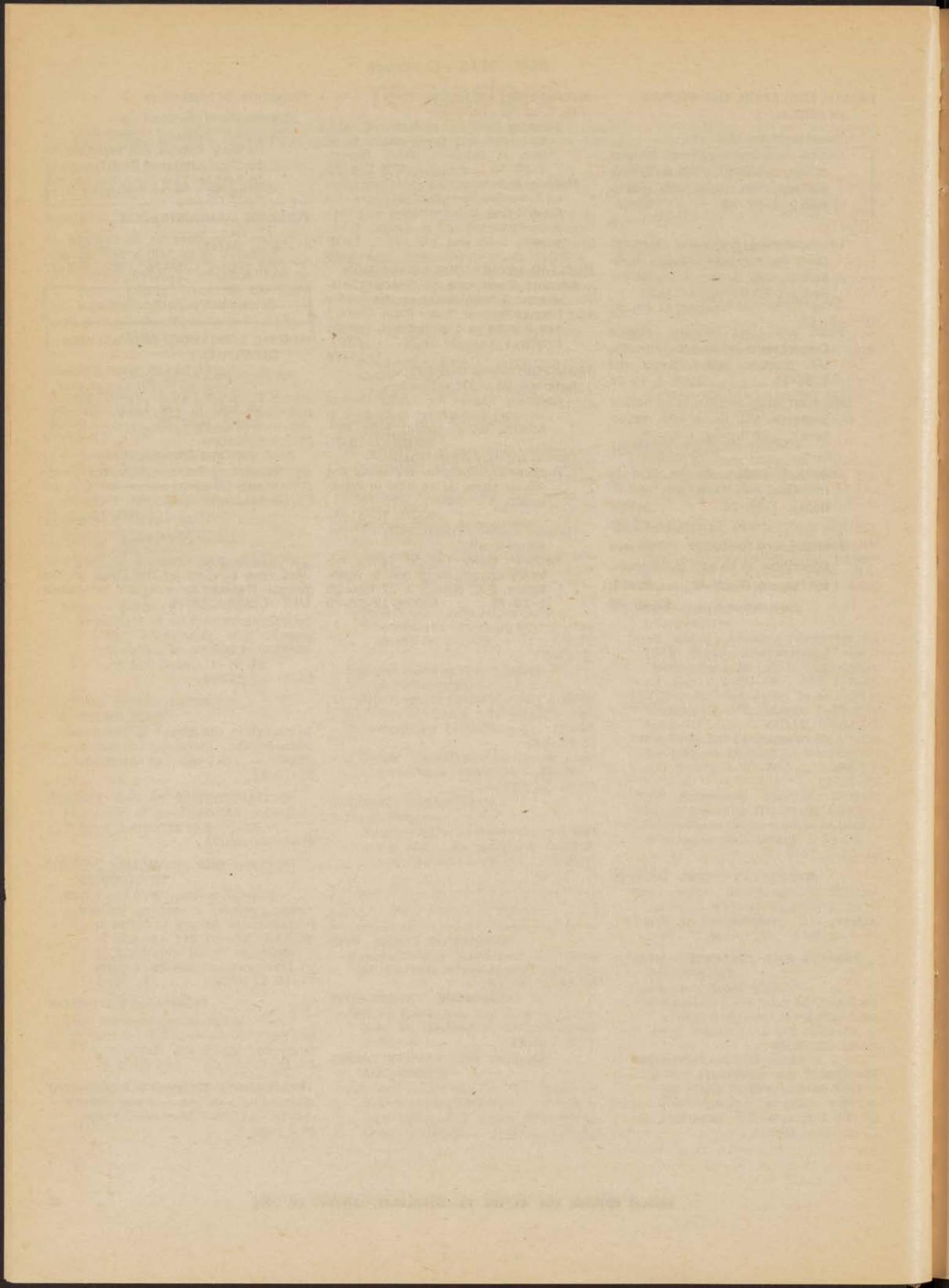
Utah: Fiscal Year 1976 State plan; to
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58883; 12-19-75

List of Public Laws

NOTE: No acts approved by the Presi-
dent were received by the Office of the
Federal Register for inclusion in today's
LIST OF PUBLIC LAWS.



rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor; Correction

Paragraph (d) was erroneously added to both § 213.3115 and § 213.3315. Section 213.3315(d) should be deleted.

UNITED STATES CIVIL SERVICE COMMISSION

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

[FR Doc. 76-1766 Filed 1-20-76; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Deputy Under Secretary for Congressional and Public Affairs is excepted under Schedule C.

Effective on January 21, 1976, § 213.3313(c) (9) is added as set out below:

§ 213.3313 Department of Agriculture.

(c) Office of the Under Secretary. ***

(9) One Deputy Under Secretary for Congressional and Public Affairs.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc. 76-1969 Filed 1-20-76; 8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 21]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Trust Territory of the Pacific Islands

Pub. L. 94-105, enacted October 7, 1975, extends the National School Lunch Program to the Trust Territory of the Pacific Islands. Inasmuch as the economic and nutritional status in the Territory prohibits the introduction of the Type A meal pattern in most schools in the Territory at the present time, these regulations provide for an agreement between officials of the Territory and of the U.S. Department of Agriculture as to the meal pattern or patterns which may be used in the Territory. Territorial officials would like to implement the

National School Lunch Program as soon as practicable and there appears to be no reason for delay; notice of proposed rulemaking and opportunity for public participation are impracticable and unnecessary.

Accordingly, this part is revised as set forth below.

1. In § 210.2, paragraph (r) is revised to read as follows:

§ 210.2 Definitions.

(r) "State" means any of the 50 States, District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

2. In § 210.10, a new paragraph (h) is added as follows:

§ 210.10 Requirements for lunches.

(h) For the period July 1, 1975, through September 30, 1977, the Secretary, with the concurrence of officials of the Trust Territory of the Pacific Islands, shall establish a meal pattern or patterns which are consonant with local food consumption patterns and which, given available food supplies and food service equipment and facilities, provide optimum nutrition consistent with sound dietary habits for participating children, for use in the Trust Territory in lieu of the Type A lunch. The requirements for such pattern or patterns shall be attached to and made a part of the written agreement required under § 210.3.

Effective date. This amendment shall become effective January 1, 1976.

Dated: January 15, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc. 76-1757 Filed 1-20-76; 8:45 am]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Corrections

Corrections are necessary in the following Appendices to Part 271 of the Food Stamp Regulations, 7 CFR Part 271:

APPENDIX A

[FSP No. 1976-1.1, Amdt. 71]

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—48 States and District of Columbia.

In FR Doc. 75-32367 appearing at page 55655 in the issue of Monday, December 1, 1975, in the table "Monthly Coupon Allotments and Purchase Requirements—48 States and District of Columbia", for

the seven-person household, at the income level of \$870 to \$899.99, the purchase price of \$226 was omitted in error.

APPENDIX E

[FSP No. 1976-5.1, Amdt. 75]

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Virgin Islands.

In FR Doc. 75-33105 appearing at page 57437 in the issue of Wednesday, December 10, 1975, in the table "Monthly Coupon Allotments and Purchase Requirements—Virgin Islands", for the six-person household, at the income levels of \$930 to \$959.99 and \$960 to \$989.99, the purchase price of \$254 was omitted in error.

APPENDIX F

[FSP No. 1976-6.1, Amdt. 76]

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Guam.

In F.R. Doc. 73-33106 appearing at page 57438 in the issue of Wednesday, December 10, 1975, in the table "Maximum Allowable Monthly Income Standards—Guam", for the household size of eight, the figure now reading \$1513 should read \$1347.

Dated: January 15, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc. 76-1766 Filed 1-20-76; 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 CONVEYANCE AND SHIPPING CONTAINERS THEREON

Addition of Champlain, New York, and Opheim, Montana, to List of Canadian Border Ports for Importation of Animals

The purpose of this amendment is to add Champlain, New York, and Opheim, Montana, to the list of Canadian border ports designated in § 92.3(b) as quarantine stations for the entry of animals from Canada into the United States.

These ports have been serviced by the Department since the early 1960's, but were never included in the listing under § 92.3(b). Since these ports are operable and have the necessary quarantine and inspection facilities available it has been determined that they should be listed as designated Canadian border ports.

Accordingly, § 92.3(b) is amended as follows:

§ 92.3 Ports designated for the importation of animals.

(b) *Canadian border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Canada: Calais, Houlton, Van Buren, Fort Kent, Jackman, and Holey, Maine; Derby Line, Richford, and Highgate Springs, Vermont; Rouses Point, Moores Junction, Chateaugay, Malone, Fort Covington, Hogansburg, Roosevelt, Waddington, Ogdensburg, Morristown, Alexandria Bay, Charlotte, Niagara Falls, Champlain, and Buffalo, New York; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Noyes, Minnesota; Dunseith, Pembina, and Portal, North Dakota; Raymond, Ophelm and Sweetgrass, Montana; Eastport and Porthill, Idaho; Spokane, Laurier, Oroville, Nighthawk, Sumas, Blaine, and Lynden, Washington; and Juneau and Skagway, Alaska.

(Sec. 2, 32, Stat. 792, as amended; secs. 6, 7, 8, and 10, 26 Stat. 416, 417, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 102-105, 111, 134a, 134b, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective January 21, 1976.

The amendment relieves certain restrictions by permitting the importation of animals from Canada through additional border ports, and should be made effective promptly 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 15th day of January, 1976.

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

[FR Doc.76-1817 Filed 1-20-76;8:45 am]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of these amendments is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such

travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1975 ed.), as amended January 3, 1975 (40 FR 757), February 21, 1975 (40 FR 7620), March 11, 1975 (40 FR 11346), May 8, 1975 (40 FR 20065), July 1, 1975 (40 FR 27643), September 23, 1975 (40 FR 43717), October 7, 1975 (40 FR 46300), and November 20, 1975 (40 FR 53991), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by deleting from the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing commuted travel time.

WITHIN METROPOLITAN AREA

TWO HOURS

St. Louis Lambert Airport, St. Louis, Missouri, (served from National Stockyards, Illinois).

OUTSIDE METROPOLITAN AREA

FOUR HOURS

Burns Harbor, Indiana (when served from Monticello, Indiana).
(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective January 21, 1976.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction 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 15th day of January, 1976.

J. M. HEIL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-1816 Filed 1-20-76;8:45 am]

Title 12—Banks and Banking
CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

CLEARING AND SETTLEMENT FACILITIES

Notice of Interim Policy on Access to Federal Reserve

On June 10, 1975, the Board of Governors published for comment a proposed policy regarding the deposit, delivery, and settlement of payments contained on magnetic tape through Fed-

eral Reserve clearing and settlement facilities (see 40 FR 25641). The Board is continuing to review the comments received on that proposal. A number of requests have been received, however, that the Board clarify its current policy regarding these transactions as soon as possible.

The Board has published a statement on access in its proposal to amend Regulation J (12 CFR Part 210), Collection of Checks and Other Items by Federal Reserve Banks, that appears in the proposed rules section of this issue of the FEDERAL REGISTER (41 FR 3097).

The interim policy on access is contained in the proposal to amend Regulation J because of the similar subject matter addressed by both the proposed regulation and the interim policy. Interested parties are requested to review the introductory statement to the proposed amendments to Regulation J for the details of the Board's access policy.

The Board regards the access policy announced today as an interim measure in force until a pricing schedule for such services rendered by the Federal Reserve is adopted.

By order of the Board of Governors, January 12, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-1810 Filed 1-20-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket 76-RM-1]

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

Amendment to Federal Register Document

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to delete reference to Peterson Field in the description of the Colorado Springs, Colorado, control zone and transition area, and substitute in lieu thereof the City of Colorado Springs Municipal Airport. The name of this airport was officially changed in December 1975.

Since this amendment is editorial in nature and no substantial change in regulation is effected, notice and public procedure thereon are unnecessary. In view of the foregoing, § 71.171 (41 FR 355) and § 71.181 (41 FR 440) are amended by deleting "Peterson Field" in the description of the control zone and transition area and substituting "City of Colorado Springs Municipal Airport" therefor.

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

Issued in Aurora, Colorado on January 13, 1976.

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

[FR Doc.76-1712 Filed 1-20-76;8:45 am]

[Airspace Docket No. 76-NW-3]

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

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the description of the Corvallis, Oregon, Control Zone. The designation of a control zone is predicated, in part, on the provision of hourly and special weather observations by federally certificated weather observers. Such weather service is no longer available at Corvallis Airport.

In consideration of the foregoing, in § 71.171 (40 FR 354), the description of the Corvallis, Oregon, Control Zone is revoked. This revocation shall be effective when published in the Federal Register.

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

Issued in Seattle, Washington, on January 13, 1976.

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

[FR Doc. 76-1711 Filed 1-20-76; 8:45 am]

[Docket No. 15336; Amdt. No. 1004]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

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

ington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective March 11, 1976*.

Little Rock, AR—Adams Field, VOR Rwy 32, Amdt. 14
Grand Isle, LA—Grand Isle Seaplane Base, VOR-A, Amdt. 4
Grand Isle, LA—Grand Isle Seaplane Base, VORTAC-C, Amdt. 3
Paris, TX—Cox Field, VOR Rwy 35, Amdt. 4
Waco, TX—James Connally Arpt., VOR-A, Amdt. 2
Wink, TX—Winkler County Arpt., VOR Rwy 13, Amdt. 8
Ogden, UT—Ogden Muni. Arpt., VOR Rwy 7, Amdt. 2
Bellingham, WA—Bellingham International Arpt., VOR-1, Rwy 16, Amdt. 4
Bellingham, WA—Bellingham International Arpt., VOR-2, Rwy 16, Amdt. 4

Effective March 4, 1976:

Pago Pago, Tutuila Is., American Samoa—Pago Pago International Arpt., VORTAC-A, Amdt. 1
St. Petersburg, FL—Albert Whitted Arpt., VOR Rwy 18, Amdt. 3
Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., VOR Rwy 26, Amdt. 10
Liberal, KS—Liberal Muni. Arpt., VOR Rwy 17, Amdt. 3
Liberal, KS—Liberal Muni. Arpt., VOR Rwy 35, Amdt. 7
Northampton, MA—LeFleur Arpt., VOR-A, Amdt. 3
Goldsboro, NC—Goldsboro-Wayne Muni. Arpt., VOR/DME-A, Amdt. 1
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 13, Amdt. 10
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 18, Amdt. 9
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 31, Amdt. 11

Effective January 13, 1976:

Cedartown, GA—Cornelius-Moore Field, VOR-A, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective March 11, 1976*.

Little Rock, AR—Adams Field, LOC(BC) Rwy 22, Amdt. 7

Effective March 4, 1976:

Rochester, MN—Rochester Muni. Arpt., LOC(BC) Rwy 13, Amdt. 9
St. Joseph, MO—Rosecrans Memorial Arpt., LOC(BC) Rwy 17, Amdt. 3
Utica, NY—Oneida County Arpt., LOC(BC) Rwy 15, Amdt. 3
Madison, WI—Dane County Regional/Truax Field, LOC(BC) Rwy 18, Amdt. 6

Effective January 14, 1976:

Pierre, SD—Pierre Muni. Arpt., LOC(BC) Rwy 13, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 11, 1976*.

Little Rock, AR—Adams Field, NDB Rwy 4, Amdt. 12
Denver, CO—Arapahoe County Arpt., NDB Rwy 10, Amdt. 2
Grand Isle, LA—Grand Isle Seaplane Base, NDB-B, Amdt. 5
Waco, TX—James Connally Arpt., NDB Rwy 17, Amdt. 1
Waco, TX—James Connally Arpt., NDB Rwy 35, Amdt. 2
Bellingham, WA—Bellingham International Arpt., NDB Rwy 16, Amdt. 1
Bellingham, WA—Bellingham International Arpt., NDB-B, Amdt. 2

Effective March 4, 1976:

Brookville, FL—Hernando County Arpt., NDB Rwy 9, Amdt. 1
Tampa, FL—Peter O. Knight Arpt., NDB Rwy 3, Amdt. 6
Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., NDB Rwy 9R, Amdt. 3
Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., NDB Rwy 26, Amdt. 12
St. Joseph, MO—Rosecrans Memorial Arpt., NDB Rwy 17, Amdt. 3
Utica, NY—Oneida County Arpt., NDB Rwy 15, Amdt. 6
Staunton-Waynesboro-Harrisonburg, VA—Shenandoah Valley Arpt., NDB Rwy 4, Amdt. 3
Madison, WI—Dane County Regional/Truax Field, NDB Rwy 36, Amdt. 19

Effective January 29, 1976:

Lubbock, TX—Lubbock Regional Arpt., NDB Rwy 26, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective March 11, 1976*.

Amdt. 16
Little Rock, AR—Adams Field, ILS Rwy 4, Amdt. 16
Twin Falls, ID—Twin Falls City-County (Joslin Field), ILS Rwy 25, Amdt. 3
Waco, TX—James Connally Arpt., ILS Rwy 17, Amdt. 2

Effective March 4, 1976:

Pago Pago, Tutuila Is., American Samoa—Pago Pago International Arpt., ILS/DME Rwy 5, Amdt. 4
Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., ILS Rwy 26, Amdt. 10
Covington, KY—Greater Cincinnati Arpt., ILS Rwy 27L, Amdt. 2

Staunton-Waynesboro-Harrisonburg, VA—Shenandoah Valley Arpt., ILS Rwy 4, Amdt. 1

Madison, WI—Dane County Regional/Truax Field, ILS Rwy 36, Amdt. 20

Effective February 26, 1976:

Salinas, CA—Salinas Muni. Arpt., ILS Rwy 31, Original
Salinas, CA—Salinas Muni. Arpt., ILS/DME Rwy 31, Orig., cancelled

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective March 11, 1976*.

Little Rock, AR—Adams Field, RADAR-1, Amdt. 8
Ogden, UT—Ogden Muni. Arpt., RADAR-1, Amdt. 4

Effective March 4, 1976:

Madison, WI—Dane County Regional/Truax Field, RADAR-1, Amdt. 3

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective March 11, 1976.

Little Rock, AR—Adams Field, RNAV Rwy 22, Amdt. 3
 Little Rock, AR—Adams Field, RNAV Rwy 35, Amdt. 3
 Torrance, CA—Torrance Muni. Arpt., RNAV Rwy 29R, Amdt. 4, cancelled
 Paris, TX—Cox Field, RNAV Rwy 17, Original
 Effective March 4, 1976.

Danbury, CT—Danbury Muni. Arpt., RNAV Rwy 8, Original
 Danbury, CT—Danbury Muni. Arpt., RNAV Rwy 26, Original
 Liberal, KS—Liberal Muni. Arpt., RNAV Rwy 12, Original
 Columbia, SC—Columbia Metro. Arpt., RNAV Rwy 5, Amdt. 3

CORRECTION: In Docket Number 15257, Amendment 1000, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated December 30, 1975, on page 59724 * * * under Section 97.23 effective February 5, 1976, East Hartford, CT—Rentschler Field, VOR Rwy 36 Amdt 4 is rescinded and Amdt 3 remains in effect. * * * under Section 97.33 effective February 5, 1976, East Hartford, CT—Rentschler Field, RNAV Rwy 22, Orig. and RNAV Rwy 36 Orig. are rescinded.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1433, 1354, 1421, 1510); sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 15, 1976.

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

JAMES M. VINES,
 Chief, Aircraft Programs
 Division.

[FR Doc. 76-1713 Filed 1-20-76; 8:45 am]

Title 16—Commercial Practices CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2764]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Michael Milea/Peter Sinclair, Ltd., and
 Bernard Rein

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.30 Composition of goods; § 13.75 Textile Fiber Products Identification Act; § 13.73 Formal regulatory and statutory requirements; § 13.73-90 Textile Fiber Products Identification Act; § 13.235 Source or origin; § 13.235-50 Maker or seller, etc.; § 13.235-50(b) Textile Fiber Products Identification Act; § 13.235-50(c) Wool Products Labeling Act Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures. Subpart—Furnishing false guaranties; § 13.1053 Furnishing false guaranties; § 13.1053-80 Textile Fiber Products Identifi-

cation Act. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; § 13.1108-80 Textile Fiber Products Identification Act; § 13.1108-90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition; § 13.1185-80 Textile Fiber Products Identification Act; § 13.1185-90 Wool Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements; § 13.1212-80 Textile Fiber Products Identification Act; § 13.1212-90 Wool Products Labeling Act; § 13.1230 Identity; § 13.1325 Source or origin; § 13.1325-60 Maker or seller; § 13.1325-60(b) Textile Fiber Products Identification Act; § 13.1325-60(c) Wool Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; § 13.1590-70 Textile Fiber Products Identification Act; § 13.1623 Formal regulatory and statutory requirements; § 13.1623-80 Textile Fiber Products Identification Act; § 13.1745 Source or origin; § 13.1745-60 Maker or seller. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 Composition; § 13.1845-70 Textile Fiber Products Identification Act; § 13.1845-80 Wool Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements; § 13.1852-70 Textile Fiber Products Identification Act; § 13.1852-80 Wool Products Labeling Act; § 13.1900 Source or origin; § 13.1900-80 Textile Fiber Products Identification Act; § 13.1900-90 Wool Products Labeling Act; § 13.1900-90 (a) Maker or seller.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; Secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 70, 68)

In the Matter of Michael Milea/Peter Sinclair, Ltd., a Corporation, and Bernard Rein, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer of wearing apparel, among other things to cease mislabeling the fiber content of wool and textile products; failing to disclose on labels manufacturer identification; falsely invoicing textile fiber products; and furnishing false guaranties.

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

ORDER

COUNT I

It is ordered, That Michael Milea/Peter Sinclair, Ltd., a corporation, its successors and assigns and its officers, and Bernard Rein, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the introduction or manufacture for introduction into commerce or the offering for sale, transportation, distribution, delivery for shipment or shipment in commerce of wool

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

products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the name or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each product a stamp, tag, label or other means of identification showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

COUNT II

It is further ordered, That respondents Michael Milea/Peter Sinclair, Ltd., a corporation, its successors and assigns and its officers, and Bernard Rein, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported of any textile fiber product which has been advertised for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported after shipment in commerce of any textile fiber product whether in its original state or contained in any other textile fiber product, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by:

(a) Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein;

(b) Failing to affix a stamp, label, tag, or other means of identification to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Michael Milea/Peter Sinclair, Ltd., a corporation, its successors and assigns and its officers, and Bernard Rein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced or advertised under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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

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

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

The Decision and Order was issued by the Commission December 8, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 76-1769 Filed 1-20-76; 8:45 am]

[Docket No. C-2770]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Standard Oil Company (Indiana), et al.

Subpart—Acquiring corporate stocks or assets: § 13.5 Acquiring corporate stock or assets. 13.5-20 F.T.C. Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

In the Matter of Standard Oil Company (Indiana), a Corporation; Amoco Production Company, a Corporation; Studebaker-Worthington, Inc., a Corporation; and Pasco, Inc., a Corporation

Consent order requiring a Chicago, Ill., petroleum refiner, among other things to guarantee access for at least 20 years by independent refiners to crude oil reserves that respondent is purchasing from Pasco, Inc., in Wyoming. The order further requires Pasco and Studebaker-Worthington which owns over 55% of Pasco, to seek Commission approval prior to selling any of the remaining Pasco assets including its Sinclair, Wyoming refinery.

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

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

ORDER

For purposes of this Order, the following definitions shall apply:

"Standard" shall mean respondent Standard Oil Company, an Indiana corporation, its subsidiaries, and affiliates.

"Amoco" shall mean respondent Amoco Production Company, a Delaware corporation.

"Pasco" shall mean respondent Pasco, Inc., a Delaware corporation.

"Studebaker" shall mean respondent Studebaker-Worthington, Inc., a Delaware corporation.

"District IV" shall mean Petroleum Administration for Defense District IV, which consists of the states of Colorado, Idaho, Montana, Utah, and Wyoming.

"Independent Refiner" shall mean a credit-worthy refiner in District IV, which is not (a) one of the 20 largest producers of crude oil and natural gas liquids in the United States measured in barrels of production; (b) one of the 20 largest petroleum refiners in the United States measured in terms of refining capacity; (c) a company which either produces over ten (10) percent of the total crude oil and natural gas liquids produced in District IV; or (d) a company which has over fifteen (15) percent of the total refining capacity in District IV.

"Sinclair Refinery" shall mean the refinery located in Sinclair, Wyoming.

"Agreement of Sale and Purchase" shall mean the Agreement of Sale and Purchase between Pasco and Amoco, a copy of which will be filed with the Secretary of the Commission.

"Crude Oil Dedication Agreement" shall mean the Crude Oil Dedication Agreement between Pasco and Amoco, appended as Exhibit D-1 (including Annex A) to the Agreement of Sale and Purchase and a copy of which will be filed with the Secretary of the Commission.

"Crude Oil Supply Agreement" shall mean an agreement in the form appended to this order as Exhibit A.

"Dedicated Oil" shall mean the crude oil which Amoco is required to sell Pasco or its assignees pursuant to the Crude Oil Dedication Agreement and this order and the crude oil, if any, which Amoco is required to sell Independent Refiners pursuant to this Order.

"Recognized Poster" shall mean Continental Oil Company, Exxon Company, U.S.A., Marathon Oil Company, and Union Oil Company of California as long as they post prices for and purchase Wyoming crude oil of like grade and gravity to the Dedicated Oil, and any other refiner or its affiliate (except Standard) which shall regularly post prices for and purchase at least 3,000 barrels per day of Wyoming crude oil of like grade and gravity or a volume comparable to the volume of Dedicated Oil when the production of such oil falls below 1,000 barrels per day.

"Pasco Downstream Assets" shall mean all assets of Pasco other than the assets sold to Amoco pursuant to the Agreement of Sale and Purchase.

All other terms used in this order which are defined in the Agreement of Sale and Purchase or in the Crude Oil

Dedication Agreement shall have the same meanings in this Order as in those Agreements.

All respondents shall be released from the provisions of this order if Pasco notifies the Commission in writing that the transactions contemplated by the Agreement of Sale and Purchase have not and will not be consummated and that Pasco does not contemplate selling any substantial portion of its assets to Amoco or Standard.

I. It is ordered, That Amoco shall grant Pasco the exclusive right to purchase all of the Dedicated Oil in accordance with and subject to the Crude Oil Dedication Agreement until the later of (a) 7:00 a.m. Wyoming time on January 1, 1983, or (b) the date on which the cumulative volume of net interest oil made available to Pasco pursuant to the Crude Oil Dedication Agreement reaches a total of 75 million barrels (less the interim net production produced from 7:00 a.m. Wyoming time on January 1, 1975, to 7:00 a.m. Wyoming time on the date of the Crude Oil Dedication Agreement). In accordance with and subject to the Crude Oil Dedication Agreement, Pasco shall be entitled to assign the Crude Oil Dedication Agreement to any credit-worthy future owner of the Sinclair Refinery, and any assignee of the Crude Oil Dedication Agreement shall have a like right of assignment.

II. It is further ordered, That upon the expiration of the dedication period referred to in section I of this order, Amoco shall continue to make the Dedicated Oil available to Pasco or any assignee owner of the Sinclair Refinery so long as the owner continues to operate said refinery until the later of (a) 7:00 a.m. Wyoming time on January 1, 1996, or (b) the date on which the cumulative volume of net interest oil produced and made available to the owner of the Sinclair Refinery reaches 100 million barrels (less the interim net production produced from 7:00 a.m. Wyoming time on January 1, 1975, to 7:00 a.m. Wyoming time on the date of the Crude Oil Dedication Agreement). Amoco shall make the dedicated Oil available during such additional dedication period in accordance with and subject to the Crude Oil Supply Agreement, which shall be entered into not less than thirty (30) days prior to the expiration of the initial dedication period, shall initially be for a period of five (5) years, and shall be subject to successive five-year renewals (not to exceed the additional dedication period), providing Amoco is given written notice of such renewal at least thirty (30) days prior to the expiration of the agreement. The price to be paid for the Dedicated Oil pursuant to the Crude Oil Supply Agreement shall be the highest of the prices posted by a Recognized Poster in effect at the time of delivery for Wyoming crude oil of like grade and gravity or, if the posting of prices in Wyoming is discontinued, the highest of the prices regularly offered for Wyoming crude oil of like grade and gravity by persons purchasing at least 3,000 barrels per day in Wyoming.

III. *It is further ordered*, That in the event of a termination of the Crude Oil Dedication Agreement of the Crude Oil Supply Agreement with Pasco or its assignees prior to the expiration of the dedication periods referred to in sections I and II of this order, Amoco shall make the Dedicated Oil available to Independent Refiners until the later of (a) 7:00 a.m. Wyoming time on January 1, 1996, or (b) the date on which the cumulative volume of net interest oil produced and saved reaches a total of 100 million barrels (less the interim net production produced from 7:00 a.m. Wyoming time on January 1, 1975, to 7:00 a.m. Wyoming time on the date of the Crude Oil Dedication Agreement), in accordance with the following procedures:

(1.) Amoco shall give public notice of the termination of its obligations to the owner of the Sinclair Refinery within ten (10) days after the termination becomes effective, advising all Independent Refiners of the opportunity to purchase the Dedicated Oil in accordance with the terms of this order. Amoco shall give such public notice by inserting a paid advertisement on at least three (3) consecutive days in the Oil Daily or another publication or publications having nationwide circulation in the petroleum industry and shall give all Independent Refiners in District IV written notice of the availability of the Dedicated Oil during the same period.

(B) An Independent Refiner wishing to purchase the Dedicated Oil shall submit a written offer to Amoco expressing the refiner's willingness to enter into the Crude Oil Supply Agreement for a period of five (5) years. As an alternative to submitting an individual offer, an Independent Refiner which is unable to refine all of the Dedicated Oil may submit a joint offer to purchase the Dedicated Oil with other Independent Refiners that are similarly situated. Any offer must be submitted within thirty (30) days after the date (hereafter the "Notice Date") on which the public notice by Amoco shall have been last published.

(C) In the event Amoco receives more than one timely offer for the Dedicated Oil from Independent Refiners at an equally high price, Amoco shall allow such refiners fifty (50) days after the Notice Date in which to make whatever allocation of the Dedicated Oil is agreeable to them. If the Independent Refiners are unable to do so, Amoco shall make the Dedicated Oil available to whichever Independent Refiner or group of such refiners offers, within seventy (70) days after the Notice Date, to pay the highest price for the Dedicated Oil.

(D) Within ninety (90) days after the Notice Date, Amoco shall enter into the Crude Oil Supply Agreement with the Independent Refiner or group of Independent Refiners offering the highest price. The Crude Oil Supply Agreement shall be subject to successive five-year renewals during the dedication period specified in this Section, providing Amoco is given written notice of such

renewal at least thirty (30) days prior to the expiration of the agreement. In the event the Crude Oil Supply Agreement is not renewed or is otherwise terminated prior to the expiration of the dedication period specified in this Section, Amoco shall give notice of such termination in accordance with paragraph (A) of this section and shall again offer the Dedicated Oil to Independent Refiners in accordance with the procedures specified in this section.

(E) In the event Amoco shall receive a bona fide offer to purchase the Dedicated Oil at a price higher than that offered by an Independent Refiner or group of Independent Refiners, Amoco shall notify such refiner or refiners of the higher price offered and give such refiner or refiners ten (10) days within which to meet the higher price. If the Independent Refiner or group of Independent Refiners believes that the higher offer is not a bona fide offer, such refiner or refiners may request arbitration to determine the fair market value of the oil: *Provided*, That the Independent Refiner or group of Independent Refiners agrees to pay the fair market value when determined by the arbitrator and to pay the highest of the prices posted by a Recognized Poster in effect at the time of delivery for Wyoming crude oil of like grade and gravity pending such determination. The arbitrator shall be Arthur D. Little, Inc., unless it refuses or is unable to serve as arbitrator, in which event the arbitrator shall be appointed by the person who is at the time the Senior Judge (in point of service) of the 7th Judicial District of the State of Wyoming. The decision of the arbitrator shall be reached in accordance with the rules of the American Arbitration Association, shall be final and conclusive, and shall take effect immediately when announced. The fair market value to be determined by the arbitrator shall in no event be less than the highest of the prices posted by a Recognized Poster for Wyoming crude oil of like grade and gravity.

(F) In the event no Independent Refiner or group of Independent Refiners shall agree pursuant to Paragraph (E) of this order to meet the highest price offered or to pay the fair market value for the Dedicated Oil, Amoco may sell the Dedicated Oil to the person offering the highest price for Wyoming crude oil of like grade and gravity. In the event no Independent Refiner or group of Independent Refiners shall offer to purchase the Dedicated Oil at the highest of the prices posted by a Recognized Poster, Amoco may sell the oil to anyone (including an affiliate), providing such person offers a price higher than the price offered by an Independent Refiner or group of Independent Refiners. Amoco shall sell the Dedicated Oil pursuant to this paragraph in accordance with and subject to the Crude Oil Supply Agreement, which agreement shall not be subject to automatic renewal at its expiration. Amoco shall give notice of such expiration or of any termination in accordance with Paragraph (A) of this section and shall

again offer the Dedicated Oil to Independent Refiners in accordance with the procedures specified in this section.

IV. *It is further ordered*, That nothing in this order shall obligate Amoco to supply crude oil to any person in excess of Amoco's net interest oil and the royalty produced and saved from the properties described in Annex A to the Crude Oil Dedication Agreement. Nothing in this order shall affect Pasco's rights under the Crude Oil Dedication Agreement.

V. *It is further ordered*, That in the event Amoco enters into an agreement with an Independent Refiner or group of Independent Refiners to supply Dedicated Oil pursuant to section III of this order, Standard shall not interfere with the delivery of such oil or equivalent oil to the refinery of such refiner or refiners. At the request of the Independent Refiner or group of Independent Refiners, Standard shall bargain in good faith over the transport of the Dedicated Oil through any then existing pipeline facilities owned by Standard and over an exchange of the Dedicated Oil for other crude oil owned by Amoco.

VI. *It is further ordered*, That except for the assets described in the agreement of Sale and Purchase, Standard shall not purchase or attempt to purchase any of the assets owned by Pasco or which may be sold by Pasco to others, without the prior approval of the Commission.

VII. *It is further ordered*, That Standard shall not purchase or receive more than five (5) percent of the annual dollar value of the products which are refined from the Dedicated Oil by Pasco, its assignees, or any Independent Refiner or group of Independent Refiners; and Standard shall not control or attempt to control the sale of refined products by such persons to others. Nothing in this section shall preclude Standard from engaging in lawful competitive activity that may affect the sale of refined products by Pasco, any assignee, or any Independent Refiner.

VIII. *It is further ordered*, That Pasco will not sell any of the Pasco Downstream Assets without obtaining the prior approval of the Federal Trade Commission; *Provided, however*, That such prior approval need not be obtained by Pasco for (a) any sale or exchange of crude oil or refined petroleum products in the normal course of business, or (b) casual sales of Pasco Downstream Assets not to exceed \$500,000 in total nor \$50,000 in any one instance.

IX. *It is further ordered*, That if Studebaker acquires any of the Pasco Downstream Assets, it will not sell any such assets without obtaining the prior approval of the Federal Trade Commission; *Provided, however*, That such prior approval need not be obtained by Studebaker for (a) any sale or exchange of crude oil or refined petroleum products in the normal course of business, or (b) casual sales of Pasco Downstream Assets not to exceed \$500,000 in total for a period of three years after the date Studebaker first acquires any of Pasco's

Downstream Assets, nor to exceed \$50,000 at any time in any one instance.

X. *It is further ordered*, That Pasco shall bargain in good faith over the transport of the Dedicated Oil through any pipeline facilities owned by Pasco in the event Amoco enters into an agreement with an Independent Refiner or group of Independent Refiners to supply Dedicated Oil Pursuant to Section III of this order. If Pasco sells any such pipeline facilities, Pasco will obtain from the buyer of the Pasco facilities a written undertaking to bargain in good faith over the transport of the Dedicated Oil through such facilities in the event Amoco enters into an agreement with an Independent Refiner or group of Independent Refiners to supply Dedicated Oil pursuant to section III of this order.

XI. *It is further ordered*, That if Studebaker purchases any of the Pasco Downstream Assets, it shall bargain in good faith over the transport of the Dedicated Oil through any of Pasco's present pipeline facilities then owned by Studebaker in the event that Amoco enters into an agreement with an Independent Refiner or group of Independent Refiners to supply Dedicated Oil pursuant to section III of this order. If Studebaker sells any of Pasco's present pipeline facilities, it will obtain from the buyer of the pipeline facilities a written undertaking to bargain in good faith over the transport of the Dedicated Oil through such facilities in the event Amoco enters into an agreement with an Independent Refiner or group of Independent Refiners to supply Dedicated Oil pursuant to section III of this Order.

XII. *It is further ordered*, That each respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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

XIV. *It is further ordered*, That the respondents Pasco and Studebaker shall, within sixty (60) days after service upon them on this order, and thereafter within five (5) days after the sale of any of Pasco's Downstream Assets, with the exception of sales in the normal course of business or casual sales as described in sections VIII (a) and (b) and IX (a) and (b) of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order. In addition, the respondents Standard and Amoco shall, within sixty (60) days after service upon them of this order and thereafter annually and, in addition, within five (5) days after Amoco enters into any Crude Oil Supply Agreement pursuant to sections II or III of this order, file with the Commission a report, in

writing, setting forth in detail the manner and form in which they have complied with this order.

The decision and order was issued by the Commission December 19, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-1770 Filed 1-20-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

PART 617—TEMPORARY COMPENSATION

Deletion of Part

The Temporary Compensation Program, established under the Emergency Unemployment Compensation Act of 1971, title II of Pub. L. 92-224, as amended, has expired. Therefore, as authorized by Secretary of Labor's Order No. 4-75, April 16, 1975 (40 FR 18515), 20 CFR Part 617 is deleted from the Code of Federal Regulations.

Signed at Washington, D.C., this 16th day of January 1976.

BEN BURDETSKY,
Acting Assistant Secretary
for Employment and Training.

[FR Doc.76-1805 Filed 1-20-76;8:45 am]

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Virginiamycin

The Commissioner of Food and Drugs has evaluated the supplemental new animal drug applications (91-467V, 91-513V) filed by Smith Kline Animal Health Products, Div. of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101, proposing that finished swine feeds, manufactured from feed products containing up to 2,000 grams virginiamycin per ton, need not comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act. The supplemental applications are approved, effective January 21, 1976.

The Commissioner is amending § 558.635 (21 CFR 558.635) to reflect these approvals.

The approval of this supplemental application is in consideration of the uniform criteria set forth in 1971 Bureau of Veterinary Medicine memoranda for administrative waiver of the ministerial requirements of section 512(m) of the act. The pertinent provisions of the memoranda indicate that waiver is appropriate if:

1. The feeding of 1.5X to 2X level of the product in the finished feed does not have an impact on the tissue residue picture, i.e., an impact of an existing withdrawal period or tolerance.

2. The product is not a known carcinogen or is not classed with a family of known carcinogens.

3. Appropriate documentation covering animal safety is on file. This will not require additional data since this documentation is by definition a part of the NADA.

4. The margin of safety to the animal and safety to the consumer is such that the product label does not have to contain a statement such as "Use as the sole source of * * *."

5. Data are on file to demonstrate that the product is efficacious over the approved range. This data should generally satisfy current standards for the demonstration of efficiency.

6. Except under special circumstances, the product has been used at least 3 years in the target species without significant complaints related to or associated with it. Applications of this criterion require a review of the available Drug Experience Reports.

The 1971 memoranda make explicit that because waiver of the ministerial requirements of section 512(m) is permitted only for specific efficiency claims or at specific levels of the drugs, distinct products with corresponding labeling for those claims or levels should exist. This is necessary to cover those premises that can be made into finished feeds with various concentrations of drugs.

The foregoing criteria established in the 1971 memoranda constitute an interim agency policy which is under review. The Bureau of Veterinary Medicine is preparing a proposed regulation for publication in the FEDERAL REGISTER, based on the criteria listed in the memoranda, governing waiver of the 512(m) requirements for the finished feed. In waiving the ministerial requirements of section 512(m), the agency has not waived the current good manufacturing practice regulations under Part 225 (21 CFR Part 225) for feed mills mixing such feeds.

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(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 558.635 is amended by adding a new paragraph (e) (3), to read as follows:

§ 558.635 Virginiamycin.

(e) * * *

(3) Finished swine feeds processed from feed product that contain up to 2,000 grams of virginiamycin per ton and conform to the requirements of paragraph (f) of this section are not required

to comply with the provisions of section 512(m) of the act.

Effective date. This amendment shall be effective January 21, 1976.

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

Dated: January 14, 1976.

C. D. VAN HOUWELING,

Director,

Bureau of Veterinary Medicine.

[FR Doc.76-1755 Filed 1-20-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 230—EXTERNAL PROGRAMS

Civil Rights

• **Purpose.** The purpose of this document is to amend the regulation to reflect a change in official title and to add one additional required contract provision for supportive services contracts let by State highway agencies. •

The title "Division Engineer" appearing throughout FR Doc. 75-17371 (40 FR 28053, July 3, 1975) has been officially changed to "Division Administrator," and the change must be reflected in the regulation. It has been deemed advisable, in order to determine the effectiveness of supportive services contracts, to require the contractors to monitor the status of trainees whose training has been interrupted and the employment status of each graduated trainee for a period of six months following graduation.

The matters affected relate to benefits or contracts within the purview of 5 U.S.C. 553(a) (2), therefore general notice of proposed rulemaking is not required.

The amendments will become effective on January 13, 1976.

Issued on January 8, 1976.

NORBERT T. TIEMANN,

Federal Highway Administrator.

Part 230, Subpart A—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (including Supportive Services) is amended to read as follows:

§ 230.103 [Amended]

1. The term "Division Engineer", appearing twice in § 230.103 is changed to "Division Administrator."

§ 230.111 [Amended]

2. The term "Division Engineer", appearing in § 230.111 (e) (1), (e) (2), (f) (1), and (f) (2), is changed to "Division Administrator."

§ 230.113 Implementation of supportive services.

3. In § 230.113, the present paragraphs (f) (6) through (f) (11) are redesignated paragraphs (f) (7) through (f) (12), respectively, and new paragraph (f) (6) is added to read as follows:

(f) • • •

(6) A requirement that the contractor keep track of trainees receiving training on Federal-aid highway construction projects for up to 6 months during periods when their training is interrupted. Such contracts shall also require the contractor to conduct a 6 month follow-up review of the employment status of each graduate who completes an on-the-job training program on a Federal-aid highway construction project subsequent to the effective date of the contract for supportive services.

[FR Doc.76-1781 Filed 1-20-76;8:45 am]

PART 820—RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

Submission of Proposals

• **Purpose.** The purpose of this document is to amend Part 820 to provide instructions for submitting proposals to use FY 1976 appropriations. •

Regulations to implement the Rural Highway Public Transportation Demonstration Program were issued on April 11, 1975 (40 FR 16301) and appear at 23 CFR 820. The regulations contain instructions for submitting proposals to use the FY 1975 appropriation of \$9.65 million. The FY 1976 appropriation is for \$15 million: \$10 million from the Highway Trust Fund and \$5 million from the General Fund. The FY 1976 appropriation will be the final funds available for Rural Highway Demonstration projects if there are no new authorizations. It is necessary to amend the Rural Highway Public Transportation Demonstration Program regulations to provide instructions for submitting proposals to use the FY 1976 appropriation and to make certain other additions to the regulations. Accordingly, this issuance adds paragraph (k) to § 820.11 to provide for a proposal cover summary sheet; renumbers § 820.17 to section 820.19 and amends § 820.19 to provide a submission date for FY 1976 proposals; adds a new section 820.17 relating to civil rights protection; amends the Table of Sections of 23 CFR 820; and amends the citation of authority of 23 CFR 820.

Applicants who submitted proposals for FY 1975 funding consideration and who were recommended by the Regional Review Panel, but were not selected for funding in the first year of the program may reapply for FY 1976 funding consideration by submitting a letter to either the appropriate State agency or, in the case of Indian tribes to the Federal Highway Administration (FHWA) Division office consistent with 23 CFR 820.9(a) (1), requesting that their FY 1975 proposal be reconsidered. This letter should attach any proposal modifications they deem appropriate. If major revisions are contemplated, or if the application was not recommended by the

Regional Review Panel, applicants should submit a new proposal.

Section 147 of the Federal-Aid Highway Act of 1973 limits the participation of Federal funds for operating expenses to monies available from the General Fund. General Fund monies account for 33 1/3 percent of the FY 1976 appropriation. Applicants are strongly advised to limit requests for operating expenses to no more than 33 1/3 percent of the funds being requested under this program.

Since these amendments relate to a Federal demonstration grant program, notice and public procedure thereon are unnecessary and the amendments may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 820 of Subchapter I of Chapter I of title 23, Code of Federal Regulations is amended as follows:

1. The Table of Sections is amended after section 820.15 to read as follows:

820.17 Civil Rights Act, Title VI Responsibilities.

820.19 Submission Date.

2. The citation of authority is amended to read as follows:

AUTHORITY: Pub. L. 93-87, § 147, 87 Stat. 250; Pub. L. 93-643, § 103, 88 Stat. 2281; and 49 CFR 1.48(c) (1) and 1.51(g).

3. A new paragraph (k) is added to section 820.11 to read as follows:

§ 820.11 Content applications.

(k) A cover summary sheet containing the name, address, and telephone number of the applicant agency and the contact person responsible for the proposed project; the total amount of Federal demonstration funds being requested under this program divided into capital costs, expenses for development and implementation, project monitoring and evaluation, and operating costs; the amount of funding commitments or participation of other Federal, State, or local programs or contributions; the length of the demonstration phase of the project; and the service area.

4. Section 820.17 is redesignated § 820.19 and is amended to read as follows:

§ 820.19 Submission Date.

Proposals for FY 1976 shall be sent to the appropriate agency in each State by March 22, 1976.

5. A new section 820.17 is added as follows:

§ 820.17 Civil Rights Act, Title VI Responsibilities.

The Rural Highway Public Transportation Demonstration Program shall be administered in such a manner as to assure that no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program.

(Pub. L. 93-87, § 147, 87 Stat. 250; Pub. L. 93-643, § 103, 88 Stat. 2281; 49 CFR 1.48(c) (1) and 1.51(g))

Effective date: This amendment becomes effective on January 21, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.
ROBERT E. PATRICELLI,
Urban Mass Transportation
Administrator.

[FR Doc.76-1780 Filed 1-20-76;8:45 am]

Title 24—Housing and Urban Development
CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-369]

MAXIMUM MORTGAGE AMOUNT
Percentage Increase

The following amendments are being made to Parts 207, 213, 220, 221, 231, 234 and 236 of this chapter to change the percentage for increasing, in high cost areas, the maximum per unit dollar amount limitations used in arriving at a maximum mortgage amount. The percentage is being increased from 45 percent to 75 percent. These amendments are authorized by Pub. L. 94-173 dated December 23, 1975.

The maximum unit dollar amounts contained in the above mentioned parts have not been increased since August 22, 1974, even though construction costs have continued to spiral upward. Construction starts for multifamily projects are very low, and it is believed that the HUD maximum per unit dollar amount limitations contribute to the small number of multifamily projects being constructed. The 75 percent factor for increasing the maximum per unit dollar limitations is a ceiling, and the actual percentage for any geographical area is determined by the Secretary taking into account the cost levels for such area. The Secretary has thus determined that advance publication, notice and public procedure are impracticable and unnecessary and good cause exists for making these amendments effective January 21, 1976.

The Department has determined that an Environmental Impact Statement is not required with respect to these amendments. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for inspection at the Office of the Rules Docket Clerk, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C.

Accordingly, Parts 207, 213, 220, 221, 231, 234 and 236 are amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. In § 207.4, paragraph (c) (1) is revised to read as follows:

§ 207.4 Maximum mortgage amounts.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (a) (2) and (b) of this section.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

2. In § 213.7, paragraph (d) (1) is revised to read as follows:

§ 213.7 Maximum insurable amounts.

(d) *Increased mortgage amounts—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (a) (2) and (g) of this section.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

3. In § 220.507, paragraph (c) (1) is revised to read as follows:

§ 220.507 Maximum mortgage amounts.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar limitations set forth in paragraphs (a) and (b) of this section.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

4. In § 221.514, paragraph (c) (1) is revised to read as follows:

§ 221.514 Maximum mortgage amounts.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar limitations set forth in paragraphs (a) and (b) of this section.

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

5. In § 231.6, paragraph (a) is revised to read as follows:

§ 231.6 Increased mortgage amounts—high cost areas.

(a) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in §§ 231.3 (a) and 231.5.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

6. In § 234.530, Paragraph (b) (1) is revised to read as follows:

§ 234.530 Increased mortgage amounts.

(b) *High cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraph (a) of this section and in § 234.525(b).

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

7. In § 236.12, paragraph (c) (1) is revised to read as follows:

§ 236.12 Maximum mortgage amounts.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (a) (1) and (b) of this section.

(Sec. 7(d), Department of Housing and Urban Development Act; (42 U.S.C. 3535(d)))

Effective date. These amendments will be effective on January 21, 1976.

Note: It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with OMB Circular A-107.

DAVID M. DEWILDE,
Deputy Assistant Secretary for
Housing Production and Mortgage Credit—Federal Housing
Commissioner.

[FR Doc.76-1858 Filed 1-20-76;8:45 am]

[Docket No. R-76-336]

PART 275—LOW RENT PUBLIC HOUSING PROTOTYPE COST LIMITS; NEBRASKA

Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued June 10, 1975 (40 FR 24818), prototype per unit cost schedules were published pursuant to section 15(5) of the United States Housing Act of 1937. Consideration of subsequent factual project cost data and other information received from the Omaha Area Office indicates that new prototype costs for Santee, Winnebago and Macy, Nebraska, should be established.

Written data, views or statements should be filed with the Director, Office of Underwriting Standards, HUD, Room 6140, 451 7th Street, SW., Washington, D.C. 20410, and a copy should be sent to the local HUD Area Office. The offices were listed in our publication of June 10, 1975.

Accordingly, 24 CFR Part 275 is amended as follows:

1. On pages 40 FR 24866 and 24867, add prototype per unit costs for Santee, Winnebago and Macy shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule.

(Sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d))

Prototype per unit cost schedule.—Region VII

	Number of bedrooms						
	0	1	2	3	4	5	6
Santee, Nebr.:							
Detached and semidetached	13,450	16,200	20,000	23,950	28,800	32,150	33,600
Row dwellings	12,900	15,500	19,200	22,850	27,450	30,600	31,900
Walkup	11,100	13,750	17,450	20,600	23,950	26,500	27,700
Elevator-structure	17,500	20,200	25,600				
Winnebago:							
Detached and semidetached	13,450	16,200	20,000	23,950	28,800	32,150	33,600
Row dwellings	12,900	15,500	19,200	22,850	27,450	30,600	31,900
Walkup	11,100	13,750	17,450	20,600	23,950	26,500	27,700
Elevator-structure	17,500	20,200	25,600				
Macy:							
Detached and semidetached	13,450	16,200	20,000	23,950	28,800	32,150	33,600
Row dwellings	12,900	15,500	19,200	22,850	27,450	30,600	31,900
Walkup	11,100	13,750	17,450	20,600	23,950	26,500	27,700
Elevator-structure	17,500	20,200	25,600				

[FR Doc.76-1859 Filed 1-20-76; 8:45 am]

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-311]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Fair Market Rents for New Construction and Substantial Rehabilitation

Notice was given on July 30, 1975, at 40 FR 31935 that the Department of Housing and Urban Development (HUD) was proposing to amend Title 24 of the Code of Federal Regulations by incorporating in Part 888, Subpart A, revised Schedules A for the following market areas: San Juan, Puerto Rico; Springfield, Champaign, East St. Louis, Peoria, Chicago, Moline, Rockford, Rock Island and Sterling, Illinois; Ontario, Coos Bay, Medford and West Salem, Oregon; and Idaho Falls, McCall and Twin Falls, Idaho.

Only the rents applicable to dwelling units in elevator buildings are revised for the San Juan, Puerto Rico market area.

Revisions of the Schedules A for the above named market areas in Oregon and Idaho consist of the addition of elevator rents to the Schedules A published March 31, 1975.

Notice was given on September 3, 1975, at 40 FR 40513 that the Department of Housing and Urban Development (HUD) was proposing to amend Title 24 of the Code of Federal Regulations by incorporating in Part 888, Subpart A, revised Schedules A for the following market areas: Camden, Atlantic City, Burlington, Gloucester, Trenton, and Vineland, New Jersey; New Castle, Pittsburgh, Erie, Sharon, Altoona, and Johnstown, Pennsylvania; Columbus, Georgia; Denver, Colorado; and Cedar City, Logan, and Moab, Utah.

Effective date. This amendment is effective on January 21, 1976.

DAVID S. COOK,
Assistant Secretary for Housing
Production and Mortgage
Credit—FHA Commissioner.

Fair Market Rents for the following New Jersey market areas have been increased by approximately 4.3 percent by extending the trended to date to January 1, 1978, at the request of the Camden Area Office: Camden, Atlantic City, Burlington, Gloucester, Trenton, and Vineland.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the office of Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

Accordingly, Subpart A of Part 888 is amended by inserting the following amended Schedules A in the documents published at 40 FR 14509, 14512, 14516, 14522, 14531, 14532, 14551, 14555, and 14562.

(Sec. 7 (d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. These amendments are effective on January 21, 1976.

DAVID S. COOK,
Assistant Secretary for Housing
Production and Mortgage
Credit—FHA Commissioner.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program.)

These Fair Market Rents include projection for construction time through December 31, 1976.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

Area/Insuring Office, San Juan, Puerto Rico—Region II, New York

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
San Juan	Detached			347	384	477
	Semidetached/row		273	306	353	439
	Walkup	208	243	278	321	364
	Elevator	308	340	388	439	490

Area/Insuring Office, Atlanta, Ga.—Region IV, Atlanta

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Columbus	Detached			261	298	342
	Semidetached/row		186	230	280	323
	Walkup	168	186	224	267	304
	Elevator	186	217	273		

Area/Insuring Office, Portland, Ore.—Region X, Seattle

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Ontario.....	Detached.....			280	318	356
	Semidetached/row.....		223	261	305	343
	Walkup.....	172	210	248	299	337
Coos Bay.....	Elevator.....	218	268	320		
	Detached.....			254	286	318
	Semidetached/row.....		210	242	274	305
Medford.....	Walkup.....	166	197	229	261	293
	Elevator.....	230	280	324		
	Detached.....			261	293	324
West Salem.....	Semidetached/row.....		216	248	280	312
	Walkup.....	172	204	235	267	299
	Elevator.....	236	287	330		
Idaho Falls, Ida.....	Detached.....			248	280	318
	Semidetached/row.....		197	235	267	305
	Walkup.....	153	185	223	261	293
Mc. Call, Ida.....	Elevator.....	217	268	318		
	Detached.....			273	312	351
	Semidetached/row.....		215	254	299	338
Twin Falls, Ida.....	Walkup.....	156	195	234	286	325
	Elevator.....	202	253	306		
	Detached.....			306	345	384
Me. Call, Ida.....	Semidetached/row.....		234	273	319	358
	Walkup.....	176	215	254	306	345
	Elevator.....	222	273	326		
Twin Falls, Ida.....	Detached.....			298	332	371
	Semidetached/row.....		234	273	319	358
	Walkup.....	176	215	254	306	345
	Elevator.....	222	273	326		

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program.)

These Fair Market Rents include projection for construction time through July 31, 1977.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

Area/Insuring Office, Pittsburgh, Pa.—Region III, Philadelphia

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
New Castle.....	Detached.....			306	350	428
	Semidetached/row.....		263	289	333	400
	Walkup.....	198	245	289	333	386
Pittsburgh.....	Elevator.....	222	278	321		
	Detached.....			365	426	490
	Semidetached/row.....		313	348	406	467
Erie.....	Walkup.....	212	260	313	370	429
	Elevator.....	236	296	342		
	Detached.....			335	377	419
Sharon.....	Semidetached/row.....		281	319	356	427
	Walkup.....	206	256	312	349	404
	Elevator.....	234	290	366		
Altoona.....	Detached.....			306	350	428
	Semidetached/row.....		263	289	333	400
	Walkup.....	198	245	289	333	386
Johnstown.....	Elevator.....	222	278	321		
	Detached.....			340	386	432
	Semidetached/row.....		292	321	368	416
Johnstown.....	Walkup.....	196	242	286	334	379
	Elevator.....	219	278	354		
	Detached.....			283	334	484
Johnstown.....	Semidetached/row.....		243	297	362	456
	Walkup.....	183	209	262	305	359
	Elevator.....	219	278	354		

Area/Insuring Office, Springfield, Ill.—Region V, Chicago

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Springfield.....	Detached.....			343	383	421
	Semidetached/row.....		279	325	362	409
	Walkup.....	240	270	319	356	396
Champaign.....	Elevator.....	291	331	381		
	Detached.....			293	331	378
	Semidetached/row.....		232	274	312	356
East St. Louis.....	Walkup.....	193	222	269	305	344
	Elevator.....	242	271	328		
	Detached.....			297	338	388
Peoria.....	Semidetached/row.....		231	278	316	365
	Walkup.....	191	223	274	312	353
	Elevator.....	248	280	344		
Peoria.....	Detached.....			349	390	438
	Semidetached/row.....		285	331	368	416
	Walkup.....	245	276	325	363	403
	Elevator.....	297	328	389		

RULES AND REGULATIONS

Area/Insuring Office, Chicago, Ill.—Region V, Chicago

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Chicago	Detached			435	515	582
	Semi detached/row		345	417	495	555
	Walkup	281	315	370	445	500
	Elevator	349	409	489	543	
Moline	Detached			350	415	465
	Semi detached/row		300	336	400	450
	Walkup	240	265	311	353	
	Elevator	281	337	393		
Rockford	Detached			351	380	442
	Semi detached/row		309	337	365	408
	Walkup	200	245	309	330	
	Elevator	217	281	345		
Rock Island	Detached			350	415	465
	Semi detached/row		300	336	400	450
	Walkup	240	265	311	353	
	Elevator	281	337	393		
Sterling	Detached			287	317	352
	Semi detached/row		220	254	288	330
	Walkup	176	220	282	281	
	Elevator	183	235	288		

Insuring Office, Denver, Colo.—Region VIII, Denver

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Denver	Detached			288	345	390
	Semi detached/row		217	255	322	345
	Walkup	172	208	247	318	340
	Elevator	178	215	254		

Insuring Office, Salt Lake City—Region VIII, Denver

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Cedar City	Detached			235	260	280
	Semidetached/row		181	211	236	250
	Walkup	135	176	206	231	245
	Elevator					
Logan	Detached			230	255	270
	Semidetached/row		160	180	205	235
	Walkup	125	155	175	200	230
	Elevator					
Moab	Detached			235	260	280
	Semidetached/row		181	211	236	250
	Walkup	135	176	206	231	245
	Elevator					

U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS
PROGRAM

Schedule A—Fair Market Rents for
New Construction and Substantial Re-
habilitation (Including Housing Finance
and Development Agencies Program.)

These Fair Market Rents include pro-
jection for construction time through
January 1, 1978.

NOTE: The Fair Market Rents for (1) dwell-
ing units designed for the elderly or handi-
capped are those for the appropriate size
unit, not to exceed 2-Bedroom, multiplied by
1.05 rounded to the next higher whole dollar,
(2) congregate housing dwelling units are
the same as for non-congregate units, and
(3) single room occupancy dwelling units
are those for 0-Bedroom units of the same
type.

Area/Insuring Office, Camden, N.J.—Region II, New York

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Camden	Detached			409	462	484
	Semidetached/row		327	372	413	443
	Walkup	233	253	330	385	427
Atlantic City	Elevator	270	305	373		
	Detached			389	439	473
	Semidetached/row		328	373	412	444
Burlington	Walkup	238	258	310	380	422
	Elevator	282	353	458		
	Detached			400	462	484
Oloncester	Semidetached/row		327	371	413	443
	Walkup	238	258	320	375	415
	Elevator	270	305	373		
Trenton	Detached			409	462	484
	Semidetached/row		327	372	413	443
	Walkup	233	253	330	385	427
Vineland	Elevator	270	305	373		
	Detached			421	474	501
	Semidetached/row		338	384	423	456
	Walkup	256	276	361	405	445
	Elevator	300	353	451		
	Detached			371	424	455
	Semidetached/row		310	356	393	425
	Walkup	226	246	291	345	388
	Elevator	255	290	355		

[FR Doc.76-1761 Filed 1-20-76;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
[Docket No. FI-735]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Binghamton, N.Y.; Correction

The notice published on October 22, 1975, at 40 FR 49317 listing the City of Binghamton, NY, map number as H 360031 A should be corrected to read H 360038 A.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: December 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-1860 Filed 1-20-76;8:45 am]

[Docket No. FI-685]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Town of Windsor, N.Y.; Correction

The notice published on September 8, 1975, at 40 FR 41512 listing the Town of Windsor, NY (Broome Co.), map number 360069A, should be corrected to read the Village of Windsor, NY (Broome Co.), map number 360060A.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: December 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-1861 Filed 1-20-76;8:45 am]

Title 40—Protection of Environment

[FRL 481-4]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New Hampshire Revision

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, the Administrator approved a plan implementing National Ambient Air Quality Standards for the State of New Hampshire. This publication contains the Administrator's approval of a revision to that plan.

On November 21, 1974 the New Hampshire Air Pollution Control Commission held a public hearing to propose a change to Regulation 18, "Requirements for Record Keeping at Facilities which Discharge Air Contaminants". The change allows for emission calculations to be determined and disclosed, but information that would reveal trade secrets will be kept confidential if requested by the

source. By removing the confidentiality clause, the State Regulation 18 will comply with federal requirements. Published as proposed rulemaking on October 20, 1975 (40 FR 48942) with Regulation 18 was a revision to State Regulation 20, Review of New or Modified Indirect Sources. The revision to Regulation 20 which establishes the New and Modified Indirect Source Review Requirements will be acted upon in a separate FEDERAL REGISTER publication.

The proposed revision meets all of the requirements of 40 CFR Part 51.11(a) (5) and the Clean Air Act.

Interested persons were given the opportunity to comment on this proposed revision, within the 30 day public comment period from the date of proposal. No comments were received.

After a careful evaluation of the State's submittal, the Administrator has determined that the proposed revision meets the requirements of the Clean Air Act. Accordingly, it is approved as a revision to the New Hampshire Implementation Plan.

The revision becomes effective February 20, 1976.

(Sec. 110, Clean Air Act as amended (40 U.S.C. 1857c-5))

Dated: January 13, 1976.

JOHN QUARLES,
Acting Administrator.

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

Subpart EE—New Hampshire

§ 52.1520 [Amended]

1. Part (d) of Section 52.1520 is amended by inserting the date "May 28, 1975" in proper chronological order.

[FR Doc.76-1870 Filed 1-20-76;8:45 am]

[FRL 481-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Vermont Revision

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Vermont Implementation Plan for attainment of National Air Quality Standards.

On March 3, 1975 the Secretary of Environmental Conservation submitted proposed revisions to be included in the Vermont Implementation Plan: (1) a definition of "Public Notice" revised to be in accordance with 40 CFR 51.4 Public Hearings; (2) a revision of the Methodology for Sampling Photochemical Oxidants to make the Vermont oxidant sampling method consistent with 40 CFR Part 50, Appendix D; (3) a revision of the Combustion Contaminant Limitation for Fuel Burning Equipment with rated heat input over 1000 million Btu's per hour from an allowable emission rate of 0.02 pounds per hour per million Btu to 0.06 pounds per hour per million Btu of particulates, (this higher allowance does not affect any existing installations currently in the State and is more stringent than the 0.10 pounds per million Btu's Federal New Source Performance Standards); (4) the deletion of the proposed Winooski site from the originally proposed Air Quality Network which does not reduce the number of monitors below the minimum number required by 40 CFR 51.17; and (5) a revision of Rule 6 of the Air Quality Variance Board "Rules of Practice" pertaining to oral hearings in compliance with Federal Regulations.

The proposed revisions were published as proposed rulemaking on September 17, 1975 (40 FR 42895) and opportunity was provided for the public to comment on the approvability of the revisions.

The comment period has expired with no comments being received.

After evaluation of the State's submittal, the Administrator has determined that the Vermont revision as amended, meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly this revision is approved and promulgated as a revision to the Vermont Implementation Plan.

The Agency finds that good cause exists for making these actions effective January 21, 1976, for the following reasons:

1. The implementation plan revision is already in effect under State Law and EPA approval imposes no additional regulatory burdens;

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs.

(Sec. 110, Clean Air Act, as amended 42 U.S.C. 1857c-5)

Dated: January 14, 1976.

JOHN QUARLES,
Acting Administrator.

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

Subpart UU—Vermont

§ 52.2370 [Amended]

In § 52.2370, paragraph (c) is amended by inserting the date "March 3, 1975" in proper chronological order.

[FR Doc.76-1869 Filed 1-20-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

[IPMR No. 75-13]

PART 114-50—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Moving and Related Expenses

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, 1900, 42 U.S.C. 4601, 4633,

Section 114-50.703 of Chapter 114, Title 41, of the Code of Federal Regulations is amended as set forth below.

The Department of the Interior published final regulations implementing Pub. L. 91-646 in the FEDERAL REGISTER on February 9, 1973 (38 FR 3965). These regulations were completely reissued, with amendments, by publication in the FEDERAL REGISTER on May 19, 1975 (40 FR 21854). In publishing the amended regulations paragraph (b) was inadvertently omitted from 41 CFR 114-50.703. Accordingly, § 114-50.703 is amended by adding paragraph (b).

Since this amendment merely reinstates regulations formerly in effect, it is determined that the proposed rule-making procedure is unnecessary and this amendment will become effective on January 21, 1976.

Dated: January 13, 1976.

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

Section 114-50.703 is amended to add paragraph (b) as follows:

§ 114-50.703 Displaced business.

(a) * * *

(b) Care must be exercised to ensure that a fixed payment is made only in connection with a bona fide business. No payment shall be made pursuant to this Section 114-50.703 until after the displacing agency determines:

(1) That the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and

(2) That the business cannot be relocated without a substantial loss of existing patronage.

[FR Doc.76-1778 Filed 1-20-76;8:45 am]

Sulfur dioxide.....	Press	Amb. I	1NA 2H	Ind. Pressure	SR	Closed	I	P-2	NR	Vent F	No.	151.50-30 151.50-35 151.55-1(j)	NA	NA	2
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4. By adding a new § 151.50-35 to read as follows:

§ 151.50-35 Sulfur dioxide.

(a) Sulfur dioxide that is transported under the provisions of this part may not contain more than 100 ppm of water.

(b) Cargo piping must be at least Schedule 40 pipe.

(c) Flanges must be 150 lb A.N.S.I. Standard minimum with tongue and groove or raised face.

(d) A cargo tank must—(1) Meet the requirements of a Class I welded pressure vessel;

(2) Be designed for a maximum allowable working pressure of at least 125 psig;

(3) Be hydrostatically tested every two years to at least 188 psig;

(4) Be provided with one or more manholes that are fitted with a cover sized not less than 15 inches by 23 inches or 18 inches nominal diameter, located above the maximum liquid level, and as close as possible to the top of the tank;

(5) Have no openings other than those required in paragraph (d)(4) of this section;

(6) Have no liquid level gauges other than closed or indirect gauges;

(7) Have all valves and the closed gauge that is required by Table 151.05 bolted to the cover or covers that are required in paragraph (d)(4) of this section;

(8) Have a protective metal housing that is fitted with a drain and vent connection; all valves and the closed gauge that is required in Table 151.05 must be

Title 46—Shipping CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-275R]

PART 30—TANK VESSELS

PART 151—UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

Sulfur Dioxide

On July 16, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 26042) (CGD 73-275) to amend the bulk dangerous cargoes regulations by the addition of sodium sulfide solution (NTE 10%) and sulfur dioxide to 46 CFR, Part 151. In the FEDERAL REGISTER of September 5, 1974 (39 FR 32147), the Coast Guard published a correction to CGD 73-275 which added vent requirements to Table 151.05 of 46 CFR. In the FEDERAL REGISTER of November 5, 1974 (39 FR 39046), the Coast Guard extended the comment period for the original notice because the original notice had run before the publication of the correction.

No pertinent comments were received. The carriage requirements for sodium sulfide solution (NTE 10%) are presently under study and will be published at a later date.

In consideration of the foregoing, Parts 30 and 151 of Chapter I of Title 46 of the Code of Federal Regulations are amended, effective February 20, 1976, as follows:

§ 30.25-5 [Amended]

1. By adding, in proper alphabetical sequence, "Sulfur dioxide" to § 30.25-5 and Table 151.01-10(b).

§ 151.01-10. [Amended]

2. By adding, in proper alphabetical sequence, "Sulfur dioxide" to Table § 151.01-10(b).

§ 151.05 [Amended]

3. By adding to Table 151.05 "Summary of minimum requirements", in proper alphabetical sequence, the following:

located within this housing to protect them against mechanical damage; safety relief valves must discharge into the protective housing;

(9) Not be interconnected with another cargo tank by piping or manifolds that carry cargo liquid; vapor lines may be connected to a common header, however; and

(10) Have an excess flow valve that is located on the inside of the tank for every liquid and vapor connection except the safety relief valve; an excess flow valve may have no bypass opening.

(e) Cargo transfer operations—(1) May be conducted with more than one cargo tank at a time if each tank is filled from or discharged to shore tanks through separate lines;

(2) Must be conducted with connections between fixed barge piping and shore piping of either Schedule 40 pipe having flexible metallic joints that meet § 151.04-5(h), or of flexible metallic hose that is acceptable to the Commandant;

(3) From barge to shore must be by pressurization with an oil free, non-reactive gas that has a maximum of 100 ppm moisture;

(4) Must be conducted with vapor return to shore connections that ensure that all vapor is returned to shore; and

(5) Must be conducted with every person on the barge carrying a respiratory protective device that protects the wearer against sulfur dioxide vapors and provides respiratory protection for emergency escape from a contaminated area that results from cargo leakage; this respiratory protective equipment must be of a size and weight that the person wearing it will not be restricted in movement or in the wearing of a lifesaving device.

(f) After the completion of cargo transfer, all liquid sulfur dioxide in the cargo piping must be removed and cargo transfer piping must be disconnected at the cargo tanks. After the cargo piping is disconnected, both ends of the line must be plugged or fitted with blind flanges.

5. By adding a new § 151.55-1(j) to read as follows:

§ 151.55-1 General.

(j) Zinc or its alloys may not be used as materials of construction for tanks, piping, valves, fittings, and other items of equipment that may come in contact with the cargo liquid or vapor.

(Stat. 937; 46 U.S.C. 170, 391a, 375, 416, 49 U.S.C. 1655(b) (1); 49 CFR 1.46(b) and (A) (4))

Dated: 15 January 1976.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.76-1765 Filed 1-20-76; 8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 316]

PART 1007—RECORDS CONTAINING INFORMATION ABOUT INDIVIDUALS

Implementation of the Privacy Act of 1974

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of January 1976.

It is ordered, That based on the reasons set forth in the attached notice, Part 1007 of Title 49 of the Code of Federal Regulations be, and it is hereby, created as set forth in the attached notice.

It is further ordered, That this order shall become effective on February 20, 1976.

And it is further ordered, That notice of this order 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.

By order and notice dated September 5, 1975, and published in the FEDERAL REGISTER on September 22, 1975 (40 FR 43689), the Interstate Commerce Commission proposed the creation of 49 CFR Part 1007, which would implement the Privacy Act of 1974. The prior notice requested interested persons to file data, views, or arguments with this Commission on or before October 22, 1975. Comments were received from Mr. Morris H. Gross who suggested that, where an employee requests information concerning himself or herself, the request should be honored by forwarding that information to the Residence of Record, removing unnecessary barriers, such as possibly requiring travel at the expense of the employee to either the Regional Office or the Headquarters Office of the Commission. This suggestion is beneficial, both to the Commission in administering the Privacy Act and to the individual employee; and, therefore, the following sentence is added to 49 CFR 1007.5(b):

When a request for access is from a Commission employee, this request may be granted by forwarding the information desired through registered mail, return receipt requested to the employee's Residence of Record.

No comments were received regarding the notices of systems of records or their routine uses. After review of the proposed rules and comments received, it appears that the proposed rules, as amended herein, fully comply with the spirit and letter of the Privacy Act of 1974, and they will become effective on February 20, 1976.

These rules are issued under the authority of Sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, this action creates 49 CFR Part 1007, so that it now reads:

- | | |
|---------|--|
| Sec. | |
| 1007.1 | Purpose and scope. |
| 1007.2 | Definitions. |
| 1007.3 | Requests by an individual for information or access. |
| 1007.4 | Procedures for identifying the individual making the request. |
| 1007.5 | Disclosure of requested information to individuals; fees for copies of records. |
| 1007.6 | Disclosure to third parties. |
| 1007.7 | Content of systems or records. |
| 1007.8 | Amendment of a record. |
| 1007.9 | Appeals to the Chairman. |
| 1007.10 | Information supplied by the Commission when collecting information from an individual. |
| 1007.11 | Public notice of records systems. |
| 1007.12 | Exemptions. |

AUTHORITY: Secs. 552, 553, and 559, Administrative Procedure Act (5 U.S.C. 552, 553 and 559).

§ 1007.1 Purpose and scope.

(a) This part contains the rules of the Interstate Commerce Commission implementing the Privacy Act of 1974 (5 U.S.C. 552a). These rules apply to all records maintained by this Commission which are not excepted or exempted as provided for in § 1007.12, insofar as they contain personal information concerning an individual, identify that individual by name or other symbol and are contained in a system of records from which information is retrieved by the individual's name or identifying symbol. Among the primary purposes of these rules are to permit individuals to determine whether information about them is contained in Commission files and, if so, to obtain access to that information; to establish procedures whereby individuals may have inaccurate and incomplete information corrected; and, to restrict access by unauthorized persons to that information.

(b) In this part the Commission is also exempting certain Commission systems of records from some of the provisions of the Privacy Act of 1974 that would otherwise be applicable to those systems.

§ 1007.2 Definitions.

As used in this part:

"Commission" means the Interstate Commerce Commission.

"Chairman" means the Presidentially appointed Commissioner who is the administrative head of the Interstate Commerce Commission.

"Privacy Officer" refers to the individual designated to process requests and handle various other matters relating to the Commission's implementation of the Privacy Act of 1974.

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

"Maintain" means the maintenance, collection, use, or dissemination (of records).

"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 the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

"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 of the United States Code.

"System of records" means a group of any records under the control of the Commission retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose of which the record was compiled.

"Agency" means any executive department, military department, Government corporation, Government-controlled corporation or other establishment in the Executive Branch of the Government or any independent regulatory agency.

§ 1007.3 Requests by an individual for information or access.

(a) Any individual may request information on whether a system of records maintained by the Commission contains any information pertaining to him or her, or may request access to his or her record or to any information pertaining to him or her which is contained in a system of records. All requests shall be directed to the Privacy Officer, Office of the Managing Director, Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW, Washington, D.C. 20423.

(b) A request for information or for access to records under this part may be made by mail or in person. The request shall: (1) Be in writing and signed by the individual making the request; and, (2) include the full name of the individual seeking the information or record, along with his or her home and business addresses and telephone numbers.

(c) For each system of records from which information is sought, the request shall: (1) Specify the title and identifying number as it appears in the system notice published by the Commission; (2) provide such additional identifying information, if any, as may be required by the system notice; (3) describe the specific information or kind of information sought within that system of records; and, (4) set forth any unusual arrangements sought concerning the time, place, or form of access.

(d) The Commission will respond in writing to a request made under this section within ten days (excluding Saturdays, Sundays and legal public holidays) after receipt of the request. If a definitive reply cannot be given within ten days, the request will be acknowledged and an explanation will be given of the status of the request.

(e) The individual either will be notified in writing of where and when he or she may obtain access to the records requested or will be given the name, address and telephone number of the member of the Commission staff with whom he or she should communicate to make further arrangements for access.

§ 1007.4 Procedures for identifying the individual making the request.

When a request for information or for access to records has been made pursuant to § 1007.3, before information is given or access is granted pursuant to § 1007.5 of these rules, the Commission shall require reasonable identification of the person making the request to insure

that information is given and records are disclosed only to the proper person.

(a) An individual may establish his identity by:

(1) Submitting with his written request for information or for access to photocopy, two pieces of identification bearing his or her name and signature, one of which shall bear his or her current home or business address; or

(2) Appearing at any office of the Commission during the regular working hours for that office and presenting either:

(i) One piece of identification containing a photograph and signature, such as a driver's license or passport, or, in the case of a Commission employee, his or her ICC identification card; or

(ii) Two pieces of identification bearing the individual's name and signature, one of which shows the individual's current home or business address; and

(3) Providing such other proof of identity as the Commission deems satisfactory in the circumstances of a particular request.

(b) Nothing in this section shall preclude the Commission from requiring additional identification before granting access to the records if there is reason to believe that the person making the request may not be the individual to whom the record pertains, or where the sensitivity of the data may warrant.

(c) The requirements of this subsection shall not apply if the records involved would be available to any person under the Freedom of Information Act.

§ 1007.5 Disclosure of requested information to individuals; fees for copies of records.

(a) Any individual who has requested access to his or her record or to any information pertaining to that individual in the manner prescribed in § 1007.3 and has identified himself or herself as prescribed in § 1007.4 shall be permitted to review the record and have a copy made of all or any portion thereof in a form comprehensible to the individual, subject to fees for copying services set forth in paragraph (f) of this section. Upon request, persons of the individual's own choosing may accompany the individual, provided that the individual has furnished a written statement authorizing discussion of his or her record in the accompanying person's presence.

(b) Access will generally be granted in the office of the Commission where the records are maintained during normal business hours, but for good cause shown the Commission may grant access at another office of the Commission or at different times for the convenience of the individual making the request. When a request for access is from a Commission employee, this request may be granted by forwarding the information desired through registered mail, return receipt requested.

(c) Where a document containing information about an individual also contains information not pertaining to him or her, the portion not pertaining to the

individual shall not be disclosed except to the extent the information is available to any person under the Freedom of Information Act. If the records sought cannot be provided for review and copying in a meaningful form, the Commission shall provide to the individual a summary of the information concerning the individual contained in the record or records which shall be complete and accurate in all material aspects.

(d) Where the disclosure involves medical records, the Privacy Officer may determine that such information will be provided only to a physician designated by the individual.

(e) Requests for copies of documents may be directed to the Privacy Officer or to the member of the Commission's staff through whom arrangements for access were made.

(f) Fees for copies of records shall be charged at the rate of 10 cents per letter-size or legal-size exposure duplicated electrostatically. Fees for requests requiring the use of a computer shall be charged at the actual cost for machine time. Payment should be made by check or money order payable to the Treasury of the United States. When it is determined to be in the best interest of the public, the Privacy Officer may waive the fee provision.

(g) Nothing in this subsection or in § 1007.3 shall:

(1) Require the disclosure of records exempted under § 1007.12 of these rules, including the exemption relating to investigative records;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or a criminal proceeding; or,

(3) Require the furnishing of information or records which in the regular course of business cannot be retrieved by the name or other identifier of the individual making the request.

§ 1007.6 Disclosure to third parties.

(a) The Commission shall not disclose to any agency or to any person by any means of communication a record pertaining to an individual which is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written consent to the disclosure;

(2) The disclosure is to officers and employees of the Commission who need it in the performance of their duties;

(3) Disclosure is required under the Freedom of Information Act (5 U.S.C. 552).

(4) Disclosure is for a routine use as defined in § 1007.2 of these rules and described in the system notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for the purposes of planning or carrying out a census or survey or related activity;

(6) The disclosure is made 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, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to another agency or to an instrumentality of any Governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) The disclosure is made 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.

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

(10) The disclosure is made to either House of Congress, or, to the extent of matter(s) within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(11) The disclosure is made 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,

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

(b) The Commission, with respect to each system of records under its control, shall keep for at least five years an accurate accounting of certain disclosures:

(1) A record shall be kept of all disclosures made under paragraph (a) of this section, except disclosures made with the consent of the individual to whom the record pertains (paragraph (a)(1) of this section), disclosures to authorize employees (paragraph (a)(2) of this section), and disclosures required under the Freedom of Information Act (paragraph (a)(3) of this section).

(2) The record shall include:

(i) The date, nature, and purpose of each disclosure of a record made to any person or to another agency;

(ii) The name and address of the person or agency to whom the disclosure was made.

(c) The accounting described in paragraph (b) of this section will be made available to the individual named in the record upon his written request, directed to the Privacy Officer, Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW., Washington, D.C. 20423, except that the accounting will not be revealed with respect to disclosures made under paragraph (a)(7) of this § 1007.6 pertaining to law enforcement activity, and will not be

maintained as to disclosures involving systems of records exempted under § 1007.12.

(d) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the Commission in accordance with §§ 1007.8 and 1007.9, the Commission will inform any person or other agency to whom the record was previously disclosed, if an accounting of the disclosure was made pursuant to the requirements of paragraph (b) of this section.

§ 1007.7 Content of systems or records.

(a) The Commission will maintain in its records only such information about an individual as is relevant and necessary to accomplish the purposes of the Interstate Commerce Act and other purposes required to be accomplished by statute or by Executive Order of the President.

(b) The Commission will maintain no record describing how any individual exercises rights guaranteed by the First Amendment of the United States Constitution unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

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

(d) The Commission will maintain all records which are used by the Commission in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

§ 1007.8 Amendment of a record.

(a) Any individual may request amendment of information pertaining to him which is contained in a system of records maintained by the Commission and which is filed under his name or other individual identifier if he believes the information is not accurate, relevant, timely or complete. A request for amendment shall be directed to the Privacy Officer.

(b) A request for amendment may be made by mail or in person and shall: (1) Be in writing and signed by the person making the request; (2) describe the particular record to be amended with sufficient specificity to permit the record to be located among those maintained by the Commission; and (3) specify the nature of the amendment sought and the justification for the requested change. The person making the request may be required to provide the information specified in §§ 1007.3 and 1007.4 in order to simplify identification of the record and permit verification of the identity of the person making the request for amendment.

(c) Receipt of a request for amendment will be acknowledged in writing

within ten days (excluding Saturdays, Sundays and legal public holidays); except that if the individual is given notice within the ten-day period that his or her request will or will not be complied with, no acknowledgement is required.

(d) Assistance in preparing a request to amend a record may be obtained from the Privacy Officer, Office of the Managing Director, Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW., Washington, D.C. 20423.

(e) Upon receipt of a request for amendment the Privacy Officer or a person designated by him shall promptly determine whether the record is materially inaccurate, incomplete, misleading, or is irrelevant or not timely, as claimed by the individual, and, if so, shall cause the record to be amended in accordance with the individual's request.

(f) If the Privacy Officer or designee grants the request to amend the record, the individual shall promptly be advised of the decision and of the action taken, and notice shall be given of the correction and its substance to each person or agency to whom the record had previously been disclosed, as shown on the record of disclosures maintained in accordance with § 1007.6(b).

(g) If the Privacy Officer or designee disagrees in whole or in part with a request for amendment of a record, the individual shall promptly be notified of the complete or partial denial of his request and the reasons for the refusal. The individual shall also be notified of the procedures for administrative review by the Chairman of any complete or partial denial of a request for amendment, which are set forth in § 1007.9.

(h) If a request is received for amendment of a record prepared by another agency which is in the possession or control of the Commission, the request for amendment will be forwarded to that agency. If that agency determines that the correction should be made, the Commission will amend its records accordingly and notify the individual making the request for amendment of the change. If the other agency declines to make the amendment, the Privacy Officer or designee will independently determine whether the amendment will be made to the record in the Commission's possession or control, considering any explanation given by the other agency for its decision.

§ 1007.9 Appeals to the Chairman.

(a) Any individual may petition the Chairman:

(1) To review a refusal to comply with an individual request for access to records pursuant to the Privacy Act (5 U.S.C. 552a(d)(1)), and §§ 1007.3 and 1007.5 in this part;

(2) To review denial of a request for amendment made pursuant to § 1007.8;

(3) To correct any determination that may have been made adverse to the individual based in whole or in part upon inaccurate, irrelevant, untimely or incomplete information; and,

(4) To correct a failure to comply with any other provision of the Privacy Act

and the rules of this Part 1007, which has had an adverse effect on the individual.

(b) The petition to the Chairman shall be in writing and shall: (1) State in what manner it is claimed the Commission or any Commission employee has failed or refused to comply with provisions of the Privacy Act or of the rules contained in this Part 1007, and (2) set forth the corrective action the petitioner wishes the Commission to take. The petitioner may, if he or she wishes, state such facts and cite such legal or other authorities as are considered appropriate.

(c) The Chairman will make a determination of any petition filed pursuant to this subsection within thirty days (excluding Saturdays, Sundays and legal public holidays) after receipt of the petition, unless for good cause shown, the Chairman extends the 30-day period. If a petition is denied, the petitioner will be notified in writing of the reasons for such denial, and the provisions for judicial review of that determination which are set forth in section 552a(g)(1)(A) and (2)(A), of Title 5 of the United States Code and the provisions for disputed records set forth in paragraph (d) of this section.

(d) If, after review, the Chairman declines to amend the records as the individual has requested, the individual may file with the Privacy Officer a concise statement setting forth why he or she disagrees with the Chairman's denial of the request. Any subsequent disclosure containing information about which a statement of disagreement has been filed shall clearly note the portion which is disputed and include a copy of a concise statement explaining its reasons for not making the amendments requested. Prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained.

§ 1007.10 Information supplied by the Commission when collecting information from an individual.

The Commission will inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual, of:

(a) The authority which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

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

(c) The routine uses which may be made of the information, as published in the FEDERAL REGISTER; and,

(d) The effects on the individual of not providing all or any part of the requested information.

§ 1007.11 Public notice of records systems.

(a) The Commission will publish in the FEDERAL REGISTER, at least annually, a notice of the existence and character of each of its system of records, which notice shall include:

(1) The name and location of the system;

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

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

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

(5) The policies and practices of the Commission regarding storage, retrieval, access controls, retention, and disposal of the records;

(6) The title and business address of the Commission official who is responsible for the system of records;

(7) The procedures whereby an individual can be notified at his or her request if the system of records contains a record pertaining to that individual;

(8) The procedures whereby an individual can be notified at his or her request how he or she can gain access to any record pertaining to that individual contained in the system of records, and how the content of the record can be contested; and,

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

(b) Copies of the notices as printed in the FEDERAL REGISTER will be available in each office of the Commission. Mail requests should be directed to the Privacy Officer, Office of the Managing Director, Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW., Washington, D.C. 20423. The first copy will be provided free of charge; additional copies are subject to charge provided for in paragraph (e) of this § 1007.5.

§ 1007.12 Exemptions.

(a) Investigatory materials compiled for law enforcement purposes are exempt from portions of the Privacy Act of 1974 and of these rules on the basis and to the extent that individual access to these files could impair the effectiveness and orderly conduct of the Commission's enforcement program. Provided, however, that if any individual is denied any right, privilege, or benefit to which he or she would otherwise be entitled by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such materials shall be provided to the 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.

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for employment with or contracts with the Commission are exempt from portions of the Privacy Act of 1974 and of these rules to the extent that it identifies a confidential source. This is done in order to encourage persons from whom information is sought to provide in-

formation to the Commission which, absent assurances of confidentiality, they might otherwise be unwilling to give. However, if practicable, material identifying a confidential source shall be extracted or summarized in a manner which protects the source, and the summary or extract shall be provided to the requesting individual.

[FR Doc. 76-1871 Filed 1-20-76; 8:45 am]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1228]

PART 1033—CAR SERVICE

Kansas City Southern Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of January 1976.

It appearing, that The Kansas City Southern Railway Company (KCS) is unable to operate over its line between Poteau, Oklahoma, and Howe, Oklahoma, because of damage to its bridge in the vicinity of milepost 331 south of Poteau, Oklahoma; that operation of KCS trains over tracks of the St. Louis-San Francisco Railway Company (SL-SF) between Poteau and Wister, Oklahoma, and over tracks of the Chicago, Rock Island and Pacific Railroad Company, William M. Gibbons, Trustee (RI) between Wister and Howe will enable the KCS to by-pass the damaged bridge; that the SL-SF and the RI have consented to use of these tracks by the KCS; that operation by the KCS over the aforementioned tracks of the SL-SF and RI are necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1228 Service Order No. 1228.

(a) The Kansas City Southern Railway Company authorized to operate over certain tracks of St. Louis-San Francisco Railway Company and Chicago, Rock Island and Pacific Railroad Company, William M. Gibbons, Trustee. The Kansas City Southern Railway Company (KCS) be, and it is hereby, authorized to operate over tracks of the St. Louis-San Francisco Railway Company (SL-SF) between Poteau, Oklahoma and Wister, Oklahoma, a distance of approximately nine (9) miles, and over tracks of the Chicago, Rock Island and Pacific Railroad Company, William M. Gibbons, Trustee (RI), a distance of approximately six (6) miles, being a combined distance of approximately fifteen miles.

(b) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Rates applicable. Inasmuch as this operation by the KCS over tracks of the SL-SF and RI is deemed to be due to carrier's disability, the rates applicable to traffic moved by the KCS over these tracks of the SL-SF and RI shall be the rates which were applicable on the ship-

ments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 16, 1976.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10-17) 15(4), and 17(2), 49 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), 17(2)))

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1787 Filed 1-20-76; 8:45 am]

[Third Rev. S. O. No. 1171]

PART 1033—CAR SERVICE

Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of January 1976.

It appearing, that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That

§ 1033.1171 Third Revised Service Order No. 1171.

(a) *Regulations for return of hopper cars.* Each common carrier by railroad

subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, either via the reverse of the service route or direct, as agreed to by the owner, all hopper cars owned by the following railroads:

Illinois Central Gulf Railroad Company. Reporting Marks: GM&O-IC-ICG
St. Louis-San Francisco Railway Company. Reporting Marks: SLSF
Southern Railway System. Reporting Marks: CG-INT-NS-SOU¹

(2) Carriers named in paragraph (a) (1) of this section prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or the Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to the Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by the Director, Bureau of Operations.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this order, contrary to the provisions of the order.

(d) The term hopper cars, as used in this order, means all freight cars assigned one of the mechanical designations described in the section "Class 'H'—Hopper Car type," under the heading "General Service Freight Equipment" published on page 1120 of the Official Railway Equipment Register, ICC RER No. 397, issued by W. J. Trezise, or successive issues thereof, including cars bearing mechanical designations modified in the manner described in Notes 1, 2, or 3 of that section, and listed elsewhere in that tariff under the name of a railroad named in paragraph (a) (1) of this section.

(e) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(f) *Effective date.* This order shall become effective at 12:01 a.m., January 19, 1976.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10-17), 15(4), and 17(2) 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), 17(2)))

¹Union Pacific Railroad Company eliminated.

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.76-1786 Filed 1-20-76; 8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE [Ex Parte No. MC-99]

PART 1134—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

Applications

Order. At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 30th day of December 1975.

In the matter of regulations governing applications under section 5(2) to consolidate, merge, purchase or lease operating rights and properties, or any part thereof, of a motor common carrier.

It appearing, that this amendment to Part 1134 of the Commission's regulations governing motor common carrier applications filed under section 5(2) to consolidate, merge, purchase, or lease operating rights and properties, or any part thereof provides that Appendix D to Form OP-F-44 be modified by the addition of question D-6; and

It further appearing, that the modification to Form OP-F-44 is designed to preserve and guarantee comparable service after an acquisition;

It further appearing, that the modification to Form OP-F-44 is in the public interest and is necessary and appropriate for the administration of the Interstate Commerce Act;

It further appearing, that such modification relates to matters of practice and procedure and therefore comes within the exception to section 553 of the Administrative Procedure Act (5 U.S.C. 553), and that notice and hearing of the proposed modification are not required:

It is ordered, That for the aforesaid reasons, that the amendment to Appendix D of Form OP-F-44 be and it is hereby, adopted;

It is further ordered, That question D-6 will read as follows:

D-6. Vendee affirms that if the authority herein being sought is granted it shall not restrict, limit or curtail service to and or from any points previously served by vendor whether by tariff or otherwise. () Yes () No

If the answer is No, explain.

It is further ordered, That this order shall become effective on January 21, 1976.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1785 Filed 1-20-76; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER 1—FEDERAL POWER COMMISSION

[Docket No. R-478; Opinion No. 749]

PART 2—GENERAL POLICY AND INTERPRETATION

Just and Reasonable National Rates for Sales of Natural Gas From Wells Commenced Prior to January 1, 1973; Supplement

The following Appendix C was omitted from the FEDERAL REGISTER of January 20, 1976 due to printing difficulties. It should have appeared as the last page of FR Doc. 76-1348 which can be found at 41 FR 2806.

APPENDIX C.—Nationwide Proceeding Computation of Federal Income Tax Allowance Independent Producers, Pipeline Affiliates & Pipeline Producers Continental U.S.—1972 Data (Docket No. R-478)

Line No.	Particulars	Schedule No.	Line No.	(1) Total ¹	(2) Total excluding production taxes ²	(3) Gas only ³	(4) Lease separation ⁴	(5) No lease separation ⁵	(6) Total ⁶	(7) Percentage lease separation gas ⁷	(8) Allocated amount gas ⁸
PRODUCTION, EXPLORATION & DEVELOPMENT COSTS											
2	Direct and indirect lease costs and expenses.	1-A	01	1,694,893,558	1,694,893,558	57,287,938	\$144,679,567	\$19,763,791	\$221,731,296	90.33	207,740,782
2	Taxes (except income and production).	A-1	02	210,335,720	210,335,720	16,567,630	20,431,444	4,360,024	41,299,098	9.33	39,323,337
4	Production taxes.	1-A	03	479,424,297	479,424,297	27,124,210	96,669,673	10,005,599	133,829,482	90.33	124,478,624
5	Other lease expenses.	1-A	04	61,102,433	61,102,433	17,527,077	24,988,900	336,427	42,852,404	90.33	40,435,977
6	Depletion, depreciation and amortization.	1-A	05	1,716,823,070	1,716,823,070	105,999,777	297,881,312	25,502,048	429,383,137	90.33	400,578,014
7	Corporate general expense.	1-A	06	278,845,909	278,845,909	13,611,337	25,077,796	3,579,728	42,268,861	90.33	39,843,838
8	Area, district, division and field expense.	1-A	07	261,718,417	261,718,417	7,207,320	21,758,604	2,778,944	31,744,808	90.33	29,640,811
9	Miscellaneous lease revenues.	1-A	09	(12,203,136)	(12,203,136)	(1,348,729)	(2,768,788)	(314,067)	(4,431,584)	90.33	(4,163,842)
10	Return on production rate base at 15 percent.	1-A	13	2,505,272,672	2,505,272,672	186,055,524	427,939,601	69,857,212	663,852,337	90.33	622,470,578
11	Exploration and development costs and expenses.	1-A	15	1,673,945,853	1,673,945,853						594,971,262
12	Return on exploration rate base at 15 percent.	1-A	16	588,558,894	588,558,894						234,604,103
13	Regulatory commission expense including return	1-A	17	6,514,279	6,514,279						6,514,852
14	Total computed revenue (gross income).			9,465,231,966	8,985,807,669						2,336,439,376
REVENUE DEDUCTIONS											
19	Direct and indirect lease costs and expenses.	1-A	01	1,694,893,558	1,694,893,558						207,740,872
20	Taxes (except income and production).	1-A	02	210,335,720	210,335,720						39,323,377
21	Production taxes.	1-A	03	479,424,297	479,424,297						124,478,624
22	Other lease expenses.	1-A	04	61,102,433	61,102,433						40,435,977
23	Book depletion.			283,121,142	283,121,142	24,287,986	61,675,828	6,177,506	92,141,410	90.33	86,177,357
24	Depreciation expense.			1,716,823,070	1,716,823,070	30,223,586	94,019,520	7,007,662	131,241,768	90.33	122,159,951
25	Amortization of capitalized IDC.			779,097,382	779,097,382	51,488,205	142,194,964	12,816,790	205,999,959	90.33	192,249,706
26	Corporate general expense.	1-A	06	278,845,909	278,845,909						39,843,838
27	Area, district, division and field expense.	1-A	07	261,718,417	261,718,417						29,640,811
28	Miscellaneous lease revenues.	1-A	09	(12,203,136)	(12,203,136)						(4,163,842)
29	Exploration and development costs and expenses.	1-A	15	1,673,945,853	1,673,945,853						594,971,262
30	Regulatory commission expense.	4-A	01	6,394,384	6,394,384						6,394,384
32	Total book expenses.			6,371,380,505	5,891,856,209						1,479,243,227
34	Production net income (line 15 less line 32).			3,093,951,461	3,093,951,460						857,196,149
TAX ADJUSTMENT—ADD (DEDUCT)											
37	Amortization of capitalized IDC.			779,097,382	779,097,382						192,249,706
38	Estimated IDC capitalized in 1972.			(1,470,935,857)	(1,470,935,857)						(362,967,445)
39	Interest expense (calculated).			(243,846,540)	(243,846,540)						(60,587,136)
40	Taxable income.			2,158,266,445	2,158,266,445						625,891,274
43	Federal income tax at 48 per-			1,992,245,949	1,992,245,949						577,745,791

Notes:

¹ Lines 1 thru 15, col. (1). From Notice issued Sept. 12, 1974, app. A, p. 12, col. (d).

² Production taxes have been deleted from col. (1).

³ From notice issued Sept. 12, 1974, app. A, p. 12, cols. (g), (h), and (i).

⁴ Col. (3) plus col. (4) plus col. (5).

⁵ Calculated on an modified British thermal unit basis (1.5 to 1).

⁶ Col. (7) times col. (4), plus cols. (3) and (5).

⁷ See composites mailed to all parties on Feb. 13, 1974.

⁸ Calculated, 188.8 percent (AR64-1-2) times \$779,097,382 equals \$1,470,935,857.

⁹ Calculated 0.0146 (interest rate) times \$16,701,817,818 (app. A, schedule 2-A), (d), line 11, p. 13) equals \$243,846,540.

¹⁰ \$577,745,791 divided by 9,508,369,001 equals 0.08 cents per thousand cubic feet.

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Proposed Amendment of Administrative Rules and Regulations

Notice is given of a proposal to amend Subpart-Administrative Rules and Regulations (7 CFR 991.130-991.601; 40 FR 39525, 44121) as follows: Delete §§ 991.138, 991.138a, 991.138b and 991.140; redesignate § 991.138c as § 991.138 and revise the section so as to extend until July 31, 1983, the additional allotment bases for hops of the Fuggle variety and to permit replacement of existing Fuggle acreage with new plantings of higher yielding Fuggle-type varieties; and redesignate § 991.138d as § 991.139.

The Subpart is pursuant to Marketing Order No. 991, as amended (7 CFR 991), regulating the handling of hops of domestic production, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 CFR 601-674). The proposal is based upon a recommendation of the Hop Administrative Committee.

All persons who desire to file written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than February 11, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The provisions in §§ 991.138, 991.138a, 991.138b and 991.140, are obsolete, and hence no longer applicable. Section 991.138 specifies the dates by which handlers must submit contracts for additional quantities of hops produced prior to 1971. Section 991.138a waives for the 1968, 1969, and 1970 crops the requirement that producers make a bona fide effort to produce their annual allotments pursuant to § 991.138(a)(5). Section 991.138(b) prescribes the procedures by which a producer may qualify for an additional allotment base, pursuant to § 991.138(b), due to below normal sales resulting from heptachlor damage to plants in the period 1962 through 1965. Section 991.140 prescribes procedures with respect to the disposition of 1969 crop reserve pool hops. Since the provisions in these sections have no present effect, it is proposed that the section numbers and the provisions be deleted.

Section 991.138c currently specifies the rules under which the Committee annually may grant additional allotment bases to producers to satisfy the demands for hops of Fuggle variety through the marketing year ending July 31, 1977. Additional allotment bases granted under the section apply only to Fuggle variety hops planted in 1970 prior to June 15, 1970. The total quantity of such additional allotments is limited to one million pounds each marketing year. The amount of such additional allotment base granted for a marketing year to any applicant for hops of the Fuggle variety shall be the lesser of: (1) His total sales of such hops during the marketing year from the acreage planted in 1970 to June 15, 1970, divided by the allotment percentage for such year; or (2) the quantity per acre which when multiplied by such allotment percentage equals 1,300 pounds per acre.

The demand by brewers for an additional quantity of hops of the Fuggle variety to total a maximum of 1,000,000 pounds for each marketing year is projected by the industry to continue beyond July 31, 1977. Also, new higher yielding Fuggle type varieties of hops have been developed which may be substituted by brewers for hops of the Fuggle variety. These varieties are referred to by the industry as Triploid Fuggle-types and are presently designated by the numbers USDA-21040, 21041 and 21091.

It is therefore proposed that § 991.138c be revised to extend the expiration date for additional Fuggle allotments to July 31, 1983. Also, to encourage the transition from regular Fuggle variety hops (1200-1300 pounds per acre) to Triploid Fuggle variety hops (1800-2000 pounds per acre), it is proposed that producers be permitted to replace existing plantings of Fuggle variety hops with the new Triploid Fuggle-type varieties on the replacement basis of two acres of these varieties for every three acres of the regular Fuggle variety.

It is also proposed to redesignate § 991.138c as § 991.138, and § 991.138d as § 991.139.

The proposals are as follows:

§§ 991.138, 991.138a, 991.138b and 991.140 [Removed]

1. Delete §§ 991.138, 991.138a, and 991.138b, and 991.140.

2. Redesignate § 991.138c as § 991.138 and revise the section to read as follows:

§ 991.138 Additional allotment bases for hops of the Fuggle variety.

(a) Pursuant to § 991.38(b), the Committee may grant additional allotment

bases as provided in this section to satisfy the demand for hops of the Fuggle variety through the marketing year ending July 31, 1983.

(b) Additional allotment bases granted under this section shall be only for hops of the Fuggle variety planted in 1970 prior to June 15, 1970. These plantings may be replaced with new plantings of Fuggle hops on a one-for-one acreage replacement basis, or with Fuggle-type varieties designated as USDA 21040, USDA 21041, and USDA 21091 on a replacement basis of two acres of these Fuggle-type varieties for every three acres of Fuggle hops.

(c) Any such additional allotment base may be granted to the person, or his successor in interest, who filed in good faith, with the Committee for receipt by the Committee not later than May 1, 1970, a written application containing the following information:

(1) The location and number of acres which the applicant planted or will plant to hops of the Fuggle variety in 1970 prior to June 15, 1970;

(2) A statement that the additional allotment base that may be granted to the applicant pursuant to this section will be applicable only to hops of the Fuggle variety covered by the application;

(3) A statement that the applicant will make a bona fide effort to produce the annual allotment referable to such additional allotment base; and

(4) If the applicant is currently a producer of hops of the Fuggle variety a statement that he will continue to make a bona fide effort to produce Fuggle hops on his existing Fuggle acreage to the extent of his annual allotment referable thereto.

(d) If the total quantity of any marketing year's additional allotment bases (computed on the basis of 1,300 pounds per acre divided by the allotment percentage for such marketing year) applied for pursuant to this section would result in annual allotments therefor totalling more than one million pounds, the Committee shall reduce proportionately the respective amounts of additional allotment bases applied for so as to result in total annual allotments of one million pounds referable to the additional allotment bases.

(e) Each marketing year through the marketing year ending July 31, 1983, the Committee shall grant an additional allotment base to each applicant who filed a written application pursuant to paragraph (c) of this section, or to his successor in interest, of this section if it concludes from the information submitted by the applicant and other available

information that the applicant will make a bona fide effort during the applicable marketing year to produce the annual allotment referable to such allotment base. If the Committee finds that any producer granted an additional allotment base pursuant to this section, who is an existing producer of hops of the Fuggle variety, fails to make a bona fide effort during the applicable marketing year to produce the annual allotment of Fuggle hops referable to his existing Fuggle acreage, the Committee shall reduce his additional allotment base by an amount equivalent to such unproduced proportion. The total of the additional allotment bases so granted each of the marketing years shall, for each such year, not exceed the amount resulting from dividing one million pounds by the allotment percentage for the applicable marketing year. The amount of such additional allotment base granted for a marketing year to any applicant for hops of the Fuggle variety shall be the lesser of: (1) His total sales of such hops during the marketing year from the acreage planted in 1970 prior to June 15, 1970, or as replaced by acreage as provided in paragraph (b) of this section, divided by the allotment percentage for such year; or (2) the quantity per acre which when multiplied by such allotment percentage equals 1,300 pounds per acre.

§ 991.138d [Redesignated]

3. Redesignate § 991.138d as § 991.139.
Dated: January 16, 1976.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 76-1820 Filed 1-20-76; 8:45 am]

Farmers Home Administration

[7 CFR Part 1813]

[FmHA Instruction 104.1]

AVAILABILITY OF INFORMATION

Proposed Amendments

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of Part 1813, Title 7, Code of Federal Regulations (40 FR 21696) by revising § 1813.7(a)(2)(iv)(C); § 1813.7(c)(2)(iv)(B) and (D); and by deleting the words "but not" from § 1813.7(d)(1). The purpose of these amendments is to reflect policy changes in determining what information will be released in response to Freedom of Information Act requests. These changes will make possible the release of additional information regarding FmHA borrowers. Included is information regarding interest credits, delinquencies, withdrawal and rejection of loan applications, and losses and defaults in certain cases.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room No. 6316,

South Building, Washington, D.C. 20250, on or before February 20, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.-4:45 p.m.).

As proposed § 1813.7(a)(2)(iv)(C), § 1813.7(c)(2)(iv)(B) and (D), and § 1813.7(d)(1) read as follows:

§ 1813.7 Availability of identifiable material.

(a) * * *

(2) * * *

(iv) * * *

(C) The kind and amount of assistance, including amount of any Emergency loan forgiveness, interest credit or delinquency.

* * *

(c) * * *

(2) * * *

(iv) * * *

(B) Why applications were withdrawn or rejected, except that such information may be supplied in general terms. (Exemption No. 6 of the Act.)

* * *

(D) Information concerning losses and defaults in individual cases. (Exemption No. 6 of the Act.)

* * *

(d) Credit reports. (1) In accordance with general credit practices, when Agency officials are satisfied that the information is to be used to determine whether credit will be extended to an FmHA borrower, the following information may be furnished to lenders: Name of borrower; date and amount of FmHA loan; loan purpose; participating bank, if any; approximate present balance; whether the loan is delinquent; the extent of delinquency; whether the experience with the loan has been satisfactory; and nature of collateral, such as land, buildings, equipment, etc.

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 of Public Law 93-357, 98 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegations of authority by Director, OEO, 20 FR 14764, 33 FR 9850.)

Dated: January 16, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 76-1818 Filed 1-20-76; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing
Production and Mortgage Credit

[24 CFR Part 888]

[Docket No. R-76-311]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Schedule A; Fair Market Rents for New Construction and Substantial Rehabilitation

The Department of Housing and Urban Development, on March 31, 1975,

amended Title 24, of the Code of Federal Regulations by adding to Chapter VIII a new Part 888—Section 8 Housing Assistance Payments Program—Fair Market Rents and Contract Rent Automatic Annual Adjustment Factors.

Since March 31, 1975, additional comments and data have been received indicating continuing need to revise these rents in light of the most recent data available. This material submitted by interested members of the general public, as well as HUD Field Offices, has generally indicated a need to increase the published rents in order to meet specific local housing market conditions.

The Department proposes to incorporate in Part 888, Subpart A, in the respective appropriate places at 40 FR 14505, 14557, and 14559 revised Schedules A for the following market areas: Pittsfield, Springfield, Worcester, and Salem, Massachusetts; and Bakersfield and San Jose, California.

Revision of the Schedules A for Pittsfield, Springfield, Worcester and Salem, Massachusetts; and San Jose, California consists of the addition of rents for elevator construction to the Schedules A previously published on March 31, 1975. Revision of the Schedule A for Bakersfield, California consists of the addition of rents for elevator structures and the addition of a rent for a one-bedroom walk-up unit to the Schedule A previously published on March 31, 1975.

Because it is necessary to the operation of the Section 8 program that fair market rents remain as current as possible, and because interested parties are encouraged at all times to submit information and data on those rents which will be considered in initiating revisions as needed, it has been determined that it is impracticable and unnecessary to provide a 30-day period for comments on these proposed revisions and that a 15-day period is reasonable and in the public interest.

Accordingly, interested parties are invited to submit written data, comments, suggestions or objections concerning the proposed revisions by February 6, 1976. All materials which persons wish to submit should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C., 20410.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the above address.

(Sec. 7(d) Department, Housing and Urban Development Act, 42 USC 3535(d))

Issued at Washington, D.C. January 14, 1976.

DAVID S. COOK,
Assistant Secretary for Housing
Production and Mortgage
Credit, FHA Commissioner.

These Fair Market Rents include projection for construction time through December 31, 1976.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwell-

ing units are the same as for non-congregate units, and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

In § 888.101 the schedules are proposed to be amended as set forth below:

Area/Insuring Office, Boston, Mass.—Region I, Boston

Market area	Structure type	Number of bed rooms				
		0	1	2	3	4 or more
Pittsfield	Detached					
	Semidetached/row		200	377	406	435
	Walkup	240	276	327	377	435
Springfield	Elevator	255	290	365		
	Detached					
	Semidetached/row		273	347	399	450
Worcester	Walkup	180	269	319	377	443
	Elevator	255	290	365		
Salem	Detached					
	Semidetached/row		297	377	472	522
	Walkup	269	290	356	462	515
	Elevator	280	320	400		
	Detached					
	Semidetached/row		312	370	443	530
	Walkup	247	305	356	443	515
	Elevator	312	356	428		

Area/Insuring Office, Los Angeles, Calif.—Region IX, San Francisco

Market area	Structure type	Number of bedrooms				
		0	1	2	3	4 or more
Bakersfield	Detached			321	402	442
	Semidetached/row			301	376	413
	Walkup	183	205	273	342	376
San Jose	Elevator	260	288	378		
	Detached			301	359	400
	Semidetached/row		261	284	342	398
	Walkup	214	252	301	330	382
	Elevator	255	289	336		

[FR Doc.76-1677 Filed 1-20-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 620]

HOUSING FOR AGRICULTURAL WORKERS

Approval of Housing; Temporary Waivers

The Employment and Training Administration's regulations at 29 CFR Part 620, Housing for Agricultural Workers, prescribe housing standards which must be met by employers who house agricultural workers before such employers may be served by the interstate agricultural recruitment services of the United States Employment Service and its affiliated State agencies.

The Employment and Training Administration has been aware of the fact that many housing facilities are used only during limited periods of the year, particularly at harvest time. The Employment and Training Administration has also encouraged employers to place their job orders into interstate clearance to permit the recruitment and hiring of workers well in advance of the time at which housing facilities will be used by the workers. This process is to the mutual advantage of both workers and employers. Job Orders, for example, are often placed during the winter months when essential, though often simple, repairs are impracticable because of weather conditions. For these reasons

some Regional Administrators of the Employment and Training Administration (RAETA), pursuant to 20 CFR 620.3 Variations, have allowed employer job orders to go into interstate clearance when the employer housing failed to meet the requirements of Part 620 provided the employer gave written assurance that the housing would fully meet the requirements of Part 620 at least 45 days prior to the housing's use, and provided the employer did not have a history of violating the requirements of Part 620.

On October 21, 1975, the Federal Court for the Eastern District of Wisconsin, in the case of *Castenada v. Carriereau*, held that the present language of the regulations at Part 620 does not support the variance procedure outlined above.

In consideration of these facts, the Employment and Training Administration is proposing to amend its regulation at 20 CFR 620.3 Variations to permit the appropriate Regional Administrator, Employment and Training Administration, to allow State employment service agencies to provide interstate agricultural recruitment services to employers who give assurance that they will have their housing facilities in compliance with the requirements of Part 620 by a definite date, and who have complied with the requirements of Part 620 during the previous year.

The Employment and Training Administration promulgated the housing standards of 20 CFR Part 620 before the creation of the Occupational Safety and Health Administration (OSHA) within the Department of Labor. Since its establishment OSHA has promulgated health and safety standards for all temporary labor camps, including agricultural camps, at 29 CFR 1910.142. The Department, therefore, currently has two different sets of housing standards applicable to agricultural housing. In view of this duplication, and until a single set of standards is developed, it has been the policy of the Department that an agricultural employer, whose housing meets either the standards of 20 CFR Part 620 or 29 CFR 1910.142, is considered to be in compliance with the Department's standards under both the Wagner-Peyser Act and the Occupational Safety and Health Act. This policy has previously been published in the FEDERAL REGISTER at 37 FR 743 and at 39 FR 34057. The Employment and Training Administration, therefore, is proposing to amend 20 CFR 620.3 Variations to reflect this policy by adding a new paragraph which would provide that agricultural housing which meets the OSHA standards at 29 CFR 1910.142 shall be considered to meet the standards at 20 CFR Part 620.

The Employment and Training Administration will accept data, arguments and comments on the regulation until February 20, 1976. Such data, arguments and comments should be sent to: U.S. Department of Labor, Assistant Secretary for Employment and Training, Attention: William B. Lewis, Room 8000, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

In consideration of the foregoing, 20 CFR 620.3 Variations is proposed to be revised to read as follows:

§ 620.3 Variations.

(a) An employer may apply for a variance from specific housing standards in this Part by filing with the State employment service office serving the area in which the housing is located a written application for such a variance. The application must:

(1) clearly specify the desired variance,

(2) provide adequate justification that the variance is necessary to obtain a beneficial use of an existing facility, and to prevent a practical difficulty or unnecessary hardship, and

(3) clearly set forth the appropriate alternative measures which the employer has taken to protect the health and safety of the employees, and adequately show that such alternative measures have achieved the same result as the requirements from which the employer desires the variance.

(b) An employer, whose housing upon inspection fails to meet the housing standards in this Part, may file with the State employment service office serving the area in which its housing is located, a written request for a temporary variance so that its job orders may be placed into

the interstate clearance system, provided:

(1) the employer's request includes a written statement, verified by the local State employment service office, that the employer's housing was in compliance with the requirements of this Part during the period of its use in the previous year, and

(2) the employer, in its request, has assured that its housing will be in full compliance with the requirements of this Part at least 45 days (giving the specific date) before the housing is to be occupied.

(c) Upon receipt of an application or request for a variance under paragraphs (a) or (b) of this section, the local employment service office shall send such requests to the Regional Administrator, Employment and Training Administration (RAETA). The RAETA shall review the request and may grant a variance. Every temporary variance granted under paragraph (b) of this section shall state that, although the housing has failed inspection, the employer's job orders may temporarily and conditionally be placed into interstate clearance.

(d) When the RAETA makes a determination to grant or not grant a variance, he or she shall notify in writing both the employer and the appropriate local employment service office. The local State employment service office shall attach copies of variances to the job orders placed into interstate clearance.

(e) The local State employment service office serving the area containing the housing of any employer granted a variance under this section shall see that the housing is inspected prior to three working days after the date by which the employer has promised to have its housing in compliance with the requirements of this Part. If upon reinspection the housing does not meet the requirements of this Part, the local State employment service office shall immediately remove the employer's job orders from interstate clearance.

(f) An employer whose housing meets the requirements of the Occupational Safety and Health Administration (OSHA) at 29 CFR 1910.142 *Temporary labor camps* shall be considered to have met the housing requirements of § 620.4-620.17 of this Part.

(Wagner-Peyser Act, as amended, 29 U.S.C. 49c-3, 557, 48 Stat. 117.)

Signed at Washington, D.C. this 15th day of January, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for
Employment and Training.

[FR Doc. 76-1813 Filed 1-20-76; 8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 3, 154 and 260]

[Docket No. RM76-10]

RATE SCHEDULE ANALYSIS ON CONTINUING CURRENT BASIS: FPC FORM NO. 108

Proposed Filing Requirement

DECEMBER 17, 1975.

Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. § 553, and the Natural Gas Act, sections 8, 10, 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. §§ 717f, 717i, 717m, 717n, 717o) that the Federal Power Commission (Commission) proposes to amend §§ 154.92, 260.6, and 3.170 (a) (17) of its regulations to require that all natural gas companies required to file, initially or as an amendment, a rate schedule with this Commission must also complete and file new FPC Form No. 108.

In a period of critical natural gas shortage, such as the nation is experiencing today, it is necessary for the Commission to have available to it in a readily understandable form current and continuing information on the amount of gas flowing in interstate commerce and the contractual provisions under which these gas supplies are being sold. Such data was collected by the Commission from jurisdictional natural gas sellers on a one time basis for the year 1972 as part of the Staff analysis in Docket No. R-478 by order issued in August of 1973. The deteriorating gas supply situation since that date necessitates a renewal and extension of the original information gathering effort.¹

There are, at present, thousands of rate schedules on file with this Commission. It would be infeasible for the staff of this Commission to complete a full review of each and every rate schedule and then transfer that information to a data processing format. Instead, it is proposed that any producer that maintains or would be required to maintain a rate schedule on file with this Commission would complete Form No. 108, which has been designed specifically to be incorporated into a readily retrievable data processing system. Further, the promulgation of this form would eliminate the need for Form No. 301-B since the Form No. 301-B data would be included on Form No. 108.

The information to be set out on Form No. 108, in addition to providing the Commission with current information on

the amount of gas flowing in interstate commerce, would also give the Commission other valuable data necessary to discharge its regulatory responsibilities. For example, Form No. 108 would: (1) Give a detailed breakdown of the important provisions of all rate schedules on file with the Commission, (2) provide a basis for estimating the revenue impact of nationwide and/or area ratemaking proposals by pricing area, state, and purchaser, (3) provide a means of determining the potential effects of periodic price escalations and indefinite price provisions.

Proposed Form No. 108 will also aid in providing the Commission, on a rate schedule by rate schedule basis, with the information necessary to evaluate and implement the statement of policy expressed in Order No. 539.² In that order the Commission reiterated its policies with respect to the enforcement of deliverability obligations included in certificates that have been or will be issued. Such information would include the original reserve estimate and any subsequent changes, the amount of accumulated production, and the minimum delivery obligation set out in the contract between buyer and seller.

In addition, information will be provided by each respondent as to the name of the field(s) and reservoir(s) that are the subject of the sale. All rate schedule holders will report these names, although those respondents that also report on Schedule B of Form No. 40 will utilize the same nomenclature as on that form. We emphasize that the information to be submitted on proposed Form No. 108 in this regard would only be the name of the field and reservoir and not a reserve estimate by reservoir as on Form No. 40. Since Form No. 40, Schedule B is submitted on a company rather than a rate schedule basis, the information contained in Form No. 40 is not sufficient for the purposes expressed in this rulemaking. The reservoir name submitted in proposed Form No. 108 will enable the Commission to consult information filed on Form No. 40 with respect to the reserve estimate assigned to that reservoir. In this way the Commission can determine sources of committed reserves, producing or behind-the-pipe, that can be applied to a rate schedule that is not meeting its minimum delivery obligation. Schedule B of Form No. 40 provides the depth of the reservoir listed. By providing the name of the reservoir in the instant proposal, the Commission will have some information with respect to

¹ Our conclusion in this regard is consistent with the recommendation of the General Accounting Office as set forth in its September 8, 1975 report entitled "Reliable Contract Sales Data Needed For Projecting Amounts of Natural Gas That Could Be Deregulated." Report of the Comptroller General of the United States, B-178205.

² Promulgating Statement Of Policy (Policy With Respect To Enforcement Of Deliverability And Rendition Of Natural Gas Services Under Certificated Arrangements), Order No. 539, Docket No. RM76-8, — FPC — (October 14, 1976).

the depth of those reservoirs as they relate to a specific rate schedule, and such data will assist the Commission in its review of the necessity for incentives on deep drilling activities, as provided for in § 2.56(a)(g)(2) of the Commission's General Policy and Interpretations.

In order to minimize the initial filing burden, the Commission will undertake to send to each producer, with respect to the information submitted by it pursuant to the August, 1973 order in Docket No. R-478, a completed Form No. 108. The recipient of a completed Form No. 108 would have to update the form to reflect changes in the appropriate rate schedules since 1972. Rate schedules that were not reported on in Docket No. R-478, whether then in existence or subsequently filed, must be the subject of the submittal of a proposed Form No. 108.

Proposed Form No. 108 is divided into seven schedules, numbered 502 through 508.^{*} Schedule 502 would show the rate schedule number, the date of the contract, the location of the producing acreage, the type and term of the contract, certificate information, and quality specifications. Schedule 503 would elicit data pertaining to indefinite pricing clauses, contract tax reimbursement provisions, fixed periodic rate increase provisions, seller additive or buyer deductive charge contract provisions, actual delivery pressure and Btu content, and impurity content and treating costs. Schedule 504 would reflect the current effective and proposed rates and their present status under the rate schedule. Schedule 505 would list any other parties whose interest is being sold under a certificate for a rate schedule issued in the name of the filing party, the sales volumes attributable to each such party, and the amount of any revenues collected by any party subject to refund. Schedule 506 will provide the Commission with the initial estimates of recoverable reserves and daily contract quantity and any changes thereto, plus the identification of the field or fields and reservoir or reservoirs committed under the rate schedule. Schedule 507 will replace the form presently used for the submission of rate increase filings. Schedule 508 will be a footnote schedule.

Thus, if a producer were to make a new filing with the Commission, it would submit Schedules 502, 503, 504, 506, and if there were unnamed sellers or a rate that was collected subject to refund, 505. If the producer is filing only for a rate increase, then Schedule 507 would be applicable and the staff would employ that schedule to insure that Schedule 504 is kept current.

All data and information submitted pursuant to this rulemaking would be required to be certified by a duly authorized executive officer of the respondent

^{*} Questionnaire Schedules and Instructions for Continuing Review of Rate Schedule Analyses, Filed Rates, Volumes and Quality Conditions (Attachment A to Docket No. RM 76-10) filed as part of the original document.

as being factually accurate and complete to the best of his or her knowledge. An original and 4 copies of each completed Form No. 108 would be required to be sent to the Federal Power Commission. The specific data that would be required by the Commission is set forth in Attachment A hereto, along with the definitions and procedures to be followed in completing the proposed form.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, not later than February 2, 1976, data, views, and comments or suggestions in writing concerning the proposed form. Written submittals will be placed in the Commission's public files and be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C., 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, and mailing address of the person to whom correspondence with regard to the proposal should be addressed and whether the person filing submissions requests a conference with the Staff of the Federal Power Commission to discuss the proposed form. The Staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Part 154 of the Commission's Regulations, Rate Schedules and Tariff, Part 260 of the Commission's Regulations, Statements and Reports, and Part 3 of the Commission's Rules, Organization; Operation; Information and Requests; Miscellaneous Charges; Ethical Standards would be made pursuant to the authority granted the Commission by the Natural Gas Act, as amended, particularly sections 8, 10, 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o).

Accordingly, it is proposed to amend § 3.170 of Part 3, Organization; operation; information and requests; miscellaneous charges; ethical standards; Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations by revising § 3.170(a)(17) as follows:

§ 3.170 Approved forms, etc.

(a) * * *

(17) Form No. 198, rate schedule analysis on a continuing current basis.

Further, the Commission proposes to amend Part 154, Rate Schedules and Tariffs in § 154.92—Filings of rate schedules by independent producer, Chapter I, Title 18 of the Code of Federal Regulations by adding a new paragraph (e) requiring all persons that maintain or seek to maintain a rate schedule on file with this Commission to file Form No. 108. Section 154.92(e) would read as follows:

§ 154.92 Filing of rate schedules by independent producer.

(e) Any jurisdictional natural gas company that presently maintains a rate schedule on file with the Commission or makes application to have a rate schedule approved by this Commission or modifies any existing or proposed rate schedule must, in addition to the requirements of this or any other section, complete and submit Form No. 108 pursuant to the direction of § 260.6 of this chapter.

The Commission also proposes to amend Part 260, Statements and Reports in § 260.6—Form No. 301-B, Statement of sales and revenues of independent producers, Chapter I, Title 18 of the Code of Federal Regulations by revising § 260.6 to require that all jurisdictional natural gas companies required to submit a rate schedule with this Commission, as provided for in § 154.92 of the Regulations, must do so pursuant to Form No. 108. Section 260.6, as revised, would read as follows:

§ 260.6 Rate Schedule analysis on a continuing current basis.

(a) The form of Rate Schedule Analysis Report as FPC Form No. 108, is prescribed for natural gas companies commencing -----, 1975.

(b) Each person found by the Commission to be a natural gas company as defined by the Natural Gas Act, as amended, 52 Stat. 821, that is required to submit a rate schedule to the Commission pursuant to § 154.92 of the Regulations, shall prepare and file with the Commission an original and 4 copies of the Rate Schedule Analysis Report, FPC Form No. 108, each and every time a rate schedule is either submitted to the Commission for the first time or a rate schedule presently on file with the Commission is proposed to be amended.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

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FEDERAL RESERVE SYSTEM

[12 CFR Part 210]

FEDERAL RESERVE BANKS

Collection of Checks and Other Items

Under Section 16 of the Federal Reserve Act (12 U.S.C. 248(o)), the Board of Governors of the Federal Reserve System is authorized to promulgate regulations governing the transfer of funds through Federal Reserve Banks, their Branches, and regional facilities. On November 19, 1973, the Board of Governors issued for comment a revision of Regulation J, incorporating two new subparts (see 39 FR 32952). After review and consideration of all comments received, the Board has substantially re-

vised the Subparts and is republishing them for further comment.

The proposed rules, which delineate in regulatory form the rights and responsibilities of financial institutions using existing Federal Reserve facilities for what have become known as "electronic fund transfers," are in the form of an amendment to Regulation J (12 CFR Part 210). Such transfers are already being handled by the Federal Reserve System and consist of (1) large dollar credit items which are transmitted over the Federal Reserve Communications System and are commonly known as "wire transfers," and (2) smaller dollar amount credit and debit items generally in recurring amounts that are contained on magnetic tape and processed through Federal Reserve clearing and settlement facilities, commonly known as "ACH transactions." The rules regarding such transfers of funds through Federal Reserve facilities would be designated as Subpart B, Credit Items, and Subpart C, Debit Items. The present provisions of Regulation J relating to check collection would become Subpart A of the Regulation.

The Regulation does not establish rules regulating commercial/consumer electronic payment systems, such as point-of-sale systems or customer bank communications terminals, nor does it govern liabilities of parties involved in the Department of Treasury's Federal Recurring Payments Program (for a discussion of that program, see 40 FR 47492). The Regulation does not attempt to establish the rules by which consumers will transfer funds. Regulation J only governs the transfers of funds among financial institutions through existing Federal Reserve facilities. Currently, the rights and liabilities of parties using Federal Reserve System facilities are defined by operating circulars, separate contracts, and other agreements, and this proposal would establish a common regulatory framework for all items received by a Reserve Bank.

SUBPART B

As provided in Subpart B, the originator initiates the action to transfer funds from the originator to the recipient. An originator is defined as a financial institution or government agency eligible to deposit items directly with a Federal Reserve Bank in accordance with Federal Reserve System operating circulars. The originator sends a credit item to the Federal Reserve office with which it maintains or causes to maintain an account in the media specified in the regulation. (But under special arrangements, an originator may directly send items to another Federal Reserve Bank.) Also, under special arrangements, an originator may request by telephone its Reserve office to transfer funds. By sending or requesting a credit item, the originator warrants to the recipient that it has the authority to perform this action. The originator also authorizes the Reserve office to debit its account and to act upon the item by forwarding it to the

recipient; the originator indemnifies the Federal Reserve Bank for losses sustained for actions taken by the Reserve Bank within its scope of authority in handling the item.

The recipient, defined as a party authorized by Reserve Bank operating circulars to receive items, authorizes the Reserve Bank to handle the item and agrees that it will credit its customer on the day of payment.

Final payment for items occurs when the credit item is sent by the Reserve Bank, but for credit items deposited on magnetic tape, final payment occurs according to the date and time specified in the time schedules in Federal Reserve Bank operating circulars. The duties and liabilities of a Reserve Bank are outlined in several sections and basically impart a duty of reasonable care to the Reserve Banks.

The new proposal is different in a number of aspects from the earlier proposal, as follows:

Section 210.52—Amended to revise and include additional definitions.

Section 210.54—New paragraph to clarify the provisions for telephonic requests for credit items.

Section 210.55—Amended to require the originator to warrant to the recipient that the originator is authorized to send or request the item.

Section 210.56—Amended to provide different procedures should a member bank not be able to credit a customer for the amount of an item.

Section 210.57—Amended to clarify the amount of the balance which a member bank must hold with its Federal Reserve Bank.

Section 210.60—Amended to provide that an originator may receive one advice for the net transfers for that day.

Section 210.61—Amended to modify revocation provisions and clarify return of funds provisions.

Section 210.62—Amended to include that final payment is final upon sending of an item or in the case of items deposited on magnetic tape in accordance with the date of the item and the operating circular.

SUBPART C

As detailed in Subpart C, the originator initiates the action to transfer funds from the recipient to the originator. Reserve Bank operating circulars will outline which depository institutions will be authorized to be originators and recipients. The originator warrants to the recipient that the originator is authorized to issue the debit item. The originator also indemnifies the Reserve Bank for losses sustained by the receiving Reserve Bank resulting from any action taken by such Reserve Bank within its scope of authority. The recipient is debited on the payment date. The debit may be reversed if the item is returned to its Federal Reserve Bank by close of the recipient's business day next following the payment date. The time of payment is effective in accordance with the time schedule specified in Reserve Bank op-

erating circulars. The Reserve Bank liability is basically one of due care.

The new proposal materially changes certain provisions in the earlier proposal as follows:

Section 210.72—Amended to revise and include additional definitions.

Section 210.73—Amended to require the originator to warrant to the recipient that the originator is authorized to send the debit item.

Section 210.77—Amended to clarify when final payment occurs.

The Reserve Banks will process debit items only if such items are in the form of an ACH transaction.

It should be noted that, as an additional provision in both Subparts, all banks shall maintain adequate safeguards to insure the privacy and confidentiality of all account information.

Operating circulars will be issued by Federal Reserve Banks governing the details of funds transfer operations and will detail which institutions may deliver and receive items directly.

In regard to access to Federal Reserve facilities used in the above operations, on June 10, 1975, the Board published for comment proposed arrangements for the deposit, delivery, and settlement of ACH transactions—i.e., those payments contained on magnetic tape that would be cleared through Federal Reserve clearing and settlement facilities. The Board proposed on June 10 that only financial organizations with demand deposit powers could deposit magnetic tapes with the Federal Reserve. The Board also proposed that payments would be delivered directly to financial organizations currently serviced by Federal Reserve courier services and to high volume endpoints located along existing courier routes (see 40 FR 25641). The proposal did not apply to access to other System facilities, such as the wire transfer facilities.

The Board, by publication of these proposed regulations, is not finally adopting a policy in regard to access and pricing. In the near future the Board intends to publish a pricing schedule based on the fully allocated costs of providing System check and ACH services. In developing the pricing schedule, consideration would be given to the burden of required reserves maintained by member banks. In the interim, pending the development of a final pricing schedule in respect to so-called ACH transactions, the System will basically maintain its current policy with regard to the processing and handling of such transactions and will, in fact, broaden its services concerning delivery. Such interim policies may be modified at the time a pricing schedule is adopted. During the interim period, the Federal Reserve Banks will handle and process ACH transactions for all member banks and any nonmember financial organization that is a member of an automated clearing house association and that is sending ACH data pursuant to association rules.

The Federal Reserve will deliver ACH items under the following guidelines:

(1) Items for beneficiaries maintaining accounts at a financial institution offering demand deposit accounts may be delivered directly to that institution in the same manner that checks are presented.

(2) Items for beneficiaries maintaining accounts at a financial organization not offering demand deposit accounts may be delivered directly to that institution: *Provided*, Such institution receives sufficient volume of such items to warrant separate delivery and is located on an existing check courier route.

(3) Items may be delivered to a data processing service bureau: *Provided*, The service bureau receives sufficient volume of such items to warrant separate delivery and is located on an existing check courier route.

(4) Any financial organization may pick up items at the local Federal Reserve office provided that its volume is sufficient to warrant such actions.

(5) Any financial organization may have items delivered to an endpoint that currently receives checks directly from the Federal Reserve office (i.e. the pass-through method).

(6) Items may be mailed to any financial organization by the Federal Reserve regardless of its location.

SETTLEMENT

Settlement for items cleared under the above arrangement will be made by credit and debit entries to reserve accounts of member banks of the Federal Reserve System.

In providing clearing and settlement services for ACH associations, the Board anticipates that these services will be made reasonably available on a comparable basis to depository institutions having need for such services.

The above provisions apply only for the use of Federal Reserve facilities in clearing and settling payments exchanged on magnetic tape. Use of the Federal Reserve communications system for transmitting large dollar credit items will continue to be limited to Federal Reserve member banks and Government agencies. Other financial institutions may utilize this system through facilities of a member bank.

In view of the many changes occurring in the electronic payments area, Federal Reserve policy will be subject to periodic review. In particular, further review would be undertaken as a result of the study by the National Commission on Electronic Fund Transfers. These proposals, if adopted, will provide uniform standards for electronic transactions handled by the System. In such an environment, considerable cost savings to financial institutions, the U.S. Treasury, and the Federal Reserve may be realized and consumers can be afforded greater convenience and security.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 262.2(a) of the rules of procedure of the Board of Governors. These regulations are issued pursuant to and under the authority of sections 11 (i), 11(j), 13, 16, and 19(f) of the Federal Reserve Act (12 U.S.C. 248(i), 12 U.S.C. 248(j), 12 U.S.C. 342, 12 U.S.C. 248(o), and 12 U.S.C. 464, respectively) and related provisions of the law.

To aid in the consideration of the Regulation J proposal by the Board, in-

terested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than March 19, 1976. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's rules regarding availability of information.

To implement its proposal, the Board is considering amending Regulation J (12 CFR Part 210) as set forth below.

1. The title of Part 210 would be changed to read: "COLLECTION OF CHECKS AND OTHER ITEMS AND TRANSFERS OF FUNDS."

2. The table of contents of Part 210 would be changed to read as follows:

Subpart A—Collection of Checks and Other Items

Sec.	
210.1	Authority and scope.
210.2	Definitions.
210.3	General provisions.
210.4	Sending of items to Federal Reserve Banks.
210.5	Sender's agreement.
210.6	Status and warranties of Federal Reserve Bank.
210.7	Presentment for payment.
210.8	Presentment of noncash items for acceptance.
210.9	Remittance and payment.
210.10	Time schedule and availability of credits with respect to cash items.
210.11	Availability of proceeds of noncash items.
210.12	Return of cash items.
210.13	Chargeback of unpaid cash items and noncash items.
210.14	Timeliness of action.
210.15	Effect of direct presentment of certain warrants.
210.16	Operating letters.

Subpart B—Transfers of Funds—Credit Items

210.50	Authority and scope.
210.51	General provisions.
210.52	Definitions.
210.56	Approved media for issuance, transmission or recording of credit items.
210.54	Request for credit items.
210.55	Originator's agreement.
210.56	Recipient's agreement.
210.57	Issuance of credit items and requests for credit items.
210.58	Handling of credit items and requests for credit items.
210.59	Time schedules.
210.60	Advices of credit and debit.
210.61	Handling of requests for revocation of credit items and requests for return of funds.
210.62	Final payment, right to withdraw or use funds.
210.63	Timeliness of action.
210.64	Liability of a Federal Reserve Bank.
210.65	Operating circulars.

Subpart C—Transfers of Funds—Debit Items

210.70	Authority and scope.
210.71	General provisions.
210.72	Definitions.
210.73	Originator's agreement.
210.74	Recipient's agreement.
210.75	Issuance of debit items.
210.76	Handling of debit items.
210.77	Payment.
210.78	Time schedule.
210.79	Handling of requests for revocation of debit items.

Sec.

210.80	Return.
210.81	Chargeback.
210.82	Timeliness of action.
210.83	Liability of a Federal Reserve Bank.
210.84	Operating circulars.

AUTHORITY: Secs. 11(i), 11(j), 13, 16, and 19(f), Federal Reserve Act (12 U.S.C. 248(i), 12 U.S.C. 248(j), 12 U.S.C. 342, 12 U.S.C. 248(o), and 12 U.S.C. 464).

3. Part 210 would be amended by inserting immediately before § 210.1 a heading reading: "Subpart A—Collection of Checks and Other Items."

4. Paragraph (a) of § 210.2 would be amended, but without change in footnotes, to read as follows:

§ 210.2 Definitions.

(a) The term "item" means any instrument for the payment of money, whether negotiable or not, which is payable in a Federal Reserve district; is sent by a sender or a nonbank depositor to a Federal Reserve Bank for handling under this Part; and is collectible in funds acceptable to the Federal Reserve Bank of the district in which the instrument is payable; except that the term does not include any check which cannot be collected at par nor does it include any item as defined in § 210.51(a).

5. Part 210 would be amended to change the words "this part" wherever they occur in §§ 210.1–210.16 to read "this subpart."

6. Part 210 would be amended by adding after § 210.16 the following:

Subpart B—Transfer of Funds—Credit Items

§ 210.50 Authority and scope.

Pursuant to the provisions of paragraph 1 of section 13 of the Federal Reserve Act, as amended (12 U.S.C. 342), paragraph (f) of section 19 of the Federal Reserve Act, as amended (12 U.S.C. 464), paragraph 14 of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 248(o)), paragraphs (i) and (j) of section 11 of the Federal Reserve Act, as amended (12 U.S.C. 248(i) and (j)), and other provisions of law, the Board of Governors of the Federal Reserve System has promulgated this subpart governing the handling by Federal Reserve Banks of credit items and requests for credit items.

§ 210.51 General provisions.

In order to afford a direct, expeditious, and economical system for the transfer of funds, each Federal Reserve Bank, in accordance with the terms and conditions set forth in this subpart, shall receive, process and act upon credit items and requests for credit items and, where appropriate, shall itself issue credit items. The provisions of this Subpart and the operating circulars of the Federal Reserve Banks shall be binding upon depositors, originators, and recipients.

§ 210.52 Definitions.

As used in this subpart, unless the context otherwise requires:

(a) The term "item" means any instrument for the payment of money issued, transmitted, or received in accordance with this Subpart.

(b) The term "credit item" means either (1) an item issued by an originator (other than a Federal Reserve Bank) to a Federal Reserve Bank for debit to an account of a depositor in such Federal Reserve Bank and for credit, directly or indirectly, to a recipient named in such item, (2) an item issued by a Federal Reserve Bank to another Federal Reserve Bank for credit to such other Federal Reserve Bank or, directly or indirectly, to any other recipient, or (3) an item issued by a Federal Reserve Bank at the request of an originator for credit, directly or indirectly, to a recipient.

(c) The term "instrument for the payment of money" means any writing contained in or on any medium approved by § 210.53 for the issuance, transmission, or recording of credit items, addressed by one person to another and evidencing a right to the payment of money.

(d) The term "depositor" means a member bank, a corporation that maintains an account with a Federal Reserve Bank in conformity with the requirements of § 211.7 of Part 211 of this chapter (Regulation K), a Federal Reserve Bank, an international organization, a foreign correspondent, or other institution maintaining an account with a Federal Reserve Bank.

(e) The term "originator" means a depositor authorized by a Federal Reserve Bank, or any institution authorized by a Federal Reserve Bank in an operating circular issued pursuant to this subpart, to issue and send a credit item to that Federal Reserve Bank or to request that Federal Reserve Bank to issue a credit item and that has agreed that the amount of any such credit item or request shall be debited to the account maintained or used by such depositor or institution on the books of that Federal Reserve Bank.

(f) The term "recipient" means a depositor or any institution authorized by a Federal Reserve Bank in an operating circular issued pursuant to this subpart to receive, directly or indirectly, credit items from that Federal Reserve Bank and that has agreed that the amount of any such credit item shall be credited to the account maintained or used by the recipient on the books of that Federal Reserve Bank.

(g) The term "beneficiary" means a person (other than the recipient) designated in a credit item to receive the amount thereof by credit to an account maintained with the recipient or otherwise from the recipient.

(h) The term "international organization" means an international organization for which the Federal Reserve Banks are empowered to act as depositaries or fiscal agents subject to regulation by the Board of Governors of the Federal Reserve System and for which a Federal Reserve Bank has opened and is maintaining an account.

(i) The term "foreign correspondent" means any of the following for which a Federal Reserve Bank has opened and is maintaining an account: a foreign bank or bankers; a foreign state as defined in section 25(b) of the Federal Reserve Act, as amended (12 U.S.C. 632); or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. 358).

(j) The terms "Federal Government originator" and "Federal Government recipient," respectively, mean any department, agency, instrumentality, independent establishment, or office of the United States that maintains or uses an account with a Federal Reserve Bank. The term "Federal Government depositor" means any department, agency, instrumentality, independent establishment, or office of the United States that maintains an account with a Federal Reserve Bank. Except as may otherwise be provided by any applicable statutes of the United States or regulations issued or arrangements made thereunder, the provisions of this Subpart and of the operating circulars of the Federal Reserve Banks applicable to an originator, a recipient, or a depositor, as the case may be, are applicable, respectively, to a Federal Government originator, a Federal Government recipient, and a Federal Government depositor.

(k) The term "business day" means any day during which an institution is open to the public for carrying on substantially all its business functions.

(l) The term "Federal Reserve Bank" includes any Head Office, Branch Office, or any other office of a Federal Reserve Bank.

§ 210.53 Approved media for issuance, transmission or recording of credit items.

An originator may issue and send a credit item in any one of the following media:

(a) A letter, memorandum, or other similar writing;

(b) A telegram (including TWX, TELEX, and any similar form of communications); and

(c) Any form of communication, other than voice, that is registered upon, or is in form suitable for being registered upon magnetic tape, disc, or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

§ 210.54 Request for credit items.

An originator that is a depositor may, under special arrangement and in accordance with the provisions of the operating circular of the Federal Reserve Bank with which it maintains an account, request its Federal Reserve Bank by telephone to issue a credit item and send a credit item to another Federal Reserve Bank. Such telephone messages may be recorded by such Federal Reserve Bank.

§ 210.55 Originator's agreement.

(a) An originator other than a Federal Reserve Bank by its actions of issuing and sending to the Federal Reserve Bank with which it maintains or uses an account any credit item contained in any of the media specified in § 210.53, or requesting by telephone the issuance of a credit item as provided in § 210.54, shall be deemed (1) to warrant to the recipient designated in the item that such originator is authorized to issue and send or request such credit item and (2) to authorize (i) said Federal Reserve Bank to handle and act upon such credit item or request, and (ii) the Federal Reserve Bank at which the recipient maintains or uses an account to handle and act upon a credit item, in accordance with the provisions of this Subpart and the operating circulars of such Federal Reserve Banks. Such originator shall be deemed to agree that the provisions of this subpart and the Federal Reserve Bank operating circulars shall, insofar as they are made applicable thereto, govern the relationships between such originator and such Federal Reserve Banks and shall also be deemed to agree to maintain reasonable procedures designed to protect the confidentiality of information related to such credit item or request.

(b) The originator shall be deemed to agree to indemnify each Federal Reserve Bank handling a credit item for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from any action taken by the Federal Reserve Bank within the scope of its authority in handling the credit item.

(c) Whenever any action or proceeding is brought in any court against a Federal Reserve Bank, based upon any act done by the Federal Reserve Bank within the scope of its authority in handling such a credit item, the Federal Reserve Bank may, upon the entry of a final judgment or decree in such action or proceeding, recover from the originator the amount of attorneys' fees and other expenses of litigation actually incurred, and, in addition, any amount required to be paid by the Federal Reserve Bank under such judgment or decree, together with interest thereon, by charging the amount thereof to any account maintained or used by the originator on the books of the Federal Reserve Bank (or if the originator is another Federal Reserve Bank, by entering a charge therefor against such other Federal Reserve Bank): *Provided only*, (1) That the Federal Reserve Bank shall have made reasonable demand on the originator in writing to assume the defense of the action or proceeding, and (2) that the originator shall not have made any other provision acceptable to the Federal Reserve Bank for the payment of such amount. A Federal Reserve Bank against which any such charge has been entered may recover the amount thereof by debiting the account maintained or used by such originator, in any case herein provided, even though the action or pro-

ceeding had been brought against another Federal Reserve Bank. The failure of any Federal Reserve Bank to avail itself of the remedy provided by this paragraph shall not prejudice the enforcement by it in any other manner of the indemnity agreement referred to in paragraph (b) of this section.

§ 210.56 Recipient's agreement.

(a) A recipient, other than a Federal Reserve Bank, designated in a credit item to receive the amount thereof, by its action in maintaining or using an account at a Federal Reserve Bank, shall be deemed to authorize that Federal Reserve Bank to credit the amount of such item to such account.

(b) A recipient, other than a Federal Reserve Bank, receiving directly or indirectly from a Federal Reserve Bank the amount of credit item designated for a beneficiary, shall be deemed to agree that it will credit said beneficiary's account or otherwise make the amount of the credit item available to the beneficiary for withdrawal or other use on the business day the credit item is finally paid, or return the amount of such item to the originator in accordance with the provisions of this Subpart and the operating circulars issued hereunder. Such a recipient shall be deemed to agree to maintain reasonable procedures designed to protect the confidentiality of information related to such credit item.

§ 210.57 Issuance of credit items and requests for credit items.

(a) Any originator, other than a Federal Reserve Bank, may, in accordance with the provisions of this Subpart and the operating circulars of the Federal Reserve Bank with which it maintains or uses an account, issue and send credit items to that Federal Reserve Bank or request that Federal Reserve Bank by telephone to issue credit items for the transfer of funds to recipients for their own use or the use of beneficiaries, or where the originator and recipient do not maintain or use accounts at the same office of a Federal Reserve Bank, and where permitted or required by the Federal Reserve Bank with which the originator maintains or uses an account, issue and send any credit item direct to the Federal Reserve office at which the recipient maintains or uses an account: *Provided*, That, at the end of a Federal Reserve Bank's business day, an originator shall maintain or cause to be maintained a balance of actually and finally collected funds sufficient to cover the amounts of credit items debited to such account at the Federal Reserve Bank during that day and, if such balance is not sufficient to cover the amounts debited to such account during that day, that Federal Reserve Bank shall have a security interest in any or all assets of the depositor maintaining such account in the possession or held for the account of the Federal Reserve Bank's business day such depositor sustains any time during that Federal Reserve Bank's business day such depositor sus-

pends payment or is closed and does not have a balance sufficient to cover the amounts so debited to its account, such Federal Reserve Bank shall have a security interest in any or all assets of such depositor in the possession or held for the account of such Federal Reserve Bank. Notwithstanding the foregoing, a Federal Reserve Bank, may, in its discretion, refuse to act upon a credit item at any time when such Federal Reserve Bank has reason to believe that the balance maintained or used by such originator is not sufficient to cover such item.

(b) With respect to any credit item sent direct by an originator (other than a Federal Reserve Bank) maintaining or using an account at one Federal Reserve office to another Federal Reserve office at which the recipient maintains or uses an account, in accordance with paragraph (a) of this section, the relationships and the rights and liabilities existing between the originator, the Federal Reserve office with which it maintains or uses an account and the Federal Reserve office to which the item is sent will be the same, and the provisions of this subpart will apply, as though the originator had sent such item to the Federal Reserve office with which it maintains or uses an account and such Federal Reserve office had issued a credit item to the other Federal Reserve office.

(c) Any Federal Reserve Bank may, in accordance with the provisions of this Subpart, issue and send credit items to another Federal Reserve Bank or request that Federal Reserve Bank by telephone to issue credit items for its own use or the use of any other recipient or any beneficiary.

(d) The Federal Reserve Banks may, from time to time, establish in their operating circulars the minimum or maximum dollar amounts, or both, of items that will be transferred, may impose service charges for the handling of credit items, and may impose specific format requirements for the receipt and handling of credit items.

(e) No Federal Reserve Bank shall be responsible to the originator of any credit item for any delay resulting from the action taken by the Federal Reserve Bank in handling the item on the basis of (1) any routing number of the recipient appearing thereon or (2) any other form of designation of a recipient appearing thereon, whether or not consistent with the routing number.

§ 210.58 Handling of credit items and requests for credit items.

(a) Where the originator and the recipient maintain or use accounts at the same office of a Federal Reserve Bank, such office receiving a credit item shall execute a transfer of funds, or receiving a request for a credit item shall issue a credit item and execute a transfer of funds, by making corresponding debit and credit entries to those accounts.

(b) Where the originator and the recipient do not maintain or use accounts at the same office of a Federal Reserve Bank, the office first receiving the credit

item or request for a credit item shall debit the account maintained or used by the originator in the amount to be transferred in accordance with the terms of the item and shall, as an originator, issue a credit item to the Federal Reserve office at which the recipient maintains or uses an account; and the latter office shall execute a transfer of funds to the recipient by making corresponding debit and credit entries, respectively, to the account of such Federal Reserve Bank and to the account maintained or used by the recipient.

(c) After receiving a credit item or request for a credit item, the Federal Reserve Bank with which the recipient maintains or uses an account shall send or make available to the recipient the credit item in any of the media specified in § 210.53.

(d) With the concurrence of the office of the Federal Reserve Bank with which the recipient maintains or uses an account, another Federal Reserve office at which the originator maintains or uses an account may send a credit item or make it available to such recipient; the provisions of this subpart will apply as though such other Federal Reserve office had issued a credit item to the Federal Reserve office with which the recipient maintains or uses an account and that Federal Reserve office had sent a credit item or made it available to such recipient.

(e) When a Federal Reserve Bank has received a credit item, or request for a credit item, and subsequently obtains knowledge that, for whatever reason, it will be unable to effectuate a transfer of funds to the recipient in accordance with the originator's instructions, said Federal Reserve Bank shall, within a reasonable time thereafter, notify the originator of the delay.

§ 210.59 Time schedules.

(a) Each Federal Reserve Bank shall include in its operating circulars a schedule of the time limits showing, with respect to interdistrict, interoffice, and intraoffice transfer of funds, the hours of each business day during which it will receive and handle credit items and requests for credit items.

(b) Unless otherwise agreed, each Federal Reserve Bank taking proper action on the day of receipt of a credit item or request for a credit item acts seasonably; taking proper action within a reasonably longer time may be seasonable but the Federal Reserve Bank has the burden of so establishing. In order for action to be taken on the day of receipt, such item or request must reach the Federal Reserve Bank not later than the time shown in its schedule of time limits. No representation shall be made by a Federal Reserve Bank to the effect that transfers of funds will be consummated on the day requested.

(c) In emergency or other unusual circumstances, a Federal Reserve Bank may, in its discretion, receive credit items and requests for credit items after the hours shown in its schedule of time limits. The transfer of funds in the case of an

interoffice or interdistrict transfer shall be discretionary with the office at which the recipient maintains or uses an account.

§ 210.60 Advices of credit and debit.

(a) The Federal Reserve Bank with which the recipient maintains or uses an account shall, when the originator or recipient has so requested and when such Federal Reserve Bank deems such action appropriate, give to the recipient advice of credit by telegraph, telephone, or any other means deemed appropriate by such Federal Reserve Bank.

(b) After receiving a credit item or request for a credit item, the Federal Reserve Bank with which the originator maintains or uses an account shall send an advice of debit to the originator or to the depositor whose account is used by the originator in any of the media specified in § 210.53. Such advice may be given for each credit item or, if so provided in its operating circulars, for several credit items. If, within 45 calendar days after the originator or depositor receives an advice of debit, the originator or depositor fails to send to said Federal Reserve Bank written objection to such debit, the originator or depositor shall be deemed to have approved the debit.

§ 210.61 Handling of requests for revocation of credit items and requests for return of funds.

(a) A Federal Reserve Bank, upon receipt from the originator of a request for the revocation of an item, may cancel such item provided that the request for revocation is received at such time and in such manner as to afford that Federal Reserve Bank a reasonable opportunity to act. If the item is not so cancelled, a Federal Reserve Bank may, in its sole discretion, upon request from the originator (1) where the originator and recipient maintain or use accounts at the same Federal Reserve Bank, send a request to the recipient to return the funds previously transferred or (2) where the originator and recipient do not maintain or use accounts at the same Federal Reserve Bank, send a request to the Federal Reserve Bank with which the recipient maintains or uses an account to request the recipient to return funds previously transferred.

(b) In the case of an erroneous or otherwise irregular transfer of funds, a Federal Reserve Bank may, upon its own initiative or at the request of another Federal Reserve Bank, request the recipient to return funds previously transferred.

§ 210.62 Final payment, right to withdraw or use funds.

A credit item is finally paid by a Federal Reserve Bank and funds transferred to the account maintained or used by the recipient become available for withdrawal at the time the Federal Reserve sends the credit item or telephones the advice of credit to the recipient, whichever occurs first: *Provided*, That a Federal Reserve Bank may, with respect to

items in a particular format, provide in its operating circular that a credit item is finally paid, funds become available for withdrawal, and corresponding debits and credits to the accounts will be made on the date specified in the credit item, in accordance with the time specified in the Federal Reserve Bank's operating circular.

§ 210.63 Timeliness of action.

If, because of circumstances beyond its control, a Federal Reserve Bank shall be delayed beyond applicable time limits provided in this subpart or in the operating circulars of the Federal Reserve Banks or by law in taking any action with respect to a credit item or request for a credit item, the time within which such action shall be completed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided the Bank exercises such diligence as the circumstances require.

§ 210.64 Liability of a Federal Reserve Bank.

(a) A Federal Reserve Bank, in connection with matters specified in this subpart or its operating circulars, shall not have, nor shall it assume, any responsibility to a recipient, a beneficiary, or any other person interested in the credit item, except its immediate originator, nor shall a Federal Reserve Bank have or assume any liability except for its own or another Federal Reserve Bank's lack of good faith or failure to exercise ordinary care, and, except as herein provided, a Federal Reserve Bank shall not be liable for the insolvency, neglect, misconduct, mistake, or default of another person, including an originator. No Federal Reserve Bank shall make or be deemed to make any warranty with respect to any credit item handled under this subpart.

(b) Subject to the limitations on liability stated above, where a Federal Reserve Bank's conduct, notwithstanding its exercise of good faith and ordinary care, results in a failure to credit the amount of a credit item to the account maintained or used by a recipient in accordance with the originator's instructions, unless otherwise instructed at the time notice is given pursuant to § 210.58(e), the Federal Reserve Bank shall complete the transfer on the next business day with debits and credits posted to the appropriate accounts as of the day the transfer was to have been consummated.

(c) Subject to the limitations on liability stated above, if the failure to credit the amount of the credit item to the account maintained or used by the recipient resulted from a failure on the part of any Federal Reserve Bank to exercise ordinary care or to act in good faith, the originator shall have the right to recover from the Federal Reserve Bank with which it maintains or uses an account any damages proximately caused by such failure: *Provided*, how-

ever, That whether any consequential damages are proximately caused by the Federal Reserve Bank's failure to exercise ordinary care or lack of good faith is a question of fact to be determined in each case.

(d) The Federal Reserve Bank at which the recipient maintains or uses an account shall be deemed to agree to indemnify the Federal Reserve Bank at which the originator maintains or uses an account for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) as a result of the failure of the recipient's Federal Reserve Bank to exercise ordinary care or to act in good faith with respect to a credit item issued to it by the originator's Federal Reserve Bank at the request of the originator.

§ 210.65 Operating circulars.

Each Federal Reserve Bank shall issue operating circulars (sometimes referred to as operating letters or bulletins), not inconsistent with this Subpart, governing the details of its funds transfer operations and containing such provisions as are required or permitted by this subpart.

Subpart C—Transfers of Funds—Debit Items

§ 210.70 Authority and scope.

Pursuant to the provisions of section 13 of the Federal Reserve Act, as amended (12 U.S.C. 342), paragraph (f) of section 19 of the Federal Reserve Act, as amended (12 U.S.C. 464), section 16 of the Federal Reserve Act, as amended (12 U.S.C. 248(o)), paragraphs (i) and (j) of section 11 of the Federal Reserve Act, as amended (12 U.S.C. 248(i) and (j)), and other provisions of law, the Board of Governors of the Federal Reserve System has promulgated this subpart governing the handling by Federal Reserve Banks of debit items.

§ 210.71 General provisions.

In order to provide for the efficient and economical transfer of bank balances on the books of the Federal Reserve Banks and as a means of improving the nation's payments mechanism, the Board of Governors of the Federal Reserve System has promulgated this subpart. Each Federal Reserve Bank, in accordance with the terms and conditions set forth in this subpart, shall receive, process and act upon debit items and the provisions of this subpart and applicable operating circulars of the Federal Reserve Banks shall be binding upon depositors, originators and recipients.

§ 210.72 Definitions.

As used in this subpart, unless the context otherwise requires:

(a) The term "item" means any instrument for the payment of money issued, transmitted, or received in accordance with this Subpart.

(b) The term "debit item" means any item issued by an originator in accordance with this subpart for payment by the recipient.

(c) The term "instrument for the payment of money" means any writing contained in or on any medium approved by § 210.53 of Subpart B of this part for the issuance, transmission or recording of debit items and that requests or orders the payment of money.

(d) The term "depositor" means a member bank, a corporation that maintains an account with a Federal Reserve Bank in conformity with the requirements of § 211.7 of Part 211 of this chapter (Regulation K), a Federal Reserve Bank, an international organization, a foreign correspondent, or other institution maintaining an account with a Federal Reserve Bank.

(e) The term "originator" means a depositor authorized by a Federal Reserve Bank, or any institution authorized by a Federal Reserve Bank in an operating circular issued pursuant to this subpart, to issue and send a debit item to that Federal Reserve Bank and which has agreed that the amount of any such debit item shall be credited to the account maintained or used by the originator on the books of that Federal Reserve Bank.

(f) The term "recipient" means a depositor authorized by a Federal Reserve Bank, or any institution authorized by a Federal Reserve Bank in an operating circular issued pursuant to this subpart, to receive, directly or indirectly, debit items from that Federal Reserve Bank and that has agreed that the amount of any such debit item shall be debited to the account maintained or used by the recipient on the books of that Federal Reserve Bank.

(g) The term "Federal Reserve Bank" includes any Head Office, Branch Office, or any other office of a Federal Reserve Bank.

(h) The term "business day" means any day during which an institution is open to the public for carrying on substantially all its business functions.

(i) The term "foreign correspondent" means any of the following for which a Federal Reserve Bank has opened and is maintaining an account: a foreign bank or bankers; a foreign state as defined in section 25(b) of the Federal Reserve Act, as amended (12 U.S.C. 632); or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. 358).

(j) The term "international organization" means an international organization for which the Federal Reserve Banks are empowered to act as depositaries or fiscal agents subject to regulation by the Board of Governors of the Federal Reserve System and for which a Federal Reserve Bank has opened and is maintaining an account.

(k) The terms "Federal Government originator" and "Federal Government recipient," respectively, mean any department, agency, instrumentality, independent establishment, or office of the United States that maintains or uses an account with a Federal Reserve Bank. The term "Federal Government depositor" means any department,

agency, instrumentality, independent establishment, or office of the United States that maintains an account with a Federal Reserve Bank. Except as may otherwise be provided by any applicable statutes of the United States or regulations issued or arrangements made thereunder, the provisions of this subpart and of the operating circulars of the Federal Reserve Banks applicable to an originator, a recipient, or a depositor, as the case may be, are applicable, respectively, to a Federal Government originator, a Federal Government recipient, and a Federal Government depositor.

§ 210.73 Originators agreement.

(a) An originator by its action of issuing and sending to the Federal Reserve Bank with which it maintains or uses an account any debit item shall be deemed (1) to warrant to the recipient designated in the item that such originator is authorized to issue or send such debit item and (2) to authorize (i) said Federal Reserve Bank to handle and act upon such debit item, and (ii) the Federal Reserve Bank at which the recipient maintains or uses an account to handle and act upon a debit item, in accordance with the provisions of this Subpart and the operating circulars of such Federal Reserve Bank. Such originator shall be deemed to agree that the provisions of this subpart and the Federal Reserve Bank operating circulars shall, insofar as they are made applicable thereto, govern the relationships between such originator and such Federal Reserve Banks and shall also be deemed to maintain reasonable procedures designed to protect the confidentiality of information related to such debit item.

(b) The originator shall be deemed to agree to indemnify each Federal Reserve Bank handling a debit item for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from any action taken by the Federal Reserve Bank within the scope of its authority in handling the debit item.

(c) Whenever any action or proceeding is brought in any court against a Federal Reserve Bank, based upon any act done by the Federal Reserve Bank within the scope of its authority in handling such a debit item, the Federal Reserve Bank may, upon the entry of a final judgment or decree in such action or proceeding, recover from the originator the amount of attorneys' fees and other expenses of litigation actually incurred, and, in addition, any amount required to be paid by the Federal Reserve Bank under such judgment or decree, together with interest thereon, by charging the amount thereof to any account maintained or used by the originator on the books of the Federal Reserve Bank (or if the originator is another Federal Reserve Bank, by entering a charge therefor against such other Federal Reserve Bank): *Provided only*, (1) That the Federal Reserve Bank shall have made

seasonable demand on the originator in writing to assume the defense of the action or proceeding, and (2) that the originator shall not have made any other provision acceptable to the Federal Reserve Bank for the payment of such amount. A Federal Reserve Bank against which any such charge has been entered may recover the amount thereof by debiting the account maintained or used by the originator, in any case herein provided, even though the action or proceeding had been brought or entered against another Federal Reserve Bank. The failure of any Federal Reserve Bank to avail itself of the remedy provided by this paragraph shall not prejudice the enforcement by it in any other manner of the indemnity agreement referred to in paragraph (b) of this section.

§ 210.74 Recipient's agreement.

A recipient, designated in a debit item, by its action in receiving any item from a Federal Reserve Bank, shall be deemed to agree to maintain reasonable procedures designed to protect the confidentiality of information related to such debit item.

§ 210.75 Issuance of debit items.

(a) An originator may, in accordance with the provisions of this subpart and the applicable operating circulars of the Federal Reserve Bank with which it maintains or uses an account, issue and send debit items to that Federal Reserve Bank, or, where the originator and recipient do not maintain or use accounts at the same office of a Federal Reserve Bank, and where permitted or required by the Federal Reserve Bank with which the originator maintains or uses an account, issue and send any debit item direct to the Federal Reserve office at which the recipient maintains or uses an account.

(b) With respect to any debit item sent direct by an originator (other than a Federal Reserve Bank) maintaining or using an account at one Federal Reserve office to another Federal Reserve office at which the recipient maintains or uses an account, in accordance with paragraph (a) of this section, the relationships and the rights and liabilities existing between the originator, the Federal Reserve office with which it maintains or uses an account and the Federal Reserve office to which the item is sent will be the same, and the provisions of this subpart will apply, as though the originator had sent such item to the Federal Reserve office with which it maintains or uses an account and such Federal Reserve office had transferred the debit item to the other Federal Reserve office.

(c) A debit item may be contained in any of the media approved by § 210.53 of Subpart B of this part that is acceptable to the Federal Reserve Bank handling the debit item and shall be deemed to be the same debit item notwithstanding that the medium in which it is contained may change during its handling or return under this subpart.

(d) The Federal Reserve Banks may, from time to time, establish in their op-

erating circulars the minimum or maximum dollar amounts, or both, of items which will be transferred, may impose service charges for debit items, and may impose specific format requirements for the receipt of debit items.

(e) No Federal Reserve Bank shall be responsible to the originator of any debit item for any delay resulting from the action taken by the Federal Reserve Bank in handling the item on the basis of (1) any routing number of the recipient appearing thereon or (2) any other form of designation of a recipient appearing thereon, whether or not consistent with the routing number.

§ 210.76 Handling of debit items.

(a) Where the originator and recipient maintain or use accounts at the same office of a Federal Reserve Bank, the office receiving the debit item will send it or make it available to the recipient.

(b) Where the originator and recipient do not maintain or use accounts at the same office of a Federal Reserve Bank, the office first receiving the debit item will transfer it to the office at which the recipient maintains or uses an account and that office will send the debit item or make it available to the recipient.

(c) With the concurrence of the office of the Federal Reserve Bank with which the recipient maintains or uses an account, another Federal Reserve office at which the originator maintains or uses an account may send a debit item or make it available to such recipient; the provisions of this subpart will apply as though such other Federal Reserve office had transferred the debit item to the Federal Reserve office with which the recipient maintains or uses an account and that Federal Reserve office had sent the debit item or made it available to such recipient.

(d) When a Federal Reserve Bank has received a debit item, and subsequently obtains knowledge that, for whatever reason, it will be unable to effectuate a transfer of funds to the originator in accordance with the instructions in the item, the Federal Reserve Bank shall, within a reasonable time thereafter, notify the originator of the delay.

§ 210.77 Payment.

A recipient becomes accountable for the amount of each debit item received by it from a Federal Reserve Bank at the close of such recipient's business day on which the debit item was so received¹ if it retains such item after the close of such business day, unless prior to such time, it otherwise pays for the item: *Provided*, That, a Federal Reserve Bank may, with respect to items in a particular format, provide in its operating circulars that a recipient receiving such

¹ A debit item received by a recipient shall be deemed to have been received by it on its next business day if the item is received under one of the following circumstances: (1) On a day other than a business day for it, or (2) on a business day for it, but after a "cut-off hour" established by the Federal Reserve Bank of the district in which the recipient is located.

a debit item from a Federal Reserve Bank becomes accountable for the amount of such debit item if the recipient retains such item after the close of its business on the date specified for payment in the debit item and the Federal Reserve Bank's operating circular, unless prior to such close of business such recipient pays for the item.

§ 210.78 Time schedule.

(a) Each Federal Reserve Bank shall include in its operating circulars a schedule of time limits showing, with respect to interdistrict, interoffice, and intraoffice transfers of funds, the hours on each business day during which it will receive and handle debit items. Such schedule shall also show when the amount of any debit item received by a Federal Reserve Bank may be counted as reserve for the purposes of Part 204 of this chapter (Regulation D) and become available for withdrawal or other use by a depositor. Either immediate or deferred credit will be given in the account maintained or used by the originator according to such time schedule. Notwithstanding the provisions of its time schedule, a Federal Reserve Bank may, in its discretion, refuse at any time to permit the withdrawal or other use of credit given for any debit item for which the Federal Reserve Bank has not yet received payment in actually and finally collected funds.

(b) Unless otherwise agreed, each Federal Reserve Bank taking proper action on the day of receipt of a debit item acts seasonably; taking proper action within a reasonably longer time may be seasonable but the Federal Reserve Bank has the burden of so establishing. In order for action to be taken on the day of receipt, such item must reach the Federal Reserve Bank not later than the time shown in its schedule of time limits. No representation shall be made by a Federal Reserve Bank to the effect that transfers of funds will be consummated on the day designated in the debit item.

(c) In emergency or other unusual circumstances, a Federal Reserve Bank may, in its discretion, receive debit items after the hours shown in its schedule of time limits. In the case of an interoffice or interdistrict transfer, the transfer of funds shall be discretionary with the office at which the recipient maintains or uses an account.

§ 210.79 Handling of requests for revocation of debit items.

(a) A Federal Reserve Bank, upon receipt from the originator of a request for the revocation of an item, may cancel such item provided that the request for revocation is received at such time and in such manner as to afford that Federal Reserve Bank a reasonable opportunity to act. Where the originator and recipient do not maintain or use accounts at the same Federal Reserve Bank and the originator requests revocation, and the item is not so cancelled, a Federal Reserve Bank may, in its sole discretion, send a request for revocation to the Federal Reserve Bank with which

the recipient maintains or uses an account.

(b) In the case of an erroneous or otherwise irregular debit item, a Federal Reserve Bank may, upon its own initiative, request another Federal Reserve Bank to revoke the item.

§ 210.80 Return.

(a) A recipient that receives a debit item from a Federal Reserve Bank and that pays for such debit item as provided in this Subpart shall have the right to recover any payment so made if, before it has finally paid the debit item, it returns the debit item before midnight of the business day next following the business day of receipt. In accordance with the provisions of this subpart and the applicable operating circulars of the Federal Reserve Banks, debit items shall be returned to the Federal Reserve Bank from which they were received in a form acceptable to such Federal Reserve Bank, and in the same medium in which they were received by the recipient unless the recipient obtains the written authority of such Federal Reserve Bank to return debit items in another medium specified in § 210.53 of Subpart B of this part.

(b) Any recipient that receives a credit or obtains a refund for the amount of any payment made by it in respect of a debit item received by it from a Federal Reserve Bank shall be deemed (1) to warrant to such Federal Reserve Bank, to any other Federal Reserve Bank handling the item and to the originator that it took all action necessary to entitle it to recover such payment within the time or times limited therefor by the provisions of this subpart, in the operating circulars of the Federal Reserve Banks, and in any agreement between the recipient and the originator, and (2) to agree to indemnify any such Federal Reserve Bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from its action in giving such credit or making such refund, or in making any charge to, or obtaining any refund from, the originator. No Federal Reserve Bank shall have any responsibility for determining whether the action hereinabove referred to was timely.

§ 210.81 Chargeback.

If a Federal Reserve Bank does not receive payment in actually and finally collected funds for any debit item for which it gave credit, the amount of such item shall be charged back to the account maintained or used by the originator. If such a chargeback is made to the account maintained or used by the originator, such originator shall not have any right of recourse upon, interest in, or right of payment from, any reserve account or other funds or property of the recipient in the possession of a Federal Reserve Bank. No authorization to charge any reserve account or other funds or property in the possession of a Federal Reserve Bank, issued for the purpose of paying for any debit item handled under the terms of this subpart, will be acted upon after receipt by such

Federal Reserve Bank of notice of suspension or closing of the recipient or the member bank the account of which is used by the recipient for the payment of such item.

§ 210.82 Timeliness of action.

If, because of circumstances beyond its control, a Federal Reserve Bank shall be delayed beyond the applicable time limits provided in this subpart, or in the operating circulars of the Federal Reserve Banks or by law in taking any action with respect to a debit item, the time within which such action shall be completed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided that the Federal Reserve Bank exercises such diligence as the circumstances require.

§ 210.83 Liability of a Federal Reserve Bank.

(a) A Federal Reserve Bank, in connection with matters specified in this subpart or its operating circulars, shall not have, nor shall it assume, any responsibility to any person interested in a debit item, except an originator, nor shall a Federal Reserve Bank have or assume any liability except for its own lack of good faith or failure to exercise ordinary care, and, except as herein provided, a Federal Reserve Bank shall not be liable for the insolvency, neglect, misconduct, mistake, or default of another person, including an originator. No Federal Reserve Bank shall make or be deemed to make any warranty under this subpart.

(b) A Federal Reserve Bank will act only as agent of its originator, or of a Federal Reserve Bank transmitting debit items to it, with respect to the handling of debit items under this subpart. A Federal Reserve Bank will not act as the agent or subagent of any other person.

(c) Subject to the limitations on liability stated above, if the failure to credit the amount of the debit item to the account of the originator resulted from a failure on the part of any Federal Reserve Bank to exercise ordinary care or to act in good faith, the originator shall have the right to recover from the Federal Reserve Bank with which it maintains or uses an account any damages proximately caused by such failure: *Provided, however,* That whether any consequential damages are proximately caused by the Federal Reserve Bank's failure to exercise ordinary care or lack of good faith is a question of fact to be determined in each case.

(d) The Federal Reserve Bank at which the recipient maintains or uses an account shall be deemed to agree to indemnify the Federal Reserve Bank at which the originator maintains or uses an account for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) as a result of the failure of the recipient's Federal Reserve Bank to exercise ordinary care or to act in good faith with respect to a debit item issued to it by the originator's Federal Reserve Bank.

§ 210.84 Operating circulars.

Each Federal Reserve Bank shall issue operating circulars (sometimes referred to as operating letters or bulletins), not inconsistent with this subpart, governing the details of its debit item operation and containing such provisions as are required or permitted by this subpart.

By order of the Board of Governors,
January 12, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 76-1811 Filed 1-20-76; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 115]

SURETY BOND GUARANTEE

Proposed Fees and Application Procedures

Notice is hereby given that the Small Business Administration proposes to amend Part 115 of Chapter I, Title 13, of the Code of Federal Regulations. Interested parties are hereby given until February 20, 1976 in which to submit written comments to the Associate Administrator for Finance and Investment, 1441 L Street, N.W., Washington, D.C. 20416.

Information

The proposed amendments are designed to achieve the following purposes:

1. Section 115.5 is to be revised in accordance with currently prescribed application procedures.

2. Due to the higher than normal risk factors encountered and substantial losses sustained by sureties who have issued bonds under the Surety Bond Guarantee program, and in an effort to retain their continuing support, amendments to § 115.7 provides for (a) a minimum bond premium, (b) a premium in excess of "Rating Manual" rates of up to 1½ percent of the contract's first \$250,000 plus not more than 1 percent on any amount above that figure, and (c) that a surety (including agents/brokers) may charge fees for services rendered, apart from the bond premium, provided that such fees have been authorized by the appropriate State Insurance Commission.

3. In view of over four years' experience and continuing SBA interest in fulfilling the intent of the statutes, efforts should be made to (a) reduce losses, (b) encourage "graduation" of contractors from the program and, in particular, (c) insure program continuity within budgeted authority. It is therefore proposed that § 115.8 be amended by reducing the routine approval of surety bond guarantees to \$250,000 in contract amount, and to provide for special conditions under which guarantees on contracts up to \$1,000,000 may be extended. Such conditions would prevail where SBA has previously assisted an applicant under this or other SBA programs or where the application pertains to a publicly-financed contract. In addition, oral or verbal approvals will be prohibited.

Accordingly, it is proposed to amend Part 115, Chapter I, Title 13 of the Code of Federal Regulations as follows:

1. Section 115.5 is revised to read:

§ 115.5 Procedure for surety bond guarantee assistance.

An application for surety bond guarantee assistance shall be made on the appropriate SBA Forms (912, 990, and 994B) and shall include any additional information required in supporting schedules and forms. The application shall be submitted to a representative of a surety company (as defined in § 115.3(e)) in triplicate, with all other supporting material. The representative will forward one copy each to the SBA District Office and Regional Office serving the area in which the applicant is located and one copy to the company.

2. Section 115.7 is amended by adding paragraphs (d), (e), and (f) as follows:

§ 115.7 Processing fee and guarantee fees.

(d) SBA accepts the bond premium rates listed in the contract section of the Surety Association of America's "Rating Manual". The Agency will accept bond guarantee requests from surety companies **charging more than** "Rating Manual" rates, *Provided*, That (1) their premium rate schedule is not more than 1½ percent of the first \$250,000 of the contract's face value, plus not more than 1 percent on any contract amount above the first \$250,000; and (2) that these premium rates have been approved by the appropriate State Insurance Commission.

(e) SBA will accept surety bond guarantee requests on which a minimum bond premium has been charged, regardless of the actual contract amount, of not more than \$50; *Provided*, That the minimum premium amount has been authorized by the appropriate State Insurance Commission.

(f) SBA will not participate in any bond guarantee in which either the surety company or the surety's representatives (including agents/brokers) charge any other fee above and beyond the stated premium for services, processing, etc., except those permitted by the appropriate State Insurance Commission. SBA shall not receive any portion of such non-premium charges.

3. Section 115.8 is amended by adding paragraphs (b), (c), and (d) as follows:

§ 115.8 Approval or decline of applications.

(b) Guarantee requests for bid, payment, or performance bonds will be limited to contracts not exceeding \$250,000 in face value, except for special cases that meet one or more of the following criteria:

(1) The applicant contractor has, prior to the time his application is made, already received an SBA Surety Bond Guarantee;

PROPOSED RULES

(2) The applicant contractor is, at the time of his application, an SBA-approved Section 8(a) contractor;

(3) The applicant contractor is, at the time of his application, in receipt of SBA's financial assistance which remains outstanding; or

(4) The applicant contractor's bond guarantee application pertains to a publicly-financed project, e.g., Federal, State, Local, or Special District public bodies.

(c) Except as stated in Paragraph (1) of this subsection, Regional Directors, Assistant Regional Directors for Finance and Investment, or District Directors and/or Assistant District Directors for Finance and Investment, as appropriate, will take final action on all special applications on contracts up to \$500,000 in face value. Special applications for con-

tracts exceeding \$500,000 up to \$1,000,000 in face value must be forwarded to the SBA Central Office, with the recommendation of approval or decline by the Regional and/or District Director, as appropriate, for final action.

(1) Multiple requests for the guarantees of contract bonds involving one contractor on one project require the approval of the Regional Director and/or the District Director, as appropriate, when the aggregate amount of these contracts exceeds \$250,000 up to \$500,000.

(2) Multiple requests for the guarantee of contract bonds involving one contractor on one project require the approval of the SBA Central Office, when the aggregate amount of these contracts exceeds \$500,000 up to \$1,000,000 in face value. Central Office can take final action only upon receipt of the recommen-

dation from the Regional or District Director as appropriate.

(d) No application for a surety bond guarantee from an authorized surety company representative may be approved orally by any Small Business Administration officer or employee. The Agency's guarantee can be extended only in writing, and the guarantee approval will be signified only by the SBA's authorized counter-signature upon the applicable "Guarantee Agreement . . ." (SBA Form 990).

Dated: January 1, 1976.

LOUIS F. LAUN,
Acting Administrator.

(Catalog of Federal Domestic Assistance Program No. 59.016 Surety Bond Guarantee)

[FR Doc.76-2009 Filed 1-20-76;9:16 am]

notices

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

DEPARTMENT OF STATE

[CM-6/8]

SHIPPING COORDINATING COMMITTEE Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 8:00 a.m. on Wednesday, February 11, 1976, in Room 7200 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to further develop views and U.S. papers on mobile offshore units for the Fifteenth Session of the Subcommittee on Ship Design and Equipment of the Intergovernmental Maritime Consultative Organization (IMCO), which will be held in London in April, 1976. The working group will discuss the following topics concerning mobile offshore units:

- Relevance of the requirements of the 1974 Safety of Life at Sea Convention.
- Electrical requirements.
- Collation of scope, definitions and design and equipment requirements.

Requests for further information on the meeting should be directed to Captain D. J. Linde, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2167.

The Chairman will entertain comments from the public as time permits.

Dated: January 13, 1976.

RICHARD K. BANK,
Chairman,

Shipping Coordinating Committee.

[FR Doc. 76-1779 Filed 1-20-76; 8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and

that the granting of the relief will not be dangerous to the public interest.

Ahern, Kenny E., 814 South Vercler, Spokane, Washington, convicted on August 27, 1973, in the United States District Court, Eastern District, Washington.

Blomquist, Harold A., 1871 Yalecrest Avenue, Salt Lake City, Utah, convicted on November 16, 1972, in the Fourth Judicial District Court of Utah.

Brooks, Dennis H., 653 Jefferson, Ionia, Michigan, convicted on October 19, 1971, in the Ionia County Circuit Court, Ionia, Michigan.

Calisti, Albert A., 232 Tremont Avenue, Greensburg, Pennsylvania, convicted on February 5, 1958, in the Court of Oyer and Terminer, Allegheny County, Pittsburgh, Pennsylvania; and on August 31, 1965, in the Court of Oyer and Terminer, Westmoreland County, Pittsburgh, Pennsylvania.

Campbell, David R., 10809 West 62nd Street, Shawnee, Kansas, convicted on September 29, 1972, in a General Court Martial, United States Army, Fort Bragg, North Carolina.

Carter, Jimmy Leroy, 3949 Cambridge, Garland, Texas, convicted on June 19, 1970, in the Criminal District Court, #4, Dallas County, Texas.

Daniels, Clarence, 3261 Sidney Street, Shreveport, Louisiana, convicted on May 17, 1971, in the United States District Court for the Western District of Louisiana, Shreveport, Division.

Endicott, Kenneth E., 508 Cline Street, Coffeyville, Kansas, convicted on November 23, 1965, in the United States District Court, District of Kansas; and on March 28, 1967, in the Superior Court, New Hanover County, North Carolina.

George, Michael Everett, 1702 Laurel Avenue, St. Paul, Minnesota, convicted on October 7, 1932, in the District Court for the Second Judicial District, Ramsey County, Minnesota; on or about November 22, 1937, and on May 31, 1963, in the United States District Court, Minnesota.

Giles, Davie F., 1005 Maple Street, Amory, Mississippi, convicted on May 3, 1957, in the Circuit Court of Choctaw County, Alabama; and on January 8, 1962, in the United States District Court, Knoxville, Tennessee.

Hansen, Darrell Q., 682 Stevens Avenue, Ely, Nevada, convicted on September 18, 1961, Seventh Judicial District Court, Sanpete County, Utah.

Hogue, John W., 819 Fletcher Street, Loneoke, Arizona, convicted on January 27, 1964, in the Circuit Court of Clark County, Arkansas.

Horne, Alfred, 3671 Logan Avenue, San Diego, California, convicted on September 10, 1946, in the United States District Court, Southern District of California.

Hudson, Jesse, 8758 MacArthur Boulevard, Ypsilanti, Michigan, convicted on or about November 21, 1966, in the United States District Court, Cincinnati, Ohio.

Isaacs, Nolan L., Route 4, Box 125, Wichita Falls, Texas, convicted on January 15, 1969, in the 78th District Court of Wichita County, Texas.

Kleen, Arthur Wendell, 1104 South Adams, Nevada, Missouri, convicted on December 6, 1971, in the District Court of Grundy County, Grundy Center, Iowa.

Longabaugh, John Harley, 3190 Alberta Lane, Tucker, Georgia, convicted on or about October 8, 1964, in the Fulton Superior Court, Atlanta, Georgia.

Losey, Charles R., 2720 Brooklyn, S.E., Grand Rapids, Michigan, convicted on January 20, 1933, Kent County Court, Grand Rapids, Michigan.

Loux, William H., 8 Cady Street, Johnstown, New York, convicted on October 10, 1968, in the Fulton County Court, Johnstown, New York.

Morgan, James R., Route 1, Box 44, Andalusia, Alabama, convicted on March 19, 1971, in the Circuit Court of Conecuh County, Alabama.

Norton, Vern Nye, 3530 4th Street North, Minneapolis, Minnesota, convicted on October 10, 1962, in the District Court for the Fourth Judicial District, Hennepin County, Minneapolis, Minnesota.

Palochko, John C., 5510 South Elati, Littleton, Colorado, convicted on April 29, 1969, in the Somerset County Court, Somerville, New Jersey.

Patten, Daniel C., Route 1, Box 831, Red Bluff, California, convicted on January 8, 1973, in the Superior Court of California, County of Shasta.

Patten, Ronald L., 5629 W. Casino Road, Everett, Washington, convicted on June 20, 1969, in the United States District Court, Western District, Washington.

Penick, Larry Douglas, 631 Grand Avenue, Covington, Kentucky, convicted on February 15, 1966, in the Kenton County Circuit Court, Covington, Kentucky.

Piper, William C., 220 South Morton Street, Morgantown, Indiana, convicted on or about December 2, 1935, in the United States District Court, Middle District of Tennessee.

Reedy, Fred W., RD #3, Box 383, Apollo, Pennsylvania, convicted on September 28, 1972, in the Allegheny County Court, Pittsburgh, Pennsylvania.

Ripplinger, Richard Paul, 1642 W. Shields, Fresno, California, convicted on April 11, 1972, and on November 22, 1972, in the Superior Court, Fresno County, Fresno, California.

Roark, I. Benny, 702 Overstreet Drive, For-dyce, Arizona, convicted on May 22, 1973, in the United States District Court, Eastern District of Arkansas, Pine Bluffs Division.

Rosterman, Raymond L., 2921 Verndale, Anoka, Minnesota, convicted on January 11, 1971, in the Washington County Court, Blair, Nebraska.

Sams, Melvin W., Route 1, Box 49, Hubbard, Oregon, convicted on June 20, 1947, in the Circuit Court, Linn County, Oregon; December 2, 1949, in the Superior Court, Grays Harbor County, Washington; and on January 25, 1954, in the Circuit Court, Marion County, Oregon.

Sanders, Neil K., 21 Arrow, Page, Arizona, convicted on March 13, 1972, in the Cococino County Superior Court, Flagstaff, Arizona.

Santini, Michael A., 1901 18th Street, Bellingham, Washington, convicted on November 23, 1970, in the Superior Court, Yakima County, Washington.

Shabazz, Karriem Abdul, 111 Cadillac Square, Detroit, Michigan, convicted on May 28, 1962, on July 27, 1962, and on July 16, 1964, in the United States Court, Detroit, Michigan; and on June 20, 1968, in the Recorder's Court, City of Detroit, Michigan.

Shultz, Myron B., 17109 McCormick, Los Angeles, California, convicted on September 7, 1971, in the Superior Court, Van Nuys, California.

Smith, Michael Lawrence, 6020 Huges Road, Lansing, Michigan, convicted on or about September 23, 1971, in the Circuit Court, Eaton County, Michigan.

Starr, Elliot, 2912 Oakcove Lane, Jacksonville, Florida, convicted on October 16, 1964, in the United States District Court for the Middle District of Florida.

Thompson, Jerry, 304 East Buckner Street, Carthage, Texas, convicted on February 6, 1957, in the District Court, Panola County, Texas.

Turner, Jessie J., 3532 Watt Avenue, Sacramento, California, convicted on January 10, 1968, in the Superior Court, Sacramento, California.

Wachowiak, Wayne T., 1087 Holly Court, Neenah, Wisconsin, convicted on August 24, 1971, in the Court of County Branch 2, Outagamie County, Wisconsin.

Wilson, Rueben Leo, 443 South Court Street, Montgomery, Alabama, convicted on June 19, 1964, in the United States District Court, Middle District, Alabama.

Signed at Washington, D.C., this 9th day of January 1976.

REX D. DAVIS,

Director, Bureau of

Alcohol, Tobacco and Firearms.

[FR Doc.76-1783 Filed 1-20-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR UNIVERSITY BOARD OF VISITORS

Meeting

JANUARY 14, 1976.

The Air University Board of Visitors will hold a closed meeting on March 16, 1976 at 2:00 p.m. in the Air University Conference Room, Austin Hall (Building 800), Maxwell Air Force Base, Alabama.

The purpose of the meeting is to give the board an opportunity to present to the Commander, Air University, a report of findings and recommendations concerning Air University educational programs. The meeting will be closed to the public to protect the free exchange of internal views on matters which fall within the purview of Title 5, U.S.C. 552 (b) (2).

For further information on this meeting, contact Dorothy D. Reed, Coordinator, Air University Board of Visitors (PL 92-463, Sec. 10(3)), Office of the Deputy Chief of Staff, Education, Headquarters Air University (EDV), telephone (205) 293-5159 or (205) 293-7423.

JAMES L. ELMER,

Major, USAF, Executive,

Directorate of Administration.

[FR Doc.76-1768 Filed 1-20-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-22]

NORMAN BRIDGE DRUG CO., INC.

Revocation of Existing Registration and Denial of Application for New Registration

On November 4, 1975, the Drug Enforcement Administration issued to Norman Bridge Drug Co., Inc., an order to show cause why the company's registration AN0482769 should not be revoked. On the same day DEA issued a second order to show cause why the company's application dated September 25, 1974 for a new registration should not be denied.

These orders resulted in a hearing before Administrative Law Judge Francis L. Young on July 15, 16, and 17, 1975 at Montgomery, Alabama. The transcript of the lengthy hearing, the exhibits introduced, and the proposed findings of fact and conclusions of law submitted by both parties have been considered. In addition, the Acting Administrator has had the benefit of the recommended findings and recommended decision of the administrative law judge. The Acting Administrator's final order, therefore, is based on a total record which clearly meets the purposes and requirements of the Administrative Procedure Act.

The issue presented by that record is whether the Acting Administrator should exercise the discretion granted by Title 21, United States Code, Section 824(a)(2) by revoking the registration issued to Norman Bridge Drug Co., Inc., under the Controlled Substances Act.

In reaching a decision the Acting Administrator finds the following facts to be established by substantial evidence:

1. Roy D. Vann, Jr. is the president of Norman Bridge Drug Co., Inc. On January 29, 1974 he became the sole stockholder in the company. He controls and directs the day to day operations of the company.

2. On or about April 25, 1974, in the Middle District of Alabama, a federal grand jury indicted Vann on five felony counts in violation of Title 21, United States Code, Section 841 (a) (1).

3. On May 3, 1974, Vann entered a plea of guilty to Count V of the indictment which charged that on October 24, 1973, Vann unlawfully distributed a drug listed in Schedule III of the Controlled Substances Act. Also on October 24, 1973, Vann sold, without prescription, a substance then not controlled under federal law but controlled under the law of the State of Alabama and still another substance, without prescription, controlled under the Controlled Substances Act.

4. Vann was convicted on his plea of guilty and sentenced to 18 months imprisonment, 12 months of which was suspended. He was placed on probation for a period of three years and fined \$5,000. Vann served four and one-half months of his sentence.

5. On approximately six occasions between June and October of 1973, Vann sold, without prescription, various

quantities of from 10 to 12 controlled substances to an officer of the Alabama Department of Public Safety who was acting in an undercover capacity.

6. Between April 10 and April 19, 1974, a regulatory investigation was conducted at Norman Bridge Drug Co., Inc. by Drug Enforcement Administration compliance investigators. This investigation revealed many instances of incomplete records and failure to keep records required by law to be kept. An audit was made of the controlled substances on hand at the time of the investigation and the company's records of transactions involving these substances. Large and excessive overages and shortages of controlled substances were shown to exist.

Discussion. Title 21, United States Code, Section 824(a)(2) provides in pertinent part that a registration to dispense controlled substances may be suspended or revoked upon a finding that the registrant has been convicted of a felony relating to a controlled substance. Further, this agency has consistently held that where a registration can be revoked under Section 824, it can, *a fortiori*, be denied under Section 823, since the law would not require the useless act of granting a registration on one day only to withdraw it on the next. *In the Matter of Serling Drug Co.*, 40 Fed. Reg. 11918 (1975).

It has also been the consistent position of the Drug Enforcement Administration that an act violative of laws relating to controlled substances committed by an owner, proprietor, partner, or corporate officer of a pharmacy justifies the denial for registration or the revocation or suspension of a certificate of registration of the pharmacy. *In the Matter of Leonard S. Cohen and Senate Drug Store*, 38 Fed. Reg. 9522 (1973), *In the Matter of Four Corners Pharmacy Inc.*, 38 Fed. Reg. 30890 (1973).

Therefore, the conduct of Roy D. Vann, Jr. must be imputed to the nominal registrant, Norman Bridge Drug Co., Inc., and the final order in this case can reach the suspension or revocation of the existing registration as well as the denial of the application for a new registration.

In the recommended decision submitted to the Acting Administrator it is noted that Norman Bridge Drug Co., Inc. has improved its record keeping methods since the audit made in April, 1974; that the objective of the decision to be made by the Acting Administrator should be to prevent diversion in the future and not to punish "for past misdeeds"; that, since Vann is presently on federal probation, any future transgressions by him would likely result in "swift and certain punishment."

A review of the transcript does indicate improvements in record keeping at Norman Bridge Drug Co., Inc. Undoubtedly this is a factor to be considered in the exercise of the discretion afforded the Acting Administrator and in reaching a decision the Acting Administrator has considered it.

The question of the objective of the decision to be made has never been in doubt in this agency.

The purpose of the regulatory sanctions in Section 304 is not to add to an errant registrant's miseries. Indeed, the section is not punitive but rather remedial in nature. Penalties are found in other Sections of the Act, such as 841, 842 and 843. Congress recognized the grave problem of drug abuse when it enacted the Comprehensive Drug Abuse Prevention and Control Act of 1970 and, in Section 304, provided a means of dealing with the serious problem of diversion and illicit trafficking in controlled substances. The determination of which sanctions in Section 304 will best serve the public interest is left to the discretion of the Attorney General. See *Sokoloff v. Sarbe*, 501 F.2d 571, 576 (2nd Cir. 1974). In *Matter of Samuel D. Novich* 40 F.R. 22851, 22852 (May 27, 1975).

To this settled principal the Acting Administrator would add his own statement of position—the fact that a particular action results in harsh consequence does not define that action as punitive.

The Acting Administrator rejects any notion that Vann's probationary status is a fact favoring the petitioner. The reverse clearly is true. If the federal district court judge who sentenced Vann considered him worthy of trust he would not have placed him on probation for the extended period of three years. A substantial element of doubt by the judge as to Vann's future conduct is implicit in the probationary section of Vann's sentence.

While great weight has been given the recommendation of the administrative law judge, the Acting Administrator is unable to accept it totally. The responsibility of the Drug Enforcement Administration is to the public health and safety and there is too much in the story of Roy D. Vann, Jr. to insure that immediate registration of the pharmacy he controls to continue to dispense controlled substances is consistent with that responsibility. A man who has trafficked in controlled substances may possibly have reformed but if he has not it is the people who suffer. In the balancing of interests, the weight on the side of the people is overwhelming.

The Acting Administrator requires more and better evidence before certifying, in effect, that Roy D. Vann, Jr. is as qualified to dispense controlled substances as another pharmacist who has never trafficked in dangerous drugs. The record in this matter justifies an absolute revocation and denial without limitation of time. However, in deference to the recommendation of the administrative law judge, the Acting Administrator has decided upon a method which will permit Vann to demonstrate that he is in fact rehabilitated and can be trusted to protect the public health and safety.

Therefore, under the authority vested in the Attorney General by the Comprehensive Drug Abuse Prevention and Control Act of 1970, and redelegated to the Acting Administrator by Title 28, Code of Federal Regulations, it is ordered that:

1. Registration AN0482769 issued to Norman Bridge Drug Co., Inc. is revoked.

2. The application of Norman Bridge Drug Co., Inc. for a new registration is denied.

3. At the expiration of six months from the date of publication of this order in the Federal Register should Norman Bridge Drug Co., Inc. make application for a new registration, the matter will be reviewed and, after seeking the views of Roy D. Vann, Jr., probation officer, consideration will be given by the Drug Enforcement Administration to that application.

4. This order shall be effective on the thirty-first day following its publication in the Federal Register and during this period, Norman Bridge Drug Co., Inc., shall be permitted to dispose of all controlled substances in its possession in a lawful and regular manner.

Dated: January 15, 1976.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.
[FR Doc.76-2005 Filed 1-20-76;8:45 am]

Law Enforcement Assistance
Administration
**ALARM COMMITTEE OF PRIVATE
SECURITY ADVISORY COUNCIL**
Meeting

Notice is hereby given that the Alarms Committee of LEAA's Private Security Advisory Council will meet February 5-6, 1976, in Louisville, Kentucky. The meeting is scheduled to convene at 10:00 a.m. Thursday, February 5, in the President's Conference Room, Burhan's Hall, Shelby Campus, at the University of Louisville. The meeting will adjourn by 12:00 Noon Friday, February 6.

This will be the Committee's first meeting since being reconstituted in 1975. The Committee will review the Private Security Advisory Council's Goals and Objectives for 1976 in the area of Alarms, and will formulate its own plans for the coming year. The meeting will be open to the public.

For further information, please contact: Mr. John Marshall, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531. (202) 376-3830.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.
[FR Doc.76-1945 Filed 1-20-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-08069]

IDAHO

Termination of Proposed Withdrawal and
Reservation of Lands

JANUARY 14, 1976.

Notice of an application, serial number I-08069, for withdrawal and reservation of lands was published as FEDERAL

REGISTER Document No. 58-2611 on page 2359 of the issue for April 10, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 10:00 a.m. on January 28, 1976, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 5 N., R. 37 E.,
Sec. 5, That portion of lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and
E $\frac{1}{2}$ SE $\frac{1}{4}$ lying west of the Union Pacific
Railroad right-of-way, lots 2, 3 and 4,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, lots 1 and 2.
T. 6 N., R. 37 E.,
Sec. 31, lots 1, 2, 3 and 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 32, That portion of the W $\frac{1}{2}$ and W $\frac{1}{2}$
SE $\frac{1}{4}$ lying west of the Union Pacific
Railroad right-of-way.
T. 6 N., R. 36 E.,
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate approximately 1,353.40 acres.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.
[FR Doc.76-1775 Filed 1-20-76;8:45 am]

[Serial No. I-09356]

IDAHO

Termination of Proposed Withdrawal and
Reservation of Lands

JANUARY 14, 1976.

Notice of an application, serial number I-09356, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 58-6469 on page 6214 of the issue for August 13, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 10:00 a.m. on January 28, 1976 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 4 E.,
Sec. 4, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 3 N., R. 4 E.,
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described aggregates 370.05 acres.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.
[FR Doc.76-1776 Filed 1-20-76;8:45 am]

**ROCK SPRINGS DISTRICT MULTIPLE USE
ADVISORY BOARD**

Meeting

JANUARY 13, 1976.

Notice is hereby given that the Rock Springs District Multiple Use Advisory Board will meet at 9:00 a.m., February

25, 1976, at the Bureau of Land Management District Office, Rock Springs, Wyoming.

The agenda will include organization of the Board; a general review of current and proposed District programs; discussion of activity plans, and consideration of the Preparation Plan for the Sandy Grazing Environmental Impact Statement.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration during the afternoon of the meeting day. Such statements should be limited to matters set forth in the agenda. Any interested person wishing to make an oral statement must inform the District Manager, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901, in writing by February 16, 1976. Time limits for oral presentations may be established by the Chairman to ensure that all may be heard within the time available for such statements. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901.

Further information concerning the meeting may be obtained from Mr. Ronald Herdt, Public Affairs Officer, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901. His telephone is (307) 362-6613.

NEIL F. MORCK,
District Manager.

[FR Doc.76-1773 Filed 1-20-76;8:45 am]

SHOSHONE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Shoshone District Multiple Use Advisory Board will be held on February 12, 1976, at 9:00 a.m. at the District Office, 400 West F Street, Shoshone, Idaho. The meeting will be devoted primarily to consideration of problems and programs associated with multiple use management of range resources on the National Resource Lands in the Shoshone District.

The morning session will cover election of officers and presentations and discussions on the Bennett Hills-Timmerman Hills MFP-EIS progress report, and the EAR on the Agricultural Development Program in Idaho. During the afternoon the board will discuss and make recommendations on the disposition of the Sun Valley-Ketchum Stock Driveway, allocate the advisory board range improvement funds and discuss the summer tour.

The meeting will be open to the public. It is expected that fifteen persons will be able to attend the session in addition to the committee members. Interested persons may make oral presentations to the board or file written statements. Such requests should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from Charles J. Haszler, District Manager, Bureau of Land Management, 400 West F Street, Shoshone, Idaho 83352. Phone (208) 886-2208. Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Shoshone District, Bureau of Land Management, 400 West F Street, Shoshone, Idaho.

Dated: January 14, 1976.

CHARLES J. HASZLER,
District Manager.

[FR Doc.76-1774 Filed 1-20-76;8:45 am]

Bureau of Reclamation

[INT FES 76-2]

PROPOSED WESTERN GASIFICATION COMPANY (WESCO) COAL GASIFICATION PROJECT AND EXPANSION OF NAVAJO MINE BY UTAH INTERNATIONAL INC.

Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed WESCO Coal Gasification Project and Expansion of the Navajo Mine by UII in San Juan County, New Mexico. The proposed project would ultimately produce 1 billion cubic feet of substitute natural gas each day.

Copies are available for inspection at the following locations:

Office of Communications, Room 2220, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-6347.

Office of the Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4391.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84111, Telephone (801) 524-5592.

Project Construction Engineer, P.O. Box 28, 1006 Municipal Drive, Farmington, New Mexico 87401, Telephone (505) 325-1794.

Single copies of the draft statements may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: January 14, 1976.

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

[FR Doc.76-1777 Filed 1-20-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ADVISORY COMMITTEE ON POULTRY HEALTH

Meeting

The first meeting of the Advisory Committee on Poultry Health will be held at

9:00 a.m. on March 25 and 26, 1976, in Room 218A, Administration Building, United States Department of Agriculture, Washington, D.C.

The functions of the committee include: advising the Secretary of Agriculture on outbreaks of avian diseases; studying and recommending extension of new and existing research; assisting in planning and disseminating information; recommending plans for eradication and control of avian diseases; and assisting in attaining the necessary cooperation from all segments of the poultry industry.

The purpose of this meeting is organizational, and to define poultry health problems facing the poultry industry and the effect they have on the public as consumers.

The meeting is open to the public. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, United States Department of Agriculture, Room 316E, Washington, D.C. 20250, telephone number (202) 447-3668.

Dated: January 16, 1976.

F. J. MULHERN,
Vice Chairman.

[FR Doc.76-1819 Filed 1-20-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

MATERNAL AND CHILD HEALTH RESEARCH GRANTS REVIEW COMMITTEE Meeting

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

Name: Maternal and Child Health Research Grants Review Committee.

Date and Time: February 25-27, 1976, 9:00 a.m.

Place: Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Open February 25, 9:00 a.m.-11:00 a.m.
Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda: The Committee will be performing review of grant applications for Federal assistance. This meeting will be open to the public from 9:00 to 11:00 a.m. on February 25 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552 (b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other

relevant information should contact Gloria Wackernah, Room 12A-08, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443-2190.

Agenda items are subject to change as priorities dictate.

Date: January 14, 1976.

WILLIAM H. ASPDEN, Jr.,
Acting Associate Administrator
for Management.

[FR Doc.76-1705 Filed 1-20-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 129—Future Civil Aviation Frequency Spectrum Requirements, which is being utilized as an Advisory Committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I. It will be held February 12-13, 1976, in Conference Room 8210, Federal Communications Commission, 205 M Street, NW., Washington, D.C. 20554, commencing at 9:30 AM. Agenda items include:

1. Review and approval of Minutes of Seventh Meeting held January 8-9, 1976.
2. Reports on FCC Steering Committee meeting and of Informal Groups.
3. Review of ITU Radio Regulations pertaining to the Aeronautical Services.
4. Review of footnotes to the Table of Frequency Allocations.

Meetings of Special Committee 129 are open to the public, subject to limitations of space available. Subject to time being available, any member of the public may present oral statements at the meeting, or may submit written statements to the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006. Additional information may be obtained from the RTCA Secretariat, (202) 296-0484.

Issued in Washington on January 14, 1976.

EDGAR A. POST,
Designated Officer.

[FR Doc.76-1710 Filed 1-20-76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

AMENDED NOTICE OF MEETING AGENDA Addition

On January 19, 1976, the Advisory Council on Historic Preservation published notice of its regular meeting to be held in Washington, D.C., at the New Executive Office Building, Room 2008, on February 4-5, 1976 (see 41 Fed. Reg. 2667). Since publication of that notice, it has been determined that two matters will be added to the Council's agenda. Convened in special session, the Council, in accordance with Section 106 of the

National Historic Preservation Act (80 Stat. 915, 16 U.S.C. § 470), Executive Order 11593, "Protection and Enhancement of the Cultural Environment" (16 U.S.C. § 470, 36 Fed. Reg. 8921) and the Council's "Procedures for the Protection of Historic and Cultural Resources" (36 C.F.R. Part 800), will consider the following matters:

I. The effect on historic properties of proposed conveyances of land in Alaska by the Secretary of the Interior pursuant to Section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. § 1601).

II. The effect of the proposed Streets for People Project (Washington, D.C. Downtown Urban Renewal Project), funded by the Department of Housing and Urban Development, upon the Old Patent Office and the Tariff Commission Building, properties included in the National Register of Historic Places.

The Council will consider these matters during the afternoon session on February 4th. Written statements on these two matters should be submitted to the Council by January 30, 1976. Persons wishing to make oral remarks to the Council should submit statements of position by the above date.

Agenda and additional information concerning the meeting and the submission of oral and written statements to the Council are available from the Executive Director, Advisory Council on Historic Preservation, Suite 1030, 1522 K Street, NW., Washington, D.C. 20005 (202) 254-3974.

Date: January 19, 1976.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.76-1994 Filed 1-20-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS NUCLEAR REGULATORY COMMISSION

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2239 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on February 5-7, 1976, in Room 1046, 1717 H Street, NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

THURSDAY, FEBRUARY 5, 1976

8:30 a.m.-9:45 a.m.: *Executive Session (Closed)*. The Committee will meet in closed session to discuss opinions of individual members and exchange recommendations related to the nomination of candidates for appointment to the Committee, ACRS policy regarding participation in technical meetings, and the Subcommittee evaluation of the Donald C. Cook Nuclear Plant.

9:45 a.m.-12:30 m. and 1:30 p.m.-3:00 p.m.: *Donald C. Cook Nuclear Plant (Open)*. The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the

applicant related to the request for a power level increase for this Plant.

Portions of this session will be closed if required to discuss Proprietary Information related to the design, construction and/or operation of this Plant. Closed sessions will also be held if necessary to discuss plant security and for Committee deliberative sessions.

3:00 p.m.-3:45 p.m.: *Executive Session (Closed)*. The Committee will meet in closed session to discuss the opinions of individual members and exchange recommendations regarding matters to be discussed during the following open meeting to consider the NRC Technical Report on Investigation and Evaluation of Cracking in Austenitic Stainless Steel Piping of Boiling Water Reactors (NUREG-75/067).

3:45 p.m.-7:00 p.m.: *Meeting with NRC Staff (Open)*. The Committee will hear presentations and hold discussions regarding:

- Recent reactor operating experience and licensing action
- Schedule for future ACRS meetings
- Special reports on:
 - Main steam line isolation valve leakage control system and seismic design of main steam lines
 - Evaluation of positive moderator coefficient during ATWS transients
 - Technical Report on Cracking of Austenitic Stainless Steel Piping in Boiling Water Reactor Plants

FRIDAY, FEBRUARY 6, 1976

8:30 a.m.-9:30 a.m.: *Executive Session (Closed)*. The Committee will meet in closed session to discuss the opinions of individual members and consultants who may be present and exchange recommendations regarding matters to be discussed during the following open meeting to consider the request for Preliminary Design Approval of the Stone & Webster Engineering Corp. Standard Safety Analysis Report.

9:30 a.m.-1:00 p.m.: *Stone & Webster Engineering Corporation Standard Safety Analysis Report (SWESSAR) (Open)*. The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the Stone & Webster Engineering Corporation related to the request for Preliminary Design Approval of the SWESSAR for Westinghouse Electric Corporation Nuclear Steam Supply Systems. Portions of this session will be closed if required to discuss Proprietary Information related to the design, construction or operation of this type facility. Closed portions will also be held if necessary to discuss security provisions for this type plant and for Committee deliberative sessions.

2:00 p.m.-2:30 p.m.: *Executive Session (Closed)*. The Committee will meet in closed session to discuss the ACRS Subcommittee evaluation of the request for a Construction Permit for the Pebble Springs Nuclear Plant. Members of the Committee and consultants who may be present will discuss opinions and recommendations regarding matters to be considered during the following open meeting to discuss this application.

2:30 p.m.-7:30 p.m.: *Pebble Springs Nuclear Plant (Open)*. The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the applicant related to the request for a Construction Permit for this Plant. Portions of this session will be closed if required to discuss Proprietary Information related to the design, construction and/or operation of this Plant. Closed portions will also be held if required to discuss security arrangements for this Plant and for Committee deliberative sessions.

SATURDAY, FEBRUARY 7, 1976

8:30 a.m.-4:30 p.m.: *Executive Session (Closed)*. The Committee will meet in closed session to exchange and discuss the opinions and recommendations of individual members regarding preparation of ACRS reports providing advice to NRC on the Donald C. Cook Nuclear Plant, SWESSAR, and the Pebble Springs Nuclear Plant. The Committee members will also discuss proposed ACRS advice and comments to NRC on management of radioactive wastes, the hypothetical core disruptive accident for LMFBR plants, activities of the ACRS regarding generic matters, proposed Regulatory Guides and cracking of austenitic stainless steel piping in boiling water reactors. The qualifications of candidates for appointment to the Committee will also be discussed.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552(b)(4)), to protect the free exchange of opinion during the Committee's deliberative process (5 U.S.C. 552(b)(5)), and to preclude unwarranted invasion of privacy (5 U.S.C. 552(b)(6)). These closed sessions will consist primarily of deliberative discussion among the Committee members leading to the formulation of advice and recommendations to the Nuclear Regulatory Commission. Separation of factual information from the individual advice, opinion or recommendations of ACRS members and consultants during this discussion is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible

copy thereof in time for consideration at this meeting. Comments postmarked no later than January 28, 1976, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, DC 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555 and at the following Public Document Rooms:

D.C. COOK UNITS 1 AND 2

Maude Preston Palenske Memorial Library,
500 Market Street,
St. Joseph, Michigan 49085.

PEBBLE SPRINGS, UNITS 1 AND 2

City Hall,
P.O. Box 356,
Arlington, Oregon 97812

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on request for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on February 4, 1976, to the Office of the Executive Director of the Committee (Telephone: 202-634-1371) between 8:15 a.m. and 5:00 p.m., Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on February 4, 1976.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information other than plant security information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement

at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room 1717 H Street, NW, Washington, DC. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, DC, on or after May 8, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: January 19, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 76-1972 Filed 1-20-76; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Subcommittee and Full Committee Meetings

In order to provide advance information regarding proposed ACRS Subcommittee and full Committee meetings, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed Subcommittee and full Committee meetings published in FR Vol. 40, No. 241, page 58185, December 15, 1975, and (date correction) in FR Vol. 41, No. 7, page 1820, January 12, 1976. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the February 5-7, 1976 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-1406, Attn: Mary E.

Vanderholt) between 8:15 a.m. and 5:00 p.m., e.s.t.

SUBCOMMITTEE MEETINGS

**Stone and Webster Standard Safety Analysis Report (SWESSAR)*, January 22, 1976, Washington, D.C., to review the application of the Stone and Webster Engineering Corporation for a preliminary design approval of its Standard Safety Analysis Report. Notice has been published in FR Vol. 41, page 1338, January 7, 1976.

**Inspection and Enforcement Activities*, January 23, 1976, Chattanooga, TN, to continue the discussion of third-party inspection and roles of inspection and examination organizations in relation to nuclear safety. Notice has been published in FR Vol. 41, page 1549, January 8, 1976.

**Davis-Besse Nuclear Power Station, Unit 1*, January 29-30, 1976, Toledo, OH. Postponed to March 11-12, 1976, Toledo, OH.

**Pebble Springs Nuclear Power Plant, Units 1 and 2*, January 30, 1976, Portland, OR, to review the application of the Portland General Electric Company for a permit to construct Units 1 and 2. Notice has been published in FR Vol. 41, page 2127, January 14, 1976.

**North Anna Power Station, Units 1 and 2*, February 3, 1976, Washington, D.C. Postponed to March 2, 1976, Washington, D.C.

**D. C. Cook Nuclear Plant, Unit 1*, February 4, 1976, Washington, D.C. to review the application of the Indiana-Michigan Electric Company for a permit to increase the power level of Unit 1. Notice has been sent to the Federal Register.

**Regulatory Guides*, February 4, 1976, Washington, D.C. Postponed to March 2, 1976, Washington, D.C.

**Plutonium Shipping Packages Working Group*, February 12, 1976, Washington, D.C. to review draft working papers on qualification test criteria to ensure that the packages used for shipping plutonium and other comparably hazardous material will survive airplane crashes.

**Sequoyah Nuclear Power Plant, Units 1 and 2*, February 12-13, 1976, Chattanooga, TN. Postponed to mid-1976, Chattanooga, TN.

**Clinch River Breeder Reactor Plant*, February 18, 1976, Hanford, WA and February 19, 1976, Los Angeles, CA to discuss the research and development programs at the Hanford Engineering and Development Laboratory and at Atomics International, particularly those aspects of interest relative to the Clinch River Breeder Reactor Plant.

**Diablo Canyon Nuclear Power Station, Units 1 and 2*, February 20, 1976, San Luis Obispo, CA to continue the review of the application of the Pacific Gas and Electric Company for an operating license.

**Inspection and Enforcement Activities*, February 20, 1976, Washington D.C. to continue the discussion of third-party inspection and the roles of inspection and

examination organizations in relation to nuclear safety.

**Cherokee Nuclear Station, Units 1, 2 and 3*, February 20, 1976, Charlotte, NC. Postponed until mid-1976, Charlotte, NC.

**Perkins Nuclear Station, Units 1, 2, and 3*, February 21, 1976, Charlotte, NC. Postponed until mid-1976, Charlotte, NC.

**Emergency Core Cooling Systems (ECCS)*, February 21, 1976, Washington, D.C. to discuss rewetting phenomena.

**Washington Public Power Supply Systems, Projects 3 and 5*, February 24, 1976, Richland, WA to continue the review of the application of the Washington Public Power Supply Systems to construct Projects 3 and 5.

**Plutonium Shipping Packages Working Group*, February 26, 1976, Washington, D.C. to review draft working papers on qualification test criteria to ensure that the packages used for shipping plutonium and other comparably hazardous material will survive airplane crashes.

**Hartsville Nuclear Power Plant, Units 1, 2, 3, and 4*, February 27, 1976, Nashville, TN to review the application of the Tennessee Valley Authority for a permit to construct Units 1, 2, 3, and 4.

**North Anna Power Station, Units 1 and 2*, March 2, 1976, Washington, D.C. to review the application of the Virginia Electric and Power Company for an operating license.

**Regulatory Guides*, March 2, 1976, Washington, D.C. to review working papers regarding future Regulatory Guides and proposed changes to existing Guides.

**Meeting with the German Reactor Safety Commission, Federal Republic of Germany (RSK-FRG)*, March 3, 1976, Washington, D.C. to discuss proposed safety policy and regulation regarding reactor siting.

**Davis-Besse Nuclear Power Station, Unit 1*, March 11-12, 1976, Toledo, OH, to review the application of the Toledo Edison Company for an operating license.

**Douglas Point Nuclear Station, Units 1 and 2*, March 12, 1976, Washington, D.C. (tentative), to review the application of the Potomac Electric Power Company for a construction permit.

**Seismic Activity*, March 23-24, 1976, Los Angeles, CA, or March 30-31, 1976, Washington, D.C. to discuss the seismicity of the Eastern United States.

**General Electric Water Reactors*, March 25, 1976, Washington, D.C. to discuss the General Electric Standard Safety Analysis Report (GESSAR-238) pertaining to the nuclear steam supply system interfaces.

FULL COMMITTEE MEETINGS

FEBRUARY 5-7, 1976

A. **Stone and Webster Engineering Corporation Standard Safety Analysis Report—Review of Standardized Design*.

B. **D. C. Cook Nuclear Plant, Unit 1—Power Level Increase*.

C. **Pebble Springs Nuclear Power Plant, Units 1 and 2—Construction Permit*.

MARCH 4-8, 1976

Agenda to be published later.

Dated: January 15, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.76-1749 Filed 1-20-76;8:45 am]

[Docket Nos. 50-461, 50-462]

ILLINOIS POWER CO. (CLINTON POWER STATION, UNITS 1 AND 2)

Order Regarding Oral Argument

JANUARY 14, 1976.

Oral argument on the Joint Intervenor's appeal from the September 30, 1975 partial initial decision of the Licensing Board in this construction permit proceeding will be heard at 9:30 a.m. on Thursday, February 26, 1976 in the Nuclear Regulatory Commission's Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

The Joint Intervenor are allotted a total of 90 minutes for the presentation of their argument, a portion of which may be reserved for rebuttal. The applicant and the NRC staff are collectively allotted a total of 90 minutes for the presentation of their arguments, which period shall be divided equally between them unless they agree in advance to some other division.

Each party shall advise the Secretary to this Board, by letter mailed no later than February 19, 1976, of the name(s) of counsel who will present argument on its behalf.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

[FR Doc.76-1746 Filed 1-20-76;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Connecticut Light and Power Company (the licensees) for operation of the Millstone Nuclear Power Station Unit 1, located in waterford, Connecticut.

The amendment would provide Technical Specifications to govern operation of the modified off-gas treatment system installed at Millstone Unit 1.

Prior to issuance of the proposed license amendment, the Commission will

have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By February 20, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject Provisional Operating License. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 24, 1975 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The license amendment and the Safety Evaluation, when

issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated in Bethesda, Maryland, this 12th day of January 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of
Reactor Licensing.

[FR Doc.76-1498 Filed 1-20-76; 8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees), for operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut.

The amendment would revise the Technical Specifications to allow reactor operation above the currently restricting values of core flow and power level when operating below full power in accordance with the licensees application for license amendment, dated December 8, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By February 20, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject Provisional Operating License. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Di-

rector, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for license amendment dated December 8, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated in Bethesda, Maryland, this 12th day of January 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch #3, Division of Reactor
Licensing.

[FR Doc.76-1499 Filed 1-20-76; 8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the

staff in its review of applications for permits and licenses.

Regulatory Guide 3.39, "Standard Format and Content of License Applications for Plutonium Processing and Fuel Fabrication Plants," supplies guidance in the preparation of license applications for plutonium processing and fuel fabrication plants. This guide identifies the type of information needed for NRC staff review of applications and provides an acceptable format for its presentation.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.39 will, however, be particularly useful in evaluating the need for an early revision if received by March 19, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Station.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Because of the size of Regulatory Guide 3.39, copies will not be available from the U.S. Nuclear Regulatory Commission. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161. (Document No. NUREG-0010, paper copy: \$5.50; microfiche: \$2.25) Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 12th day of January 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of
Standards Development.

[FR Doc.76-1750 Filed 1-20-76;8:45 am]

STANDARD REVIEW PLAN

Issuance and Availability

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation has published a Standard Review Plan for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 subsections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power facilities as well as the quality and uniformity of information supplied by applicants as the basis for the staff's review.

The document describes in detail the various safety-related technical areas reviewed by the NRC staff, the basis for review, the procedures for accomplishing the review, and the conclusions which are sought in each area. The format of the Standard Review Plan is consistent with Revision 2 of the NRC's Regulatory Guide

1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants—Light-Water Reactor Edition."

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is \$60.00 and the foreign price is \$75.00, including first-year supplements. The domestic price for individual sections is \$3.50 and the foreign price is \$5.00. A copy of the Standard Review Plan is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 13th day of January 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of
Nuclear Reactor Regulation.

[FR Doc.76-1747 Filed 1-20-76;8:45 am]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 12 and 16 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowish County, Wisconsin.

The amendment modifies the reporting requirements of the Technical Specifications for the Point Beach Nuclear Plant, Units 1 and 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d) (4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for

amendment dated February 7, 1975 and July 15, 1975, (2) Amendments Nos. 12 and 16 to Licenses Nos. DPR-24 and DPR-27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Document Department, University of Wisconsin—Stevens Point Library, Stevens Point, Wisconsin 54481.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 9th day of January 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch
No. 3, Division of Reactor Licensing.
[FR Doc.76-1748 Filed 1-20-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 27595; 27596]

FINNAIR OY AND KAR AIR OY

Notice of Reassignment of Proceeding

This proceeding is hereby reassigned from Administrative Law Judge Burton S. Kolko to Administrative Law Judge Richard M. Hartsock. Future communications should be addressed to Judge Hartsock.

Dated at Washington, D.C., January 15, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.
[FR Doc.76-1798 Filed 1-20-76;8:45 am]

[Dockets 28617, 22859; Order 76-1-63]

FLYING TIGER LINE INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of January, 1976.

By tariff revisions¹ marked to become effective January 17 and 23, 1976, The Flying Tiger Line Inc. (Flying Tiger) proposes to establish specific commodity bulk rates on drugs, pharmaceuticals and medicines² at the 2,000-, 3,000- and 5,000-pound weight breaks from New York/Newark to Los Angeles, Portland, and San Francisco. The proposed rates are limited in application to shipments tendered for transportation of flights scheduled to depart from the origin between the hours of 6:00 a.m. and 10:00 p.m. and are subject to an expiry date of June 30, 1976. These rates are based es-

¹Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 109.

²The commodity description in the tariff reads as follows: (a) Drugs, pharmaceuticals, medicines, (b) Printed advertising material and/or advertising display sets pertaining to articles listed in (a) above and only when in mixed shipments with articles named in (a) above.

sententially on Tiger's current type FT-C and United Air Lines, Inc. (United) LD-3 daylight specific commodity container rates on the same commodities in the same markets plus a premium of \$1.00 per cwt. which, according to Tiger, is to reflect "value of service" for a bulk rate meeting the container level.

A complaint requesting rejection, or, in the alternative, suspension and investigation of the proposal, has been submitted by United. The complaint alleges, *inter alia*, that the proposed rates are too low for the service rendered and, while proposed revenue generation under bulk rates will be greater than current container rates, contribution to capacity costs will be reduced; that, unless United matches the proposal, it would suffer a possible \$200,000 annual diversion in these markets; and that, in support of its request for rejection, United asserts that the proponent has failed to provide the required justification, including a profit-impact test indicating traffic generation as compared with dilution.²

In support of its proposal Flying Tiger asserts, *inter alia*, that the rates are being filed for a current shipper who has moved about 1,000,000 pounds of traffic in type FT-C containers annually and now desires to have the option of shipping in bulk depending upon his need to satisfy various customers' shipment-handling capabilities; that the flow, and sometimes imbalance, of FT-C container shipments have created a logistics problem for the carrier that the proposal will help to alleviate as well as to respond to the shipper's request; that annual revenue generation, if all current traffic moved at the proposed rates, would be about \$135,000 as compared to \$125,000 when such traffic moves in containers; and that net contribution to capacity cost is estimated to be \$45,000 when calculated in accordance with the cost formula shown in the Initial Decision in the *Domestic Air Freight Rate Investigation (DAFRI)*.

The proposed rates come within the scope of DAFRI, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending final decision in that investigation.

The Board has reviewed these proposed rates in the light of recent industry-average costs (including return on investment) of carrying air freight.³

²United also complained that the proposed rates were not subject to daylight departure restrictions as the current container rates, and that the proposed rates to Chicago were not even alleged by Tiger to cover the applicable noncapacity costs. The pages containing these provisions complained of by United were rejected and the filing was subsequently revised to meet United's objections with the New York-Chicago rate being withdrawn.

³For the present purposes, the costs utilized are based on those presented in the Bureau of Economics' brief to the Board which are essentially consistent in methodology with the Initial Decision in DAFRI. Further, those calendar-year 1974 costs have been subject to interim adjustment to reflect the levels prevailing during the nine-month period ended September 30, 1975.

Based upon these criteria, the Board finds that the proposed rates at the 3,000- and 5,000-pound weight breaks to Los Angeles, Portland, and San Francisco should be suspended.⁴ Although Flying Tiger submits cost justification grounded on the noncapacity cost figures used by the Administrative Law Judge in the Initial Decision in DAFRI, these figures reflect costs prevailing in 1972, and must be updated to remain meaningful.

The remaining 2,000-pound rates cover industry-average noncapacity costs and contribute significantly to the remaining capacity costs attributable to such shipments. The Board has traditionally granted the carriers considerable flexibility with respect to specific commodity rates affording a fairly broad area of discretion in revising such rates within the range of fully allocated and incremental costs.⁵ Although the noted United order indicated "some contribution" to capacity costs should be made, the rates to be suspended applicable to San Francisco barely achieve this goal and the Board believes that the contributions as such are not meaningful and, therefore, should not be permitted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. Pending hearing and decision by the Board, the rates subject to minimum weights of 3,000 and 5,000 pounds, on SCR 2830000 from New York/Newark to Los Angeles, Portland, Ore., and San Francisco/Oakland on 28th Revised Page 624-B; and to San Francisco/Oakland on 46th and 47th Revised Pages 629 of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, are suspended and their use deferred to and including April 21, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of United Air Lines, Inc., in Docket 28617 is hereby dismissed; and

3. Copies of this order will be filed with the tariff and served upon The Flying Tiger Line Inc. and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-1801 Filed 1-20-76;8:45 am]

⁴The Board has considered the request for rejection but does not consider such action to be warranted.

⁵See the Board's decision in United Air Lines, Inc., *Specific Commodity Rates on Periodicals, Floral Products, and Seafood*, Docket 22157, Order 72-11-78, November 20, 1972.

[DOCKET 28738]

EUGENE HORBACH AND GAC CORPORATION/MODERN AIR TRANSPORT PURCHASE AGREEMENT

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 11, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Richard V. Backley.

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

Dated at Washington, D.C., January 16, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-1800 Filed 1-20-76;8:45 am]

[DOCKET 27631]

QANTAS AIRWAYS LIMITED, ENFORCEMENT PROCEEDING FOREMOST INTERNATIONAL TOURS, INC., COMPLAINANT

Notice of Assignment of Administrative Law Judge

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis for hearing in April 1976. The place of hearing will be determined by him on the basis of the various pleadings addressed to the undersigned with respect to this matter and upon consideration of such additional information concerning the witnesses to be called as he may deem desirable.

All future communications regarding this case shall be addressed to Judge Argerakis.

Dated at Washington, D.C., January 15, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-1799 Filed 1-20-76;8:45 am]

[DOCKET 28666]

UNITER AIR LINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 5, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before January 22, 1976, and the other parties on or before January 29, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 15, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc. 76-1797 Filed 1-20-76; 8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION PRIVACY ACT OF 1974

Proposed Amendment of Systems of Records; Additional Routine Uses

The Energy Research and Development Administration's Privacy Act Systems Notices, published in 40 FR 49889 et seq., provide generally for additional routine uses as set forth in Appendix AA thereto, applicable to all systems of records. Appendix AA is published at 40 FR 49930.

ERDA proposes to supplement the "Appendix AA Additional Routine Uses" by addition of the following:

9. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

This proposed amendment is issued in implementation of the Office of Management and Budget Supplementary Guidance of November 21, 1975, 40 FR 56741, December 4, 1975. It is contemplated that under such provision, disclosures may be made as provided under subsection (b) (3) of the Act without the written consent of the individual to whom the record pertains where the individual requests assistance of a congressional office which would entail disclosure of information from a system of records pertaining to that individual.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment to the routine uses applicable to ERDA systems of records should send them on or before sixty (60) days from date of publication to the Privacy Act Administration Officer, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

(42 U.S.C. 5815; 42 U.S.C. 2201; and 5 U.S.C. 552a)

Dated: January 14, 1976.

RAYMOND G. ROMATOWSKI,
Assistant Administrator
for Administration.

[FR Doc. 76-1751 Filed 1-20-76; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 481-3; OPP-30106]

PESTICIDE PROGRAMS

Receipt of Application To Register Pesticide Product Containing a New Active Ingredient

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products. Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications is made in accordance with the provisions of section 3(c) (4) of FIFRA [40 CFR 162.(b) (6)] and does not indicate a decision by the Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications 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 DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received within 30 days from the publication of this notice and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. The labels furnished by each applicant as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: January 15, 1976.

JOHN B. RITCH,
Director, Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 271-GN. Commercial Solvents Corp., 1331 S. 1st St., Box 420, Terre Haute IN 47808. CSC BIOSAN CS-1135. Active Ingredients: 4,4-Dimethyl-1-oxa-3-azacyclopentane 76%; 3,4,4-Trimethyl-1-oxa-3-azacyclopentane 2%. The application proposes that the product be classified for general use in manufacturing processes. PM34

EPA File Symbol 34812-R. Imperial Chemical Indus. Ltd., England, U.S. Representative ICI United States Ltd., Conford Pike & New Murphy Rd., Wilmington DE 15897. HIBITANE. Active Ingredients: 1-1'-hexamethylene-bis[5-(p-chlorophenyl)biguanide] gluconate 18.9%. The application proposes that the product be classified for general use in the formulation of disinfectants. PM33

EPA File Symbol 10000-G. Lehn & Fink Industrial Products Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. GROTON HD2. Active Ingredients: 2-Chloro-(N-hydroxymethyl)acetamide 39.00%; Sodium tetraborate 41.00%; Potassium iodide 0.39%. The application proposes that the product be classified for general use as a bactericide in cutting fluids. PM33

EPA File Symbol 1007-IR. Pfizer Inc., 235 E. 42nd St., New York NY 10017. MYCO-SHIELD. Active Ingredients: Sodium isosorbate 98%. The application proposes that the product be classified for general use in the correction of citrus tree decline. PM25

EPA File Symbol 201-GTI. Shell Chemical Co., 1025 Conn. Ave. NW, Washington DC 20036. ACCEL PLANT GROWTH REGULATOR. Active Ingredients: N-(phenylmethyl)-9-(tetrahydro-2H-pyran-2-yl)-9H-Purin-6-amine 1.3%. The application proposes that the product be classified for general use as a plant growth regulator. PM25

[FR Doc. 76-1868 Filed 1-20-76; 8:45 am]

[FRL 481-1]

SCIENCE ADVISORY BOARD

Postponement of Meeting

The meeting of the Hazardous Materials Advisory Committee of the Science Advisory Board, previously scheduled at 9:00 a.m., January 29 and 30, 1976, in Room 1112, Building 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Virginia, and announced in the December 31 FEDERAL REGISTER, p. 60110, has been postponed. The meeting has been rescheduled for Thursday and Friday, February 12 and 13, 1976, at 9:00 a.m., in Room 3307, Waterside Mall, 401 M Street, S.W., Washington, D.C. Individuals without an EPA Building Pass must enter through the West Tower.

The agenda includes a report on the activities of the Science Advisory Board; discussion on the *ad hoc* panel activities associated with the evaluations of the documents, *Review of the Environmental Effects of Asbestos* and the *Technical Bulletin on Acceptable Methods for the Utilization and Disposal of (Municipal) Sludges*; presentations and discussion on possible environmental hazards associ-

ated with the increasing use of nitrogen fertilizers; report on the National Conference on Polychlorinated Biphenyls (PCB's); discussion of a prioritization scheme for scheduling review of certain chemicals under Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); status of EPA's review of the nitrosamine issue; discussion of research on vinyl chloride; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information should contact Dr. J. Frances Allen, Executive Secretary, Hazardous Materials Advisory Committee, (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

JANUARY 15, 1976.

[FR Doc.76-1866 Filed 1-20-76; 8:45 am]

[FRL 481-2]

SCIENCE ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held on February 4,

Petitions for rulemaking filed

[Interested persons may file statements opposing or supporting any petition for rulemaking listed herein on or before Feb. 20, 1976]

File No.	Rule No.	Petitioner	Date received	Nature of petition
RM-2630...	Sec. 73.202(b)....	William L. Wright, Skiatook, Okla. Filed by William L. Wright, petitioner.	Oct. 8, 1975, supplemented Dec. 22, 1975.	Request amendment FM Table of Assignments to assign channel 291 to Oologah, Okla.
RM-2631.....	do.....	Elizabethtown Broadcasting Co., station WIEL, Elizabethtown, Ky. Filed by Leonard S. Joyee and John A. Borsari, attorneys.	Dec. 5, 1975.....	Request amendment FM Table of Assignments to assign channel 221A to Elizabethtown, Ky.
RM-2632.....	do.....	John W. Davidson, radio station WLOP, Jesup, Ga. Filed by Alfred C. Cordon, Jr., attorney.	Dec. 10, 1975.....	Request amendment FM Table of Assignments to assign channel 237A to Macon, Ga.
RM-2633.....	do.....	Darrel K. Burns, doing business as radio station KGIW-FM, Alamosa, Colo. Filed by Darrel K. Burns, petitioner.	Dec. 15, 1975.....	Request amendment FM Table of Assignments to assign channel 277 to Alamosa, Colo.
RM-2634.....	do.....	James Short, Louisville, Ky. Filed by James Short, petitioner, and A. L. Stein, attorney.	Dec. 16, 1975.....	Request amendment FM Table of Assignments to assign channel 202A to Flemingsburg, Ky.
RM-2635...	Pt. 81.....	RCA Global Communications, Inc., New York, N.Y. Filed by Eileen R. Lerman, attorney.	Dec. 29, 1975.....	Request amendment of pt. 81 of the Commission's rules and regulations to eliminate certain requirements in sec. 81.214(a) (4) regarding entries in the 500 kHz log.
RM-2636...	Pt. 97, sec. 97.7...	George B. Smith, W5ZFQ, Seguin, Tex. Filed by George B. Smith, petitioner.	Dec. 1, 1975.....	Request amendment of Commission's rules and regulations to allow technician-class licensees novice-class privileges in addition to those now permitted.
RM-2637...	Pt. 97, sec. 97.65.	Rufus Taylor, WIQCO, Lincoln, R.I. Filed by Rufus Taylor, petitioner.	Jan. 9, 1976.....	Request amendment of Commission's rules and regulations to delete sec. 97.65 and permit SSTV between 14,000-14,050 MHz.
RM-2638...	Sec. 95.37.....	Citizens Radio Federation of Virginia, Inc., Manassas, Va. Filed by Charles Thomas, president.	Nov. 20, 1975.....	Request amendment of sec. 95.37 of the citizens radio service rules to provide a uniform height limitation of 60 ft for all antennas associated with citizens radio stations.
RM-2639.....		Keith Olson, W7FS, Belfair, Wash. Filed by Keith Olson, petitioner.	Nov. 26, 1975.....	Request amendment of Commission's rules and regulations to eliminate mode A3A on amateur frequencies below 30 MHz.

1976. The meeting will begin at 9:00 a.m. in Room 1101, Waterside Mall West Tower, 401 M Street, SW, Washington, DC.

This is a regularly scheduled meeting of the Committee. The agenda includes reports on the activities of other committees of the Science Advisory Board, consideration of the feasibility of forecasting environmental "crises", discussion of the utilization of science in environmental protection, and Agency responses to recent activities of the Committee.

The meeting is open to the public. Any member of the public wishing to attend, participate, present a paper, or obtain additional information should contact Dr. Thomas D. Bath, Executive Secretary, Science Advisory Board Executive Committee (202) 755-0263, no later than February 2, 1976.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

JANUARY 13, 1976.

[FR Doc.76-1867 Filed 1-20-76; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 960]

JANUARY 14, 1976.

Petitions for rulemaking granted

[Petitions for reconsideration must be filed on or before Feb. 20, 1976]

File No.	Rule No.	Petitioner	Date received	Nature of petition
RM-2596	Pt. 1	Haley, Bader & Potts, Washington, D.C.	Sept. 11, 1975	Request amendment of pt. 1 of the Commission's rules and regulations with respect to procedures for reconsideration of rulemaking actions.

NOTE.—Granted in part by memorandum opinion and order adopted Dec. 22, 1975; released Dec. 31, 1975.

Petitions for rulemaking denied

[Petitions for reconsideration must be filed on or before Feb. 20, 1976]

File No.	Rule No.	Petitioner	Date received	Nature of petition
RM-2592	Sec. 1.351	Joseph F. Hennessey, Washington, D.C.	Aug. 28, 1975	Request amendment of sec. 1.351 of the Commission's rules to provide that the Federal rules of evidence are applicable in Commission adjudicatory hearing proceedings.

NOTE.—Denied by order adopted Dec. 16, 1975; released Dec. 24, 1975.

Petitions for reconsideration of actions in rulemaking proceedings filed

[Oppositions to petitions for reconsideration must be filed on or before Feb. 5, 1976, and replies thereto on or before Feb. 17, 1976]

Docket or RM No.	Rule No.	Filed by	Date received
20481	Sec. 73.202(b)	B. Jay Baraff & James A. Koerner, attorneys for KBND, Inc. (application for review).	Dec. 12, 1975

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.
[FR Doc.76-1643 Filed 1-20-76;8:45 am]

Adopted: January 8, 1976.
Released: January 12, 1976.
FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

TV AND FM TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on March 3, 1976, the TV and FM translator applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b) (1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on March 2, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on March 2, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580(l) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FM TRANSLATOR APPLICATIONS

BPFT-257	New, Glenwood Springs, Colo. XYZ Television, Inc. Req: Channel 272, 102.3 MHz, 10 watts. Primary: KREX(FM), Grand Junction Colorado.
BPFT-277	New, Cartecay, Ga. Robert P. Schwab tr/as Fannin County Broadcasting Co. Req: Channel 272, 102.3 MHz, 1.0 watt. Primary: WPPL(FM), Blue Ridge, Ga.
BPFT-278	New, Mountaintown, Ga. Robert P. Schwab tr/as Fannin County Broadcasting Co. Req: Channel 285, 104.9 MHz, 1.0 watt. Primary: WPPL(FM), Blue Ridge, Ga.
BPFT-279	New, Blairsville, Ga. Robert P. Schwab tr/as Fannin County Broadcasting Co. Req: Channel 285, 104.9 MHz, 1.0 watt. Primary: WPPL(FM), Blairsville, Ga.

BPFT-281	New, Mammoth Hot Springs, Wyo. Mammoth Community TV & FM. Req: Channel 285, 104.9 MHz, 10 watts. Primary: KURL(FM), Billings, Mont.
BPFT-282	New, San Bernardino, Calif. Marvin G. and Barbara A. Meyer. Req: Channel 232, 94.3 MHz, 1.0 watt. Primary: KECR(FM), El Cajon, Calif.
BPFT-283	New, Butte, Mont. KUFM(FM) Radio-TV Department. Req: Channel 213, 90.5 MHz, 10 watts. Primary: KUFM(FM), Missoula, Mont.
BPFT-284	New, Grants Pass, Ore. State of Oregon By and Through State Board of Higher Education. Req: Channel 217, 91.3 MHz, 5 watts. Primary: KSOR(FM), Ashland, Ore.
BPFT-285	New, La Barge, Wyo. Tulsa TV Association. Req: Channel 296, 107.1 MHz, 1 watt. Primary: KSL-FM, Salt Lake City, Utah.
BPFT-286	New, Downtown Minot, N. Dak. Big K, Inc. Req: Channel 261, 100.1 MHz, 10 watts. Primary: KCJB-FM, Minot, N. Dak.
BPFT-287	New, Ironton, Ohio. Christian Broadcasting Assoc., Inc. Req: Channel 237, 95.3 MHz, 1 watt. Primary: WEMM(FM), Huntington, W. Va.
BPFT-288	K244AA, Upper Bear River Valley, Wyo. Kilburn I. Porter tr/as Upper Bear River TV Service. Req: To add Evanston, Wyo., to the principal community.
UHF TV TRANSLATOR APPLICATIONS	
BPFT-2097	New, Long Valley Junction, Utah. University of Utah. Req: Channel 69, 20 watts. Primary: KUED(TV), Salt Lake City, Utah.
BPFT-2936	New, Bird Point, Interfacing with Birdwood, Alaska. Alaska Public Television, Inc. Req: Channel 67, 10 watts. Primary: KAKM(TV), Anchorage, Alaska.
BPFT-2937	New, Babbitt, Nev. Mineral Television District No. 1. Req: Channel 55, 100 watts. Primary: KCRL-TV, Reno, Nev.
BPFT-2938	New, Alamogordo, Tularosa and Holloman Air Force Base, N. Mex. Regents of New Mexico State University. Req: Channel 67, 100 watts. Primary: KRWG(TV), Las Cruces, N. Mex.

NOTICES

- BPTT-2939** New, Weeksville, Lynch Creek and Burgess Lake, Mont. Plains-Paradise TV District. Req: Channel 68, 100 watts. Primary: KGVO-TV, Missoula, Mont.
- BPTT-2940** New, Utica, N.Y. The Public Broadcasting Council of Central New York, Inc. Req: Channel 33, 1000 watts. Primary: WCYN(TV), Syracuse, N.Y.
- BPTT-2941** New, Unadilla Center, N.Y. Board of Cooperatives Educational Services of Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 42, 1000 watts. Primary: WSKG(TV), Binghamton, N.Y.
- BPTT-2942** K64AA, Rural Duchesne County and Spring Glen, Utah. KUTV, Inc. Req: To delete Rural Duchesne County, Utah.
- BPTT-2943** New, Blair, Nebr. Nebraska Educational Television Commission. Req: Channel 68, 10 watts. Primary: KUON(TV), Nebr.
- BPTT-2944** New, Decatur, Nebr. Nebraska Educational Television Commission. Req: Channel 66, 10 watts. Primary: KXNE(TV), Norfolk, Nebr.
- BPTT-2945** New, Yachats and Waldport, Ore. State of Oregon Acting By and Through the State Board of Higher Education. Req: Channel 66, 100 watts. Primary: KOAC(TV), Corvallis, Ore.
- BPTT-2946** New, Pacific City and Cloverdale, Ore. State of Oregon Acting By and Through the State Board of Higher Education. Req: Channel 68, 100 watts. Primary: KOAP(TV), Portland, Ore.
- VHF TV TRANSLATOR APPLICATIONS**
- BPTTV-5434** K02AC, Aguilar, Colo. Aguilar Television Club. Req: To change primary station to KOAA-TV, Pueblo, Colo.
- BPTTV-5436** K04FL, Lakeshore, Calif. Lakeshore T.V. Translator Service. Req: To add Lamoine, Calif., to principal community.
- BPTTV-5437** K09JT, Newcastle, Colo. Garfield County. Req: To add Peach Valley, Colo., to principal community.
- BPTTV-5438** K11JZ, New Castle, Colo. Garfield County. Req: To add Peach Valley, Colo., to principal community.
- BPTTV-5439** New, Birdwood, Alaska. Alaska Public Television, Inc. Req: Channel 5, 10 watts. Primary: KAKM(TV), Anchorage Alaska.
- BPTTV-5400** K07HW, Webster, Mont. Baker TV Tax District. Req: Change frequency to Ch. 6, add Baker to principal community and change primary TV Station to KPSD-TV, Eagle Butte, S. Dak.
- BPTTV-5441** New, Oteen, Warren Wilson College, and Swannanoa, N.C. Wometco Skyway Broadcasting Co. Req: Channel 6, 1.0 watt. Primary: WLOS-TV, Asheville, N.C.
- BPTTV-5442** New, Gateway, Colo. XYZ Television, Inc. Req: Channel 9, 1 watt. Primary: KREY(TV), Montrose, Colo.
- BPTTV-5443** New, Kenai and Sterling, Alaska. State of Alaska. Req: Channel 4, 10 watts. Primary: KTVA(TV), Anchorage, Alaska.
- BPTTV-5446** New, South Junction, Ore. Kaskela Ranch (Buck Coe). Req: Channel 5, 1 watt. Primary: KGW(TV), Portland, Ore.
- BPTTV-5447** New, South Junction, Ore. Kaskela Ranch (Buck Coe). Req: Channel 10, 1 watt. Primary: KATU(TV), Portland, Ore.
- BPTTV-5448** New, South Junction, Ore. Kaskela Ranch (Buck Coe). Req: Channel 13, 1 watt. Primary: KOIN(TV), Portland, Ore.
- BPTTV-5449** New, Shoshoni, Wyo. Shoshoni Television Association. Req: Channel 13, 1 watt. Primary: KTWO(TV), Casper, Wyo.
- BPTTV-5450** New, Curlew and Malo, Wash. Franson Peak Television Assn., Inc. Req: Channel 3, 5.0 watts. Primary: KSPS-TV, Spokane, Wash.
- BPTTV-5452** K12EV, Hoopa, Calif. Hoopa Valley Chamber of Commerce. Req: To change frequency to Ch. 11, 198-204 MHz.
- BPTTV-5453** New, Hoopa Valley, Calif. Hoopa Valley Chamber of Commerce. Req: Channel 9, 5 watts. Primary: KEET-TV, Eureka, Calif.
- BPTTV-5456** K05DZ, Quincy, Calif. Sacramento Valley Television, Inc. Req: To add Taylorsville, Calif. to principal community.
- BPTTV-5457** New, Martinsdale and Lennup, Mont. Martinsdale-Lennup TV Association. Req: Channel 10, 10 watts. Primary: KTVM(TV), Butte, Mont.
- BPTTV-5462** New, Chiloquin, Ore. Oregon Broadcasting Co. Req: Channel 12, 1 watt. Primary: KOTI(TV), Klamath Falls, Ore.
- BPTTV-5464** New, Goldfield, Nev. Goldfield Television District. Req: Channel 7, 1 watt. Primary: KORL-TV, Reno, Nev.
- BPTTV-5465** New, Goldfield, Nev. Goldfield Television District. Req: Channel 13, 1 watt. Primary: KTVN(TV), Reno, Nev.
- BPTTV-5466** K00JL, Upper Bear River Valley, Wyo. Kilburn I. Potter tr/as Upper Bear River TV Service. Req: Add Evanston, Wyo., to present principal community.
- BPTTV-5467** K11JQ, Upper Bear River Valley, Wyo. Kilburn I. Potter tr/as Upper Bear River TV Service. Req: To add Evanston, Wyo., to principal community.
- BPTTV-5468** K13JV, Upper Bear River Valley, Wyo. Kilburn I. Potter tr/as Upper Bear River TV Service. Req: To add Evanston, Wyo., to principal community.
- BPTTV-5469** New, Clayton, Idaho. Clayton Community T.V. Req: Channel 10, 1 watt. Primary: KIVI(TV), Boise, Idaho.
- BPTTV-5470** New, Midwest, Edgerton, and Linch, Wyo. Salt Creek Television Assoc., Inc. Req: Channel 7, 10 watts. Primary: KHSD-TV, Lead-Deadwood, S. Dak.
- BPTTV-5471** New, Silver Peak, Nev. Silver Peak, TV Dist. Req: Channel 11, 1 watt. Primary: KORL-TV, Reno, Nev.
- BPTTV-5472** New, Silver Peak, Nev. Silver Peak TV Dist. Req: Channel 13, 1 watt. Primary: KTVN(TV), Reno, Nev.
- Application deleted from Public Notice released August 27, 1975, (Mimeo # 54352, 40 F.R. 40200).*
- BPFT-224** New, Mammoth Hot Springs, Wyo. Mammoth Community TV and FM. Req: Channel 288A, 105.5 MHz, 10 watts. Primary: KURL-FM, Billings, Mont.
- (Assigned new file number BPFT-281)*
- Application deleted from Public Notice released November 7, 1975, (Mimeo # 57232, 40 F.R. 52883).*
- BPTT-2922** New, Alamogordo, Tularosa and Holloman Air Force Base, N. Mex. Regents of New Mexico State University. Req: Channel 55, 100 watts. Primary: KRWG (TV), Las Cruces, New Mexico
- (New file number BPTT-2933)*
- Application deleted from Public Notice released August 27, 1975, (Mimeo # 54352, 40 F.R. 40200).*

BPTTV-5279 New, Hoopa Valley, Calif.
Hoopa Valley Chamber of
Commerce.
Req: Channel 2, 5 watts.
Primary: KEET (TV), Eu-
reka, Calif.
(New file number BPTTV-6453)
[FR Doc.76-1645 Filed 1-20-76; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER PRODUCT TEST PROCEDURES

Opportunity for Comment

The Energy Policy and Conservation Act (Act), Pub. L. 94-163, requires the Administrator of the Federal Energy Administration, Federal Trade Commission, National Bureau of Standards, and Secretary of the Treasury to institute a program for labeling certain consumer products with information regarding their energy consumption which is likely to assist consumers in making purchasing decisions.

In order to begin implementation of this statutory requirement and pursuant to Section 323(a) (1) of the Act, the Federal Energy Administration hereby gives notice to afford interested persons an opportunity to present written data, views, and arguments with respect to test procedures to be developed pursuant to the Act for the following types of consumer products:

Refrigerators and refrigerator-freezers.
Freezers.
Dishwashers.
Clothes dryers.
Water heaters.
Room air conditioners.
Home heating equipment, not including furnaces.
Television sets.
Kitchen ranges and ovens.
Clothes washers.
Humidifiers and dehumidifiers.
Central air conditioners.
Furnaces.

The Administrator of the Federal Energy Administration intends to prescribe test procedures for the above-named types of consumer products which will be useful for the consumer product labeling required by the Act. Accordingly, the Administrator is primarily interested in receiving comments, pursuant to Section 323(a) (1), upon test procedures to be developed as they relate to the labeling of the above-named types of consumer products. This notice is intended, however, to afford the full opportunity of Section 323(a) (1) for interested persons to comment during the period immediately following the enactment of the Act upon test procedures regarding the above-named consumer products, in the manner and to the extent they desire.

As required by the Act, interested persons will be afforded a further opportunity to comment upon test procedures for the above-named types of consumer products by presenting oral and written data, views, and arguments with respect to such test procedures when they are published in proposed form. Moreover, should the Administrator later consider

the development of test procedures applicable to further types of consumer products or substantial amendment to any test procedure prescribed with the purpose of enabling the required labeling of the above-named consumer products, interested persons would be afforded an adequate opportunity to comment thereon at that time.

The Act requires the development of test procedures for the determination of (1) estimated annual operating costs of each of the above-named types of consumer products and (2) at least one other useful measure of energy consumption of such products which is likely to assist consumers in making purchasing decisions. The Act defines "estimated annual operating cost" to mean "the aggregate retail cost of the energy which is likely to be consumed annually in representative use of a consumer product."

The Act further requires that test procedures shall be reasonably designed to produce test results which reflect energy efficiency, energy use, or estimated annual operating cost of an above-named type of consumer product during a representative average use cycle (as determined by the Administrator), and shall not be unduly burdensome to conduct. If the test procedure is a procedure for determining estimated annual operating costs, such procedure shall provide that such costs shall be calculated from measurements of energy use in a representative average use cycle, and from representative average unit costs of the energy needed to operate such product during such cycle. Under the Act "energy efficiency" is defined to mean "the ratio of the useful output of services from a consumer product to the energy use of such product, determined in accordance with test procedures under [the Act]," and "energy use" is defined to mean "the quantity of energy directly consumed by a consumer product at point of use, determined in accordance with test procedures under [the Act]."

Interested persons are invited to submit written comments with respect to the development of test procedures for consumer products to Executive Communications, Room 3309, Box PA, Federal Energy Administration, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Consumer Product Test Procedures." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., e.s.t., February 13, 1976, will be considered in the development of test procedures, and an attempt will be made to consider comments received after that time.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in only one copy. The Federal Energy Administration reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act, Pub. L. 94-163; E.O. 11790)

Issued in Washington, D.C., the 14th day of January, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-1764 Filed 1-16-76; 1:53 pm]

ELECTRIC UTILITIES ADVISORY COMMITTEE

Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given to advise of a revision in the Charter of the Electric Utilities Advisory Committee. The Charter was published in the August 16, 1974, issue of the FEDERAL REGISTER (39 FR 29620).

This amendment will revise the Charter to provide for the establishment of a subcommittee to the Committee. Specifically, the Charter published August 16, 1974, is hereby amended by adding a new section B(9), to read as follows:

9. Subcommittee. The Electric Utilities Advisory Committee shall have one subcommittee as follows:

a. The Executive Subcommittee. The objective of this Subcommittee is to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the Electric Utilities Advisory Committee.

The Subcommittee shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All action of the Subcommittee shall be consistent with the provisions of B-1 through B-8.

The above amendment is effective immediately.

Issued at Washington, D.C., on January 16, 1976.

FRANK G. ZARB,
Administrator.

[FR Doc.76-1814 Filed 1-16-76; 3:57 am]

[Case No. FEE-2135]

GULF COS.

Application for Exception Filed; Opportunity for Comment

On December 29, 1975, the Gulf Companies (Gulf) filed an Application for Stay of the provisions of 10 CFR 211.65 with the Office of Exceptions and Appeals of the Federal Energy Administration. Gulf Oil Corporation, 41 FR 2770, January 19, 1976, (Case No.: FES-2135). In its application, Gulf requested that it be relieved of the obligation to sell 5,446,253 barrels of crude oil to small and independent refiners under the provisions of the FEA Crude Oil Buy-Sell Program during the months of January and February 1976 pending a determination upon an Application for Exception which Gulf submitted on December 30, 1975. On January 7, 1976, Gulf's Application for Stay was denied in the form submitted, but was granted with respect to the month of January 1976.

Gulf's Application for Exception, Gulf Oil Corporation, 41 FR 2772, January 19, 1976 (Case No.: FEE-2135), if granted, would result in permanently relieving the firm of the obligation to sell 5,446,253 barrels of crude oil to small and independent refiners which it would otherwise be required to offer for sale during the current and subsequent allocation quarters.

Since the approval of the exception relief which Gulf requests may potentially result in a significant adverse impact to other domestic refiners, including refiner-sellers and refiner-buyers which participate in the Buy-Sell Program and since the exception submission raises issues of widespread interest involving national energy policy considerations, the FEA has determined that it is appropriate to specifically call to the attention of all interested persons their opportunity to present their views to the FEA with respect to the Gulf Application for Exception.

Any person who has an interest in the subject matter or who is a representative of a group or class of persons that has such an interest is invited to participate in the present exception proceeding by submitting written comment on or before February 5, 1976, containing data, views, or arguments to Mr. Richard T. Tedrow, Assistant Director, Office of Exceptions and Appeals, Federal Energy Administration, Code 500, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted to the FEA with the designation "Gulf Application for Exception, Case No.: FEE-2135."

Copies of the Gulf Application for Stay and Application for Exception as well as the Order approving the Stay for the month of January 1976 from which confidential information has been deleted are available for public inspection in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street NW., Washington, D.C. Photocopy machines are also available so that interested persons may obtain copies of these documents.

Any data or information in each comment which the person furnishing it considers to be confidential must be so identified and two copies of the comment with confidential information deleted pursuant to the provisions of 10 CFR 205.9(f) must also be submitted to the FEA. The comment submitted to the FEA must contain a certification that a copy of the comment with confidential information deleted has also been transmitted to Mr. Robert F. Ochs, Counsel, FEA Unit, The Gulf Companies, P.O. Box 2100, Houston, Texas 77001. The FEA reserves the right to determine the confidential status of the information or data submitted and to treat it according to that determination.

Issued in Washington, D.C., January 16, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FS Doc.76-1873 Filed 1-19-76;10:07 am]

NEW ENGLAND PETROLEUM CORP.

Application for Exception Filed; Public Hearing and Opportunity for Comment

The Federal Energy Administration hereby gives notice that a public hearing will be held on an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) filed by the New England Petroleum Corporation (NEPCO) on December 3, 1975. FEA also invites written comments on NEPCO's application.

On November 17, 1975, the FEA issued a Decision and Order to NEPCO which granted the firm exception relief from the provisions of § 211.67 and permitted NEPCO to earn entitlements on its imports of residual fuel oil in the month of September 1975 up to a maximum of 3 million barrels, as adjusted for the supplemental import fee on crude oil. "New England Petroleum Corp.", 3 FEA Par. 83,015 (November 17, 1975). On December 3, 1975, NEPCO filed an Application in which it requests that the exception relief approved in the FEA's November 17 Decision and Order be extended for an additional period of time. NEPCO also requests that the exception relief not be limited to 3 million barrels per month, but be made applicable to the actual number of barrels of residual fuel oil which NEPCO sells in the United States in a particular month. Copies of the NEPCO application from which confidential information has been deleted are available to the public in the Public Docket Room of the Office of Private Grievances and Redress, Room B-210, 2000 M Street NW., Washington, D.C., between the hours of 1:00 and 5:00 p.m.

A number of persons have requested that the FEA hold a public hearing in connection with NEPCO's request for an extension of exception relief. Since the approval of additional exception relief to NEPCO may affect all of the participants in the Entitlements Program and those firms which operate in the same markets as NEPCO, and in view of the interest which has been expressed in a public hearing on this matter, the FEA has determined that a public hearing should be held with respect to the NEPCO exception application in order to afford interested parties an opportunity to present their views. The public hearing will be held at 9:30 a.m., February 4, 1976, in Room 2105, 2000 M Street NW., Washington, D.C.

Interested persons are invited to participate by submitting data, views or arguments to Executive Communications, Room 3309, Federal Energy Administration, Box FN, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to the FEA Executive Communications with the designation "NEPCO Application." All comments received by February 2, 1976, and all other relevant information will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential

must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Any person who has an interest in the subject matter, or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., January 28, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and phone number where he or she may be contacted through January 30, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., January 30, 1976, and must submit 100 copies of his or her statement to Allocation Regulation Development Office, FEA, Room 2214, 2000 M St., Washington, D.C., before 4:30 p.m., e.s.t. on February 3, 1976.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, if time permits, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., January 30, 1976. Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., January 19, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-1968 Filed 1-19-76; 3:12 pm]

OLD OIL ALLOCATION PROGRAM Entitlement Notice for November 1975

In accordance with the provisions of 10 CFR 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(d) is hereby published.

Based on reports submitted to FEA by refiners as to crude oil receipts and crude oil runs to stills for November 1975, an application of the entitlement adjustment for small refiners provided in 10 CFR 211.67(e), and an application of Special Rule No. 6, the adjusted national old oil supply ratio for November 1975 is calculated to be .343483.

The issuance of entitlements for the month of November 1975 to refiners is set forth in the Appendix to this notice. The Appendix lists the name of each refiner to which entitlements have been issued, the number of entitlements issued to each such refiner, and the number of barrels of old oil included in each such refiner's adjusted crude oil receipts.

Pursuant to 10 CFR 211.67(i) (4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of November 1975 at \$8.94, which is the exact differential as reported for the month of November between the weighted average costs to refiners of old oil and of new, released, stripper well and imported crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of November 1975 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of November 1975 equal to the difference between the number of barrels of old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of November 1975 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for November 1975 shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are

required to purchase or sell entitlements to effect corrections for reporting errors for September and October 1975 pursuant to 10 CFR 211.67(d) (5). No corrections for reporting errors for months prior to September 1975 are reflected in the listing as FEA intends to effect these corrections through modifications to the program to be issued in the near future.

In accordance with a December 8, 1975 Decision and Order issued by FEA's Office of Exceptions and Appeals, the following refiners have been issued additional entitlements to sell to reflect the restructuring of Texas Asphalt's purchase requirements for July and September 1975 entitlements: Good Hope, Guam, New-Engl-Petro, Northland, Oil-Shale, Road Oil and Sohio.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing contained in the Appendix gives effect to Special Rule No. 6, and all refiners totally exempted under the Special Rule are shown in the listing with a zero purchase and sale obligation. The following refiners received a partial entitlement purchase exemption under the Special Rule: Charter, CRA-Farm-land, Oil-Shale, Tesoro and Texas City.

The revised October 1975 entitlement notice, through an FEA error as to the correct refining capacity for the firm, listed Oil-Shale as a purchaser of 231,242 entitlements. If Oil-Shale's refining capacity has been correctly reflected, the firm would have had a purchase requirement of 112,877 entitlements, assuming application of Special Rule No. 6. Thus, for November 1975 Oil-Shale has been issued 114,128 additional entitlements (which amount gives effect to the differing entitlement prices for October and November) to compensate the firm for

not having received the benefits of Special Rule No. 6 for October entitlements. The total number of entitlements required to be purchased and sold under this notice is 15,727,887.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for November 1975 must be made by January 31, 1976.

On or prior to February 10, 1976, each firm which is required to purchase or sell entitlements for the month of November shall file with FEA the monthly transaction report specified in 10 CFR § 211.66(d) certifying its purchases and sales of entitlements for the month of November. FEA will mail the monthly transaction report forms for the month of November to reporting firms in January 1976. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by January 31, 1976 contact FEA at 202-254-6296 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to January 31, 1976, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(j).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed within 30 days following publication of this notice in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 14, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—Entitlements for allocation of old oil

Reporting firm (short name)	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
A-Johnson	0	92,596	0	92,596
Allied	781,977	58,890	0	8,913
Amer-Petrofina	1,550,963	1,650,521	0	90,558
Amerada-Hess	1,218,481	5,276,734	0	4,058,253
Amoco	11,739,358	9,872,273	1,567,085	0
Apo	371,217	384,982	0	210,765
Arco	6,382,587	7,236,955	0	854,368
Arizona	26,726	26,726	0	0
Asantora	4,128	15,674	0	11,546
Ashland	2,076,935	3,299,476	0	1,222,541
Bayou	42,693	42,693	0	0
Beacon	432,179	432,179	0	0
C. & H.	704	1,228	0	523
Calumet	0	31,497	0	31,497
Canal	40,943	54,197	0	13,254
Caribon	120,445	120,445	0	0
Champion	2,142,439	1,470,599	671,840	0
Charter	1,047,141	957,803	70,338	0
Citgo	3,962,059	2,824,420	1,137,639	0
Claborne	4,015	10,678	0	6,663
Clark	562,669	978,924	0	416,255
Coastal	614,058	1,043,701	0	429,643
Conoco	4,191,484	3,605,608	485,876	0
Corco	0	1,112,263	0	1,112,263
CRA-Farm-land	772,117	757,338	14,781	0
Cross	77,306	96,135	0	18,829
Crown	336,462	835,135	0	498,673
Crystal-Oil	188,818	188,818	0	0
Crystal-Ref.	18,941	31,683	0	12,742
Delta	562,141	562,141	0	0
Diamond	501,645	560,065	0	58,420
Dorchester	5,079	11,500	0	6,421
Dow	33,006	142,766	0	109,760
Eddy	30,950	30,950	0	0
Edgington-Oil	418,050	418,050	0	0
Edgington-Omn.	35,238	35,238	0	0
Evangelina	41,187	41,187	0	0
Exxon	14,744,160	12,505,493	2,238,667	0
Famaris	438,442	438,442	0	0

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Reporting firm (short name)	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
Farmers-Un	227,853	370,750	0	142,897
Fletcher	408,018	408,018	0	0
Flint	11,957	11,957	0	0
Gary	1,053	27,496	0	26,443
Getty	301,452	843,783	0	542,331
Giant	13,081	23,154	0	10,073
Gladieux	44,762	136,971	0	92,209
Golden-Eagle	108,608	116,583	0	7,975
Good-Hope	291,371	294,425	0	3,054
Guam	0	358,914	0	358,914
Gulf	9,001,514	6,269,541	2,731,973	0
Gulf-Sts	12,876	13,945	0	1,069
Hill	0	580,851	0	580,851
Howell	839,278	839,278	0	0
Hunt	399,999	399,999	0	0
Husky	730,405	730,405	0	0
Indiana-Farm	116,848	164,316	0	47,468
J. & W	47,572	221,158	0	173,586
Kentucky	1,882	6,195	0	4,313
Kerr-McGee	2,436,634	1,615,502	821,042	0
Koch	360,890	1,279,232	0	918,342
Lagloria	530,017	530,017	0	0
Lakeside	94,163	94,163	0	0
Laketon	158,296	158,296	0	0
Little-Amer	324,841	324,841	0	0
MacMillan	64,357	176,521	0	112,164
Marathon	3,530,115	3,138,353	391,762	0
Marion	106,937	253,606	0	146,669
Mid-Amer	0	30,370	0	30,370
Midland	345,406	345,406	0	0
Mobil	8,313,035	7,491,708	821,327	0
Mohawk	476,961	476,961	0	0
Monsanto	422,207	422,207	0	0
Morrison	8,368	8,368	0	0
Mountaineer	3,285	3,842	0	557
Murphy	1,066,331	943,714	123,617	0
N-Amer-Petro	83,630	102,499	0	18,869
Natl-Co-op	471,400	531,252	0	59,792
Navajo	398,443	358,443	0	0
New-Engl-Petro	0	21,189	0	21,189
Newhall	163,650	163,650	0	0
Northland	0	11,352	0	11,352
Oil-Shale	1,212,863	1,195,996	16,867	0
Oloc	405,269	405,269	0	0
Pasco	942,559	942,559	0	0
Pennzoil	545,511	545,511	0	0
Phillips	3,525,987	3,648,292	0	122,305
Pioneer	13,150	28,930	0	15,780
Placid	556,273	556,273	0	0
Plateau	94,903	94,903	0	0
Powerline	393,772	411,461	0	17,689
Pride	129,670	267,063	0	137,393
Quaker-St	7,101	241,600	0	234,499
Road-Oil	0	1,993	0	1,993
Rock-Island	454,268	454,268	0	0
Saber-Tex	67,106	102,196	0	35,090
Sabre-Cal	0	16,366	0	16,366
Sage-Creek	415	5,800	0	5,484
San-Joaquin	105,577	105,577	0	0
Seminole	0	42,086	0	42,086
Shell	12,381,541	9,611,934	2,769,607	0
Sigmor	8,094	19,404	0	11,310
Skelly	943,814	778,707	165,107	0
So-Hampton	102,289	102,289	0	0
Socal	9,788,000	9,853,518	0	55,518
Sohio	3,973,310	4,146,516	0	173,206
Somerset	126	39,794	0	39,668
Southland	380,735	380,735	0	0
Southwestern	0	768	0	768
Sunland	142,023	142,023	0	0
Sunoco	5,583,024	5,177,939	405,085	0
Tenneco	845,047	1,074,899	0	229,852
Tesoro	1,698,376	1,007,315	91,061	0
Texaco	9,262,519	10,378,851	0	1,116,332
Texas-Asph	1,269	1,378	0	109
Texas-City	1,102,977	1,005,948	97,029	0
Thagard	56,520	56,520	0	0
The-Refinery	91,706	118,753	0	27,047
Thriftway	18,208	33,151	0	14,943
Thunderbird	94,799	154,679	0	59,880
Tonkawa	27,123	51,326	0	24,203
Total-Leonard	265,580	458,511	0	192,931
Union-Oil	5,609,675	4,821,491	788,184	0
Union-Texas	64,380	116,177	0	51,797
Untd-Ind	0	3,579	0	3,579
Untd-Ref	83,656	400,305	0	316,649
US-Oil	93,204	144,956	0	51,752
VI-Oil	946	946	0	0
Vickers	104,302	104,302	0	0
Vulcan	0	22,806	0	22,806
Warrior	57,838	57,838	0	0
West-Coast	77,853	77,853	0	0
Western	62,023	62,023	0	0
Wickett	89,287	89,287	0	0
Winston	57,156	179,380	0	122,224
Wireback	0	990	0	990
White	205,971	205,971	0	0
Yetter	0	1,308	0	1,308
Young	91,062	91,062	0	0
Total	147,861,791	147,861,791	15,727,887	15,727,887

[FR Doc.76-1569 Filed 1-15-76;9:54 am]

**FEDERAL MARITIME COMMISSION
BOARD OF COMMISSIONERS OF THE
PORT OF NEW ORLEANS, ET AL.**

Notice of 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, N.W., 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 February 10, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, Louisiana 70160.

Agreement No. T-2728-2, among the Board of Commissioners of the Port of New Orleans (Port), Container Lift International, Inc., (CLI) and Hibernia National Bank in New Orleans (Hibernia), modifies the parties' basic agreement, which is a permit under which CLI will install, maintain and operate at its own cost, a container crane at Berth No. 5 of the Port's France Road Terminal. The purpose of the modification is to provide for a further one year moratorium on payments of principal on the loan which CLI obtained from Hibernia to finance the acquisition and installation of a container crane. In addition, the modification clarifies the language with respect to the rights and obligations of the parties, particularly to provide an alternative method for the Port's acquisition of the crane in the event of CLI's default or bankruptcy.

By Order of the Federal Maritime Commission.

Dated: January 16, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-1803 Filed 1-20-76;8:45 am]

**CITY OF ANCHORAGE AND TOTEM
OCEAN TRAILER EXPRESS, INC.**

Notice of Agreement Filed; Correction

The notice concerning Federal Maritime Commission Agreement No. T-3130-1 appearing in the January 5, 1976, issue of the FEDERAL REGISTER at page 818 (Vol. 41, No. 2), is hereby corrected to read as follows:

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C. 20036.

Agreement No. T-3130-1, between the City of Anchorage (City) and Totem Ocean Trailer Express, Inc., (Tote) modifies the parties' basic agreement providing for Tote's preferential use of the Petroleum Terminal and Terminal No. 1 at the Anchorage City Dock, a portion of the City's Transit Area "B", the south apron adjacent to the transit shed at Terminal 1, and certain trestles. Agreement No. T-3130 is presently the subject of Federal Maritime Commission Docket No. 75-35. The purpose of the modification is to reduce the period of time during which Tote has preferential berthing rights at the facility from 36 to 24 hours after a vessel's arrival and mooring at the Anchorage City Dock.

Any decision on Docket No. 75-35 will consider Agreement No. T-3130 as amended by Agreement No. T-3130-1.

By Order of the Federal Maritime Commission.

Dated: January 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-1804 Filed 1-20-76;8:45 am]

[Independent Ocean Freight Forwarder
License No. 1286-R]

ROS FORWARDING, INC.

Notice of Reinstatement of License

By Federal Maritime Commission Order served December 11, 1975, Ros Forwarding, Inc.'s Independent Ocean Freight Forwarder License No. 1286-R was revoked effective November 13, 1975, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published on December 16, 1975 in 40 FR 58346.

On December 31, 1975, an appropriate surety bond was filed on behalf of Ros Forwarding, Inc. and compliance pursuant to Section 44, Shipping Act, 1916, and Section 510.9 of General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(a), dated September 15, 1973, Independent Ocean Freight Forwarder License No. 1286-R shall be reissued to Ros Forwarding, Inc., effective November 13, 1975. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Ros Forwarding, Inc.

DONALD J. BRUNNER,
Acting Managing Director.

[FR Doc.76-1802 Filed 1-20-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI76-112, et al.]

SHELL OIL COMPANY ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

JANUARY 9, 1976.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix "A" hereof.

The proposed changed rates and charges may be unjust, unreasonable,

¹ Does not consolidate for hearing or dispose of the several matters herein.

unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Section 4 and 15, the Regulations pertaining thereto [18, CFR, Chapter II], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until

date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf ¹¹		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI76-112..	Shell Oil Co.....	178	17	El Paso Natural Gas Co. (Utah) (Rocky Mountain).	\$4,261	12-15-75	-----	6-15-76	\$23.2012	\$26.7521	
RI76-113..	Gulf Oil Corp.....	258	12	Southern Union Gathering Co. (New Mexico) (Rocky Mountain).	179	12-15-75	-----	6-15-76	32.5467	33.1433	RI75-114
RI76-114..	Beta Development Co.....	1	22	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	22,370	12-11-75	-----	6-11-76	29.6614	\$30.1614	RI75-96
do.....	do.....			do.....	2,696	12-11-75	-----	6-11-76	31.7017	\$32.2017	RI75-96
do.....	do.....			do.....	2,829	12-11-75	1-1-76	(16)	51.0	52.0	

¹ Unless otherwise stated, the pressure base is 15.025 lb/in².

² Excludes production from wells commenced on or after Jan. 1, 1973.

³ Last filed rate (applicant's notice incorrectly reflects current total rate of 24.6942¢).

⁴ Subject to British thermal unit adjustment upward and downward from 1,000 Btu/ft³.

⁵ Applicable to production from wells commenced prior to Jan. 1, 1973.

⁶ Applicable to production from wells completed prior to June 1, 1970.

⁷ Applicable to production from wells completed on or after June 1, 1970.

That portion of Beta Development's proposed rate increase which covers production from wells which are subject to Opinion No. 699, as amended, and reflects the 1.0¢ increase in the Base National Rate effective January 1, 1976, as provided by Section 2.56a(a) (3) of Opinion No. 699-H is accepted to be effective on January 1, 1976.

The remaining proposed rate increases exceed the applicable area ceiling established in Opinion No. 658 and are suspended for five months.

[FR Doc.76-1615 Filed 1-20-76;8:45 am]

[Rate Schedule Nos. 107, et al.]

SOLIO PETROLEUM COMPANY, ET AL.

Rate Change Filings Pursuant to Commission's Opinion Nos. 639 or 699-H

JANUARY 5, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and in Opinion No. 699-H, issued December 4, 1974. The rates filed pursuant to Opinion No. 699-H, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before January 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure

(18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Dec. 22, 1975.	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	107	Northern Natural Gas Co....	Permian Basin.
Do.....	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	59	United Gas Pipe Line Co....	Texas Gulf Coast.

[FR Doc.76-1614 Filed 1-20-76;8:45 am]

[Docket No. RP72-110 (PGA No. 76-5)]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

JANUARY 12, 1976.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on January 2, 1976, tendered for filing Thirteenth Revised Sheet No. 10 to its

FPC Gas Tariff, First Revised Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change is being filed to reflect a change in purchased gas costs to be paid by Algonquin Gas to its sup-

plier, Texas Eastern Transmission Corporation on February 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8, 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 January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc. 76-1719 Filed 1-20-76; 8:45 am]

[Docket No. ER76-420]

APPALACHIAN POWER CO.

Filing of Proposed Modification of Fuel Adjustment Clause

JANUARY 13, 1976.

Take notice that Appalachian Power Company ("APCo") on December 31, 1975 submitted a proposed modification of the fuel adjustment clause contained in its FPC Rate Schedule Nos. 50 and 51 applicable to the Cities of Radford and Bedford, Virginia.

APCo claims in its letter of transmittal that under previous orders of the Federal Power Commission ("Commission") its unilateral submission of a modification of a fuel adjustment clause is barred under the *Sierra Pacific-Mobile* doctrine, but that in order to avoid even a technical non-compliance with the requirements of the Commission's Order No. 517, it has submitted a modified fuel adjustment clause which conforms to the requirements of Section 35.14 of the Commission's Regulations. APCo also claims that it has special operating characteristics which warrant, upon the good cause showing made by it, a delay in the implementation of Section 35.14 for a period not to exceed one year.

Copies of the submittal made were served upon the affected customer and upon the Virginia State Corporation Commission and upon the West Virginia Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such Petitions or protests should be filed on or before January 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a

petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc. 76-1726 Filed 1-20-76; 8:45 am]

[Rate Schedule Nos. 25, et al.]

BURMAH OIL AND GAS CO., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699-H

JANUARY 13, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintage concepts set forth by the Commission in its Opinion No. 699-H, issued December 4,

1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before January 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

MARY KIDD PEAK,
Acting Secretary.

Appendix

Filing date	Producer	Rate schedule No.	Buyer	Area
Dec. 15, 1975	Burmah Oil & Gas, Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	25	Panhandle Eastern Pipe-line Co.	Hugoton-Anadarko.
Dec. 22, 1975	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	63	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Dec. 29, 1975	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	15	El Paso Natural Gas Co.	Permian Basin.
Do.	do.	29	do.	Do.
Do.	do.	30	do.	Do.
Do.	do.	45	do.	Do.
Do.	do.	46	do.	Do.
Do.	do.	47	do.	Do.
Do.	do.	48	do.	Do.
Do.	do.	49	do.	Do.
Do.	do.	51	do.	Do.
Do.	do.	52	do.	Do.
Do.	do.	53	do.	Do.
Do.	do.	54	do.	Do.
Do.	do.	55	do.	Do.
Do.	do.	61	do.	Do.
Do.	do.	64	do.	Do.

[FR Doc. 76-1737 Filed 1-20-76; 8:45 am]

[Docket No. RP73-86]

COLUMBIA GAS TRANSMISSION CORP.

Filing of Refund Report

JANUARY 12, 1976.

Take notice that on January 2, 1976, and pursuant to Article II of the revised Stipulation and Agreement at Docket No. RP73-86 as approved by the Commission's Order issued December 1, 1975, Columbia Gas Transmission Corporation (Columbia) filed a report stating that Columbia had made refunds on December 31, 1975, in the amount of \$27,169,273.42, consisting of \$24,332,981.40 principal and \$2,836,292.02 interest, to its jurisdictional customers covering the period September 14, 1973 through October 31, 1974, together with interest computed at 7% per annum through December 31, 1975. Columbia also filed copies of Refund Report No. 1 at Docket No. RP73-86 which sets forth the amount refunded to each of Columbia's jurisdictional customers. Columbia states that a copy of the filing was mailed to each of Columbia's jurisdictional customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc. 76-1720 Filed 1-20-76; 8:45 am]

[Docket No. ER76-365]

CONNECTICUT LIGHT AND POWER CO.

Termination

JANUARY 13, 1976.

Take notice that on December 15, 1975, Connecticut Light and Power Company (CLP) tendered for filing notice of ter-

mination of its Rate Schedule FPC No. 54, effective July 30, 1971, in accordance with its terms. This termination was effective April 30, 1972.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1734 Filed 1-20-76;8:45 am]

[Docket No. RP-72-157 (PGA76-4)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

JANUARY 13, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on December 30, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective February 1, 1976. The proposed rate increase would generate \$20.5 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Tennessee Gas Pipeline Company at Docket No. RP75-113 for effectiveness January 15, 1976 and Texas Gas Transmission Corporation and Texas Eastern Transmission Corporation, both to be effective February 1, 1976.

Consolidated is requesting a waiver of any the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on February 1, 1976.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1727 Filed 1-20-76;8:45 am]

[Docket No. RP73-17 (PGA 76-1A)]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

JANUARY 13, 1976.

Take notice that Granite State Gas Transmission, Inc. (Granite State), on December 23, 1975, tendered for filing Alternate Tenth Revised Sheet No. 3A and Alternate Substitute Tenth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates to be effective January 1, 1976.

According to Granite State, the instant filing is made pursuant to a purchased gas cost adjustment provision in its tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73-17 and the proposed changes, submitted on alternate sheets, reflect alternate changes in the cost of gas purchased from its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., which Tennessee has proposed to make effective January 1, 1976. The instant filing, according to Granite State, is in substitution for the similar filing made herein on December 1, 1975 (PGA 76-1) and made solely to correct the January, 1976 PGA to conform to the Commission's order of December 15, 1975, in Docket No. RP75-107.

Granite State further states that its proposed purchased gas cost changes are applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rates contained on Alternate Tenth Revised Sheet No. 3A is \$152,604 and the annual effect of the proposed rates contained on Alternate Substitute Tenth Revised Sheet No. 3A is \$167,633. Both estimates are based on purchases from Tennessee and sales to Northern for the twelve months ended October 31, 1975.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1728 Filed 1-20-76;8:45 am]

[Docket No. RP73-17 (PGA 76-2)]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

JANUARY 13, 1976.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 66 Market Street, Portsmouth, New Hampshire 03801, on December 24, 1975, tendered for filing Eleventh Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates to be effective January 15, 1976.

According to Granite State, the instant filing is made pursuant to a purchased gas cost adjustment provision in its tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73-17 and the proposed changes reflect changes in the cost of gas purchased from its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., which Tennessee has proposed to make effective January 15, 1976, in Docket No. RP75-113.

Granite State further states that its proposed purchased gas cost changes are applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rates contained on Eleventh Revised Sheet No. 3A is \$850,882. The estimate is based on purchases from Tennessee and sales to Northern for the twelve months ended October 31, 1975.

According to Granite State, copies of the filing were served by Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1729 Filed 1-20-76;8:45 am]

[Docket No. ER76-402]

IDAHO POWER CO.

Termination of Agreement and Institution of Wheeling Service

JANUARY 12, 1976.

Take notice that on December 22, 1975, the Idaho Power Company tendered for filing two revised pages to Exhibit A of Supplemental Agreement No. 1 to Contract No. 14-06-100-1763, which Supple-

mental Agreement was designated as Rate Schedule FPC No. 51.

Idaho Power states that the revised pages were necessitated by the termination of the Wells Rural Electric Company Agreement with Idaho Power Company as of December 31, 1975 and the acceptance by Bonneville Power Administration (BPA) of Wells Rural Electric Company as a customer as of that date.

Idaho Power further states that under the Supplemental Agreement No. 1, the Idaho Power Company will wheel Federal power and energy to the Wells, Nevada Point of Delivery (Delivery Point 26) specified on Revised Page 10 filed herewith. The wheeling rate is based on the BPA wheeling formula and the rate set forth in Paragraph 5(d) of the Supplemental Agreement.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1721 Filed 1-20-76;8:45 am]

[Docket No. ER76-184]

KANSAS CITY POWER & LIGHT CO.
Filing of Supplemental Data

JANUARY 13, 1976.

Take notice that on January 2, 1976, the Kansas City Power and Light Company ("KCPL") tendered supplemental data intended to make complete its original filing of October 20, 1975, in the above-referenced docket. This latest submittal is in response to a deficiency letter issued November 20, 1975, by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1730 Filed 1-20-76;8:45 am]

[Docket No. ER76-438]

KANSAS CITY POWER & LIGHT CO.
Proposed Tariff Change

JANUARY 13, 1976.

Take notice that on January 2, 1976, there was tendered for filing by Kansas City Power & Light Company (Company) a copy of an unexecuted Third Amendatory Agreement dated January 1, 1976, modifying Associated Wholesale Firm Power Contract dated June 1, 1963, as amended. The Company stated that the Third Amendatory Agreement has been submitted to Associated Electric Cooperative (AEC) at Springfield, Missouri (the filing includes a letter from AEC acknowledging receipt) in order to bring the fuel adjustment clause of the rate schedule into conformance with the Regulations of the Commission pursuant to Section 35.14 as modified by Order No. 517. Rate Schedule AWWF-1A, attached to the Third Amendatory Agreement, contains a modified fuel adjustment clause and supersedes and replaces AWWF-1, the Company's Rate Schedule FPC No. 35, Supplement No. 1.

The Company states that this Third Amendatory Agreement cannot be submitted to the Board of Directors of AEC for execution until the next Board meeting, on January 28, 1976. Therefore the Company requests that the Commission temporarily waive the requirements of Section 35.14(a)(8) with respect to the Company's Rate Schedule FPC No. 35, Supplement No. 1, until such time as the Third Amendatory Agreement can be executed by the Board of Directors of AEC and filed with the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1731 Filed 1-20-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.
Tariff Filing

JANUARY 14, 1976.

Take notice that on December 29, 1975, Michigan Wisconsin Pipe Line Company (Mich-Wisc) filed with the Commission the following revised tariff sheets to its F.P.C. Gas Tariff, Second Revised Volume No. 1 to be effective February 1, 1976:

Second Revised Sheet No. 26
Original Sheet No. 26A
Original Sheet No. 26B
Original Sheet No. 26C
Original Sheet No. 26D
Original Sheet No. 26E
Original Sheet No. 26F

Mich-Wisc was issued a temporary certificate by Commission order of October 14, 1975 in Docket No. CP74-157, modifying previously authorized service, subject to the filing of a permanent end-use curtailment plan by December 31, 1975. Pursuant to this requirement and in accordance with Section 2.70 of the Commission's General Policy and Interpretations and the provisions of Part 154 of the Commission's Regulations under the Natural Gas Act, the above listed tariff sheets contain new tariff provisions in Section 9.3 through 9.8 which Mich-Wisc states constitute an end-use curtailment plan.

Mich-Wisc states the six priority of service categories set forth in Section 9.4 are designed to protect service to residential and small commercial consumers and place all boiler fuel use in excess of 300 Mcf on a maximum day in the three lowest categories.

Mich-Wisc requests a waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit the instant filing to become effective on February 1, 1976.

Mich-Wisc states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said 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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1738 Filed 1-20-76;8:45 am]

[Docket No. ER76-400]

MONONGAHELA POWER CO.**Petition for Waiver**

JANUARY 13, 1976.

Take notice that on December 29, 1975, Allegheny Power Service Corporation filed on behalf of Monongahela Power Company (Company) a petition for waiver of the Section 35.14 requirement of the Commission's Regulations to file a conformed fuel adjustment provision as part of the rates for service to Preston County Company.

The Company alleges that its contract is a fixed rate contract, that conforming the fuel adjustment provision to the Commission Regulations would reduce revenues, and that good cause has therefore been shown to waive the requirements of Section 35.14(8).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1732 Filed 1-20-76;8:45 am]

[Docket No. RP76-52]

NORTHERN NATURAL GAS CO.**Tariff Filing**

JANUARY 14, 1976.

Take notice that on December 31, 1975, Northern Natural Gas Company (Northern) filed with the Commission the following revised tariff sheets to its F.P.C. Gas Tariff, Third Revised Volume No. 1 to be effective September 26, 1976:

Fourth Revised Sheet Nos. 59, 59a and 59b
Second Revised Sheet Nos. 59c, 59d, 59e and 59f

First Revised Sheet Nos. 59g, 59h, 59i and 59j

On June 17, 1975, the Commission in Docket No. RP74-102, issued its Order Modifying and Accepting Settlement. This order as modified by Commission order issued August 6, 1975 imposed a December 31, 1975 deadline for the filing of further revisions to the approved curtailment plan. Northern filed on December 31, 1975 and in accordance with Section 2.70 of the Commission's General Policy and Interpretations and the provisions of Part 154 of the Commission's Regulations under the Natural Gas Act. The above listed tariff sheets contain new tariff provisions in Section 9.1 through Section 9.13 which Northern states con-

stitutes an end-use plan. Northern states the revised curtailment plan is essentially an FPC Order No. 467-B end-use plan designed to accommodate the operating characteristics of Northern's pipeline system.

Northern's proposed plan varies from the scheme in Order 467-B in that it contains 11 priorities of service. Northern's category 11 (lowest or first-off) is gas used for electrical generation. Category 6 in Northern's plan provides a separate category for Industrial requirements of more than 3000 Mcf per day during the Summer Period.

Northern requests a waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit the instant filing to become effective on September 26, 1976.

Northern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Any person who was a party in Docket No. RP74-102 shall be deemed a party in this proceeding and need not file an additional intervention. Copies of this application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1739 Filed 1-20-76;8:45 am]

[Docket No. ER76-226]

PENNSYLVANIA POWER CO.**Filing of Supplemental Data**

JANUARY 12, 1976.

Take notice that on December 22, 1975, the Pennsylvania Power Company (Pennsylvania) filed supplemental data in response to the Commission letter dated November 26, 1975 informing Pennsylvania that its filing of October 28, 1975 in the above captioned proceeding was assessed as deficient. Pennsylvania states that its supplemental filing of December 22, 1975 satisfies the deficiency. The company requested that the Commission waive its 30-day notice requirement so that an effective date of January 1, 1976, could be assigned to its completed filing.

Any person desiring to be heard or to protest said filing should file a petition to

intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1722 Filed 1-20-76;8:45 am]

[Docket No. ER76-442]

PUBLIC SERVICE CO. OF NEW MEXICO**Filing of Agreement**

JANUARY 12, 1976.

Take notice that Public Service Company of New Mexico (PSNM), on January 5, 1976, tendered for filing an agreement to provide wheeling service for Plains Electric Generation and Transmission Cooperative, Inc. (Plains).

PSNM states that this Wheeling Agreement was initiated to provide Plains with wheeling service to receive their power and energy from PSNM's San Juan Generating Station, near Farmington, New Mexico, to Ojo Switching Station near Espanola, New Mexico. PSNM states that the Wheeling Agreement is to become effective November 20, 1975. Copies of this filing were served upon the public utilities jurisdictional customers being served under this agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1723 Filed 1-20-76;8:45 am]

[Docket No. ER76-412]

SAN DIEGO GAS & ELECTRIC CO.**Rate Schedule**

JANUARY 9, 1976.

Take notice that on January 2, 1976, San Diego Gas & Electric Company (San

Diego), tendered for filing as an initial rate schedule an agreement to interchange non-firm energy with the City of Tacoma, Washington, Department of Public Utilities, Light Division.

San Diego states that non-firm energy exchanged under this agreement will be surplus to the needs of the supplying party, and rates will be as mutually agreed upon prior to delivery, but not less than 3 mills per kilowatthour.

San Diego requests that the requirements of prior notice be waived and that the Rate Schedule be given a retroactive effective date of January 29, 1975. San Diego states that waiver of the notice requirement will not affect purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1718 Filed 1-20-76;8:45 am]

[Docket No. RP71-11 (PGA76-1a)]

TENNESSEE NATURAL GAS LINES, INC.
Corrected Tariff Sheets

JANUARY 13, 1976.

Take notice that on December 24, 1975, Tennessee Natural Gas Lines, Inc. ("Tennessee Natural") tendered for filing corrections to its tariff filing of December 1, 1975, consisting of the following corrected revised tariff sheets:

Corrected Thirteenth Revised Sheet No. PGA-1
Corrected Eighth Revised Sheet No. PGA-2
Corrected Substitute Eighth Revised Sheet No. PGA-2

Tennessee Natural states that the sole purpose of Corrected Thirteenth Revised Sheet No. PGA-1 and Corrected Eighth Revised Sheet No. PGA-2 is to revise the Purchased Gas Cost Adjustment ("PGA") rate change it filed on December 1, 1975 so as to reflect corrections filed by its sole supplier, Tennessee Gas Pipeline Company ("Tennessee Gas"), on December 18, 1975 to the PGA rate filing of such supplier which had been filed on November 14, 1975.

Tennessee Natural states that the purpose of Corrected Substitute Eighth Revised Sheet No. PGA-2 is to correct various errors (including tariff sheet designation) on Ninth Revised Sheet No. PGA-2 which it filed on December 1, 1975. Tennessee Natural states that, on

December 12, 1975, it filed another tariff sheet designated as Ninth Revised Sheet No. PGA-2 which is unaffected by the instant filing.

Tennessee Natural requests that the tariff sheets tendered for filing on December 24, 1975 be substituted for the comparable sheets filed on December 1, 1975.

Tennessee Natural states that copies of the filing have been mailed to its jurisdictional customer and affected state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions, or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1733 Filed 1-20-76;8:45 am]

[Docket Nos. RP72-99 and RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Emergency Gas Cost Adjustments to Rates and Charges

JANUARY 13, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on December 31, 1975, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 to become effective February 1, 1976. Transco proposes to increase its rates effective February 1, 1976, to reflect the cost effect of emergency natural gas purchases pursuant to the Emergency Gas Adjustment Clause contained in its Tariff.

Fourth Substitute Sixteenth Revised Sheet No. 5 and Third Substitute Twelfth Revised Sheet No. 6 included in Appendix A of the filing reflect a net rate increase of 1.7c per Mcf and are on top of sheets filed to reflect an advance payment "tracking" increase in accordance with a settlement agreement now pending before the Commission in docket No. RP75-75. Included in the filing are Alternate Substitute Sixteenth Revised Sheet No. 5 and Alternate Twelfth Revised Sheet No. 6 included in Appendix B which are to be effective in the event the Commission has not acted on Transco's pending settlement in Docket No. RP75-75.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1736 Filed 1-20-76;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

JANUARY 13, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on December 1, 1975, tendered for filing three revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. These tariff sheets, as enumerated below, reflect a decrease of 1.6c per Mcf in the commodity rate or delivery charge of Transco's CD, G, OG, E, PS, S-2 and X-20 rate schedules:

FIRST REVISED VOLUME No. 1

Sixteenth Revised Sheet No. 5
Twelfth Revised Sheet No. 6

ORIGINAL VOLUME No. 2

Third Revised Sheet No. 121

Transco states that the purpose of this filing is to "track" in accordance with the formula contained in Section 20 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1, the net curtailment related credits and debits to customers' bills as recorded on the Company's books as of October 31, 1975.

The Company states that copies of the filing have been mailed to each of the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appro-

private 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc. 76-1735 Filed 1-20-76; 8:45 am]

[Docket No. ER76-399]

WISCONSIN MICHIGAN POWER CO.
Tariff Changes

JANUARY 12, 1976.

Take notice that Wisconsin Michigan Power Company (Wisconsin Michigan) on December 29, 1975, tendered for filing proposed changes to Exhibit C of its Electric Service Tariff, Supplement No. 1 to F.P.C. Rate Schedule No. 56, for service to the electric systems owned by the municipalities of Kaukauna and Menasha, Wisconsin. Wisconsin Michigan asks that the changes become effective on January 31, 1976.

The proposed changes to the firm power rate would increase revenues from jurisdictional sales and service by \$443,014 based on projected sales for the 12-month period ending July 1976. The demand and energy charges have been increased, the fuel cost adjustment factor has been revised to conform with Commission requirements, and a monthly customer charge has been added.

Wisconsin Michigan contends that the increase in rates of approximately 15.9 percent is necessary to reflect the increased costs of providing electric service.

Copies of the filing were served upon the public utilities jurisdictional customer and the public service commission of the State of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc. 76-1724 Filed 1-20-76; 8:45 am]

[Docket No. ER76-391]

WISCONSIN POWER AND LIGHT CO.
Filing Wholesale Power Agreement

JANUARY 12, 1976.

Take notice that on December 29, 1975, Wisconsin Power and Light Company

(WPL) tendered for filing a Wholesale Power Contract dated November 18, 1975, between the Village of Belmont and Wisconsin Power and Light Company. WPL states that this contract will supersede an existing contract for wholesale electric service dated May 19, 1964.

WPL requests a proposed effective date of December 16, 1975.

WPL states that a copy of the Wholesale Power Contract and the filing have been sent to the Village of Belmont.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc. 76-1725 Filed 1-20-76; 8:45 am]

[Docket No. RP76-54]

ALGONQUIN GAS TRANSMISSION CO.
ET AL.

Order Directing Immediate Filing of Form 69 and To Show Cause

JANUARY 13, 1976.

Each of the named respondents¹ listed in Appendix A has failed to make timely filing of its Form 69, Alternative Fuel Demand Due to National Gas Curtailments² due on October 30, 1975. Since the Respondents are delinquent in meeting the quarterly filing requirement prescribed by the Commission's Order No. 531 (18 CFR 260.15), each Respondent is by this order directed to make immediate filing of its Form 69 and to show cause why it should not be held to be in violation of the Natural Gas Act and the Commission's rules and regulations thereunder.

The Commission has ordered the use of this Form to determine the extent to which alternate fuels may be utilized to meet the requirements of those end-use customers who will not be able to continue to satisfy their energy needs with natural gas due to the imposition of increasing levels of curtailment upon such customers by interstate pipeline companies or foreign suppliers of natural gas. The Commission requires this information in order to fulfill the important statutory obligations with which it is charged. The information as required by Form No. 69 must be provided on a continuing and routine basis due to the fact that the natural gas supply situation

¹ See Appendix A for names of respondents hereto.

² FEA's concurrent Form No. G101-Q-O.

requires continual review of what alternate fuels, if any, are available to be substituted for the natural gas supplies that will be or are being curtailed by interstate pipelines. The information is necessary to assist the Commission in formulating its over-all curtailment policies as well as specific curtailment plans for individual interstate pipeline companies and any modifications required in those plans in order to ameliorate the adverse effects of curtailment on the pipeline's system.

The Natural Gas Act in section 10(a) requires every natural-gas company to file with the Commission such annual and other reports as the Commission prescribes. Section 10(b) of the Act provides that it shall be unlawful for any natural-gas company willfully to delay the filing of any report required to be filed under the Act or any rule, regulation or order thereunder. Additionally, section 21 of the Act prescribes criminal penalties for the willful and knowing violation of the Act or Commission rules, regulations or orders. This proceeding shall determine whether respondents violated any section of the Act.

The Commission finds. It is necessary in the public interest in the administration and enforcement of the Natural Gas Act to require Respondent to make immediate filing of its Form 69 and to show cause why it should not be held in willful violation of the Natural Gas Act and the Commission's rules and regulations thereunder for failing to have made a timely filing of Form 69.

The Commission orders. (A) Each Respondent shall make immediate filing of its Form 69 for the quarter ending October 30, 1975.

(B) Each Respondent shall show cause why it should not be found to be in willful violation of the Natural Gas Act and the Commission's rules and regulations thereunder as set forth in this order by filing a written answer to this order with the Commission within 10 days from the date of issuance hereof in accordance with §§ 1.6(d) and 1.9(c) of the Commission's rules of practice and procedure (18 CFR 1.6(d) and 1.9(c)).

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary.

COMPANIES NOT FILING FPC FORM 69 AS
OF JANUARY 13, 1976

REGULATED PIPELINE COMPANIES

Algonquin Gas Transmission Company
Black Marlin Pipeline Company
Carnegie Natural Gas Company
Chandeleur Pipe Line Company
Columbia Gas Transmission Corporation
Commercial Pipeline Company, Inc.
Distrigas Corporation
Eastern Shore Natural Gas Company
Granite State Gas Transmission, Inc.
Hampshire Gas Company
Honeye Storage Corporation
Industrial Gas Corporation
Inland Gas Company, Inc.
Inter-City Minnesota Pipeline Ltd., Inc.
Lawrenceburg Gas Transmission Corporation
Marengo Corporation
Michigan Wisconsin Pipe Line Company
Midwestern Gas Transmission Company
National Fuel Gas Supply Corporation
Northern Utilities, Inc. (Wyoming)

Ohio River Pipeline Corporation
Orange and Rockland Utilities, Inc.
Panhandle Eastern Pipe Line Company
Raton Natural Gas Company
South County Gas Company
Southwest Gas Corporation
Standard Pacific Gas Lines, Inc.
Sylvania Corporation
Tennessee Gas Pipe Line Company (Nashville, Tennessee)
Tennessee Natural Gas Lines, Inc.
Texas Gas Pipe Line Corporation
Trunkline Gas Company
West Gas Interstate Company
West Texas Gathering Company
Zenith Natural Gas Company
Baca Gas Gathering System, Inc.
C. B. Gas Gathering, Inc.
Caprock Pipeline Company
Cascade Natural Gas Corporation
Cimarron Transmission Company
Farmland Industries, Inc.
Gas Gathering Corporation
Grand Valley Transmission Company
Gulf Energy and Development Corporation
Horner and Smith
Lone Star Gathering Company
McCulloch Interstate Gas Company
Mountain Gas Company (West Virginia)
Oklahoma Natural Gas Gathering Corporation
Regis Gas System, Inc.
Stingray Pipeline Company
Tidal Transmission Company
The Jupiter Corporation
Urbana Pipeline Company
Valley Gas Transmission, Inc.
West Transmission Corporation
Blacksville Oil and Gas Company
Crown Zellerbach Corporation
Georgia-Pacific Corporation
Great Plains Natural Gas Company
Indiana Utilities Corporation
International Paper Company
Interstate Power Company
Pennsylvania and Southern Gas Company
Shenandoah Gas Company
Union Gas System, Inc.
Washington Gas Light Company
Wheeler Gas Company

[FR Doc.76-1855 Filed 1-20-76; 8:45 am]

[Docket No. E-8884 (Phase II)]

CAROLINA POWER AND LIGHT CO.

Notice of Further Extension of Procedural Dates

JANUARY 13, 1976.

On December 15, 1975, Electric Cities of North Carolina and the Cities of Camden and Bennettsville, South Carolina jointly filed a motion to extend the procedural dates fixed by order issued August 26, 1974, as most recently modified by notice issued December 5, 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's Testimony, February 19, 1976.
Service of Staff Testimony, March 18, 1976.
Service of Company Rebuttal, April 1, 1976.
Service of Intervenor's Rebuttal, April 15, 1976.
Hearing, May 6, 1976 (10:00 a.m., Local Time).

By direction of the Commission.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1846 Filed 1-20-76; 8:45 am]

[Docket No. E-9407]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Further Extension of Procedural Dates

JANUARY 8, 1976.

On January 5, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 30, 1975, as most recently modified by notice issued October 23, 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 26, 1976.
Service of Intervenor Testimony, February 20, 1976.
Service of Company Rebuttal, March 22, 1976.
Hearing, April 13, 1976 (10:00 a.m., Local Time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1825 Filed 1-20-76; 8:45 am]

[Docket Nos. E-9002 and ER76-122]

COMMONWEALTH EDISON CO.

Notice of Extension of Procedural Dates

JANUARY 13, 1976.

On January 6, 1976, the Cities of Batavia, Geneva, Naperville, Rochelle, Rock Falls, and St. Charles, Illinois (Cities) filed a motion to extend the procedural dates fixed by order issued December 12, 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 Cities Testimony, January 23, 1976.
Service of Company and Staff Rebuttal, February 6, 1976.
Hearing, March 2, 1976 (10:00 a.m., Local Time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1847 Filed 1-20-76; 8:45 am]

[Docket No. RI76-34]

CONTINENTAL OIL CO.

Postponement of Hearing Date

JANUARY 9, 1976.

On December 31, 1975, Cascade Natural Gas Corporation filed a motion to extend the hearing date fixed by order issued September 30, 1975, as most recently modified by notice issued November 7, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is postponed from January 19, 1976 to March 18, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1826 Filed 1-20-76; 8:45 am]

FREDERICK B. DENT ET AL.

Order Removing Members From National Power Survey Executive Advisory Committee

JANUARY 12, 1976.

The Federal Power Commission by Order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey and designated initial membership of that Committee. This Executive Advisory Committee was renewed by Order, dated August 7, 1974.

1. *Membership.* The following members are hereby removed as members of the Executive Advisory Committee either at their request or due to the fact that the individual no longer occupies the government position indicated.

Frederick B. Dent, Secretary of Commerce.
James T. Lynn, Secretary of Housing and Urban Development.
Rogers C. B. Morton, Secretary of the Interior.
Dixy Lee Ray, Chairman, Atomic Energy Commission.
Arthur F. Sampson, Administrator, General Services Administration.
John C. Sawhill, Administrator, Federal Energy Administration.
H. Guyford Stever, Director, National Science Foundation.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1841 Filed 1-20-76; 8:45 am]

[Docket No. E-9453]

DUKE POWER CO.

Further Extension of Procedural Dates

JANUARY 9, 1976.

On January 6, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 18, 1975, as most recently modified by notice issued November 6, 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, February 20, 1976.
Service of Intervenor Testimony, March 5, 1976.
Service of Company Rebuttal, March 19, 1976.
Hearing, March 30, 1976 (10:00 a.m., Local Time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1827 Filed 1-20-76; 8:45 am]

[Docket No. CP76-199]

EL PASO NATURAL GAS CO.

Notice of Application

JANUARY 12, 1976.

Take notice that on December 12, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-199 an application pursuant to Section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon a gas purchase meter station located at the Cities Service Oil Company's (Cities)

Lehman Plant in Cochran County, Texas, and for a certificate of public convenience and necessity authorizing the construction and operation of a meter station located at a proposed interconnection of Applicant's and Natural Gas Pipeline Company of America's (Natural) pipelines in Parmer County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has been advised by Cities that the volume of natural gas received by Cities at the Lehman Plant will no longer economically justify its continued operation, and that therefore, Cities proposes that the volumes of residue gas that are presently available to Applicant from Cities' Lehman Plant be made available to Applicant at Cities' Bluit Plant in Roosevelt County, New Mexico, where such gas as is now processed at Cities Lehman Plant would be processed. Applicant requests permission and approval of the Commission to abandon an 8 $\frac{3}{4}$ -inch standard orifice meter run with appurtenances at the Lehman Plant.

Applicant further states that it does not have available facilities to accept the delivery of such residue gas at the Bluit Plant, but alleges that Natural does; and therefore, Applicant and Natural have entered into a transportation agreement dated August 25, 1975, whereby Natural would accept the surplus residue volumes of natural gas available to Applicant at the Bluit Plant. Natural is said to have excess capacity at the Bluit Plant to accept up to 10,000 Mcf of gas per day for Applicant's account.

Applicant proposes to construct and operate certain tap, metering and appurtenant facilities at an estimated cost of approximately \$29,000 to receive from Natural the exchange gas at the proposed point of interconnection of Applicant's Farwell pipeline and Natural's Permian Basin pipeline in Parmer County, Texas. Applicant also proposes to reimburse Natural for the actual costs of a side tap and valve that Natural would be required to install on its pipeline in Palmer County to effectuate the exchange. It is stated that the estimated cost of the facilities that Natural would construct would be approximately \$5,600. Applicant proposes to finance the proposed construction by using internally generated funds.

Pursuant to the proposed arrangement, Natural would charge Applicant a rate of 2.21 cents per Mcf of natural gas delivered to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protest 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 Section 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 in its own review of the matter finds that a grant of the certificate and permission and approval for proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1839 Filed 1-20-76; 8:45 am]

[Docket No. CP76-203]

EL PASO NATURAL GAS CO.

Notice of Application

JANUARY 12, 1976.

Take notice that on December 17, 1975, El Paso Natural Gas Company (Applicant), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-203 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two 1-inch tap and valve assemblies for service to two right-of-way grantors, First National Bank of Midland (Midland), and Paul Ivey, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that on April 24, 1968, and May 26, 1961, Midland and Ivey, respectively, granted Applicant right-of-way easements. The easement granted by Midland is said to have been for the construction of Applicant's 36-inch O.D. Waha-Ehrenburg pipeline in Culberson County, Texas, and the easement granted by Ivey is said to have been for Applicant's 8 $\frac{3}{4}$ -inch O.D. Rogo Caballo pipeline in Pecos County, Texas. The sale of natural gas for service proposed in the instant application would be made by Applicant to Clajon Gas Company (Clajon) for resale to Midland and to Pioneer Natural Gas Company (Pioneer) for resale to Ivey. The total requirements of Midland are estimated to be 8.7 Mcf of natural gas per peak day and the total first year requirement is estimated to be 1,534 Mcf. The total requirements of

Ivey are estimated to be 7 Mcf of natural gas on a peak day, and the estimated first annual requirement of natural gas is estimated to be 1,325 Mcf. Applicant estimates that the total cost of the proposed facilities would be approximately \$2,650.

Applicant states that its service agreements with Clajon and Pioneer contain a general tap provision which provides for the delivery and sale of natural gas by Applicant to said distributors at various mainline taps and Applicant proposes to render service to the right-of-way grantors pursuant to such provisions. Applicant states that the proposed service would not require any change in contractual provisions between itself and its distributor customers. Applicant notes that the order accompanying Opinion No. 697-A issued December 19, 1974, in Docket No. RP72-6 imposes limitations on service rendered by Applicant's interstate system and states the applicability of such limitations to service, the right to receive which was granted as consideration for right-of-way easements as those embraced by the instant application, is not clear to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1839 Filed 1-20-76; 8:45 am]

[Docket No. CP75-362]

EL PASO NATURAL GAS CO.**Notice of Supplement and Amendment to Application**

JANUARY 13, 1976.

Take notice that on December 8, 1975, El Paso Natural Gas Company (El Paso) filed a supplement and amendment to its application filed in Docket No. CP75-362 on June 11, 1975. El Paso's application, filed pursuant to Section 7(b) of the Natural Gas Act, seeks permission and approval to abandon and retire from natural gas service certain mainline transmission facilities presently comprising a part of its interstate gas pipeline transmission system. Following the proposed abandonment, the mainline pipeline facilities would be converted to become part of an integrated oil pipeline system which would transport Alaskan crude oil from the west coast to interconnections with existing oil pipelines near Midland, Texas.

In this supplement and amendment to its initial application, El Paso presents, in Exhibit X, the results of an evaluation of the economic impact of the proposed abandonment upon its cost of service in future years by determining the resulting incremental changes in various cost of service components. El Paso states that over a nineteen year period, the cost of service reductions will aggregate some \$174,740,981. El Paso amends the initial application to reflect that the 8,100 horsepower "C" gas turbine compressor unit at El Paso Compressor Station will be retained in service, rather than abandoned as originally proposed.

El Paso has amended Exhibit V and states that it has prepared six flow diagrams which present a detailed operational analysis of the effect of the proposed abandonment on El Paso's mainline transmission capacity. El Paso states that the flow diagrams reflect (i) the maximum transmission capacity operation of El Paso's existing interstate transmission system prior to implementation of the Crude Oil Project and the maximum transmission capacity operation of El Paso's interstate transmission system which will exist after the proposed abandonment and (ii) the design day operation, on the day of peak sales, of the interstate transmission system before the proposed abandonment for the 1976-77 heating season, and after the proposed abandonment for the heating seasons 1977-78 through 1979-80.

El Paso states that it has also filed in this supplement alternative arrangements for certain right-of-way grantors. These agreements are reflected in Exhibit U. El Paso states that it has filed a revised Exhibit T, reflecting related applications and a revised Exhibit Y, which provides an explanation and schedules respecting El Paso's pro forma accounting treatment for the proposed abandonment.

El Paso states that it has submitted a revised Exhibit Z, containing a geographical map reflecting the location of the facilities proposed to be abandoned.

El Paso states that its revised Exhibit Z-2 contains market data superseding its counterpart in the initial application. Finally, in revised Exhibit Z-3, El Paso states that it provides an explanation regarding the engineering design refinements what have caused El Paso to make minor changes in the facilities proposed to be abandoned. Also in Exhibit Z-3, El Paso states that it is supplementing its report on environmental impact to include its responses to the Commission's August 12, 1975, data request, concerning certain environmental matters.

Any person desiring to be heard or to make any protest with reference to said supplement and amendment to El Paso's application should, on or before February 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has previously filed a petition to intervene or a notice of intervention in this Docket number need not file again.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1848 Filed 1-20-76;8:45 am]

[Docket No. CP74-192]

FLORIDA GAS TRANSMISSION CO.**Order Setting Date for Final Environmental Impact Statement**

JANUARY 12, 1976.

On December 22, 1975, Presiding Administrative Law Judge William Jensen certified to the Commission the matter of dates for staffs Final Environmental Impact Statement (FEIS). Staff counsel estimated that the FEIS would be completed and distributed with staff testimony by April 30, 1976. Florida Gas Transmission Company (Florida) requested certification of this matter to the Commission. Stating that this application was filed nearly 2 years ago it asks that the filing date be set at no later than February 1, 1976. Any change in the proposed dates would require alteration in Commission priorities, especially in the preparation of the *El Paso Alaska* environmental study in Docket No. CP75-96. Any expedited dates set in this report will cause an equal delay in the completing of other reports now being prepared by the Office of Energy Systems.

The Commission finds.—The public interest will best be served by ordering the service of the Final Environmental Impact Statement and Staff testimony by April 30, 1976.

The Commission orders.—Staff testimony and the Final Environmental Impact Statement are to be served no later than April 30, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1840 Filed 1-20-76;8:45 am]

[Docket No. RP76-51]

HONEOYE STORAGE CORP.**Notice of Tariff Changes**

JANUARY 12, 1976.

Take notice that Honeoye Storage Corporation (Honeoye) on December 30, 1975, tendered for filing proposed changes in its FPC Gas Tariff. Honeoye states that the proposed changes will: (1) correct various typographical errors, (2) correct phrasing errors, and (3) modify the way in which compressor fuel will be made available to Honeoye.

Honeoye states that copies of the filing have been mailed to the affected purchasers under the tariff and the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1842 Filed 1-20-76;8:45 am]

INDIANA & MICHIGAN POWER CO.

[Docket No. ER76-5]

Further Extension of Procedural Dates

JANUARY 9, 1976.

On November 28, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 8, 1975, in the above-designated proceeding.

On December 8, 1975, Indiana & Michigan Municipal Distributors Association filed a response in support of Staff's motion.

On December 9, 1975, Indiana & Michigan Power Company (IMCO) filed a response stating that it agreed to only a shorter extension of procedural dates.

On December 15, 1975, Staff Counsel responded to IMCO's answer of December 9, 1975.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff, Testimony, February 6, 1976.
 Service of Intervenor, Testimony, February 20, 1976.
 Service of Company, Rebuttal, March 5, 1976.
 Hearing, March 24, 1976 (10:00 a.m., Local Time).

KENNETH F. PLUMB,
 Secretary.

[FR Doc. 76-1828 Filed 1-20-76; 8:45 am]

[Docket No. RP76-55]

INDUSTRIAL GAS CORPORATION, ET AL.

Order Directing Immediate Filing of Form 16 and To Show Cause

JANUARY 13, 1976.

Each of the named respondents listed in Appendix A has failed to make timely filing of its Form 16, Report of Gas Supply and Requirements due September 30, 1975. Since the Respondents are delinquent in meeting the semi-annual filing requirement prescribed by the Commission's Order No. 489 (18 CFR 260.12) as amended by Order No. 523 in Docket No. R-472, each Respondent is by this order directed to make immediate filing of its Form 16 and to show cause why it should not be held to be in violation of the Natural Gas Act and the Commission's rules and regulations thereunder.

The Commission promulgated this Form in order to be kept informed of the supply and demand requirements of jurisdictional pipeline companies. The information contained in Form 16 is used, *inter alia*, to plan for present and future impacts of curtailment on a pipeline's system. Since the supply position of a pipeline company may change markedly over the designated reporting period, the information required by Form 16 must be provided on a continuing and routine basis in order to provide the means for continual reviews of supply problems and anticipating the location and extent of deficiencies prior to and at the end of each heating season.

The Natural Gas Act in section 10(a) requires every natural gas company to file with the Commission such annual and other reports as the Commission prescribes. Section 10(b) of the Act provides that it shall be unlawful for any natural gas company to willfully delay the filing of any report required to be filed under the Act or any rule, regulation, or order thereunder. Additionally, Section 21 of the Act prescribes criminal penalties for the willful and knowing violation of the Act or of Commission rules, regulations or orders. This proceeding shall determine whether Respondents violated any of those sections of the Act.

The Commission finds.—It is necessary in the public interest in the administration and enforcement of the Natural Gas Act to require each Respondent to make immediate filing of its Form 16 and to show cause why it should not be held in willful violation of the Natural Gas Act and the Commission's Rules and Regulations thereunder for failing to have made a timely filing of Form 16.

The Commission orders.—(A) Each Respondent shall make immediate filing of its Form 16 for the period ending September 30, 1975.

(B) Each Respondent shall show cause why it should not be found to be in willful violation of the Natural Gas Act and the Commission's rules and regulations thereunder as set forth in this order by filing a written answer to this order with the Commission within 10 days from the date of issuance hereof in accordance with § 1.6(d) and 1.9(c) of the Commission's rules of practice and procedure (18 CFR 1.6(d) and 1.9(c)).

By the Commission.

[SEAL] MARY KIDD PEAK,
 Acting Secretary.

REGULATED PIPELINE COMPANIES

Industrial Gas Corporation.
 C. B. Gas Gathering, Inc.
 Caprock Pipeline Company.
 Gas Gathering Corporation.
 Gulf Energy and Development Corporation.
 Horner and Smith.
 Lone Star Gathering Company.
 South Texas Natural Gas Gathering Company.
 Stingray Pipeline Company.
 The Jupiter Corporation.
 Urbana Pipe Line Company.
 Arkansas-Missouri Power Company.

[FR Doc. 76-1856 Filed 1-20-76; 8:45 am]

[Docket No. CP76-207]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Notice of Application

JANUARY 12, 1976.

Take notice that on December 22, 1975, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), 300 North Street, Joseph Avenue, Hastings, Nebraska 68901, filed in Docket No. CP76-207 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities at Applicant's Larkin compressor station and Holcomb compressor station, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it continues to experience declines in the wellhead flowing pressure of wells connected to the Hugoton gathering system in Kearny and Finney Counties, Kansas, and that the declines are approaching the point which requires the addition of new compression facilities to enable Applicant to continue to take natural gas to meet its peak day requirements. Accordingly, Applicant proposes to install one 3,700 horsepower compressor unit at its compressor station located near Larkin in Kearny County, two 1,655 horsepower compressor units at its compressor station located near Holcomb in Finney County. Applicant further proposes to modify, rearrange and add compressor station auxiliary equipment such as gas coolers, scrubbers, station piping and other as is necessary for the addition of the proposed compressor units.

Applicant alleges that the proposed facilities would not only provide the horsepower required to offset the present decline in the Hugoton gathering system pressure and maintain volumetric throughputs, but would also initially provide a nominal amount of excess horsepower which would be available to increase the volume of gas compressed in the event of partial reduction of Applicant's gas supply from other southwest Kansas sources.

Applicant estimates that the total cost of the proposed facilities would be approximately \$4,640,000, which costs Applicant states would be met out of current working capital or would later be obtained from interim bank loans which might be funded through a security issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY KIDD PEAK,
 Acting Secretary.

[FR Doc. 76-1843 Filed 1-20-76; 8:45 am]

[Docket No. CP76-197]

LONE STAR GAS CO.

Application

JANUARY 9, 1976.

Take notice that on December 11, 1975, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP76-197 an

application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the Commission's regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with Applicant's system.

The total cost of the proposed facilities would not exceed \$3,000,000, and the cost of any single project would not exceed \$750,000. Applicant proposes to finance said facilities from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protest 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 the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-1829 Filed 1-20-76; 8:45 am]

[Docket No. RP76-47]

**MCCULLOCH INTERSTATE GAS CO.
Order Rejecting Proposed Rate Increase**

JANUARY 9, 1976.

On December 10, 1975, McCulloch Interstate Gas Corporation ("McCulloch")

tendered for filing a proposed¹ tariff sheet to increase the rate for transporting gas for Mountain Fuel Supply Company ("Mountain Fuel"). The filing would raise the rate charged to Mountain Fuel from 2.77¢ per MMBtu to 7.73¢ per MMBtu. Based on test period transportation volumes of 4,010,325 MMBtu, the rate increase would yield additional revenues of \$198,912 annually.

Notice of the proposed changes in rates was issued on December 18, 1975, with comments, protests and petitions to intervene due on or before December 30, 1975. To date, no comments, protests or petitions to intervene have been received.

On October 9, 1975, McCulloch tendered a similar filing to increase rates to Mountain Fuel. By order issued November 6, 1975,² we rejected that filing as deficient insofar as the Statements required by § 154.63(b) (3) of our regulations had not been filed.

In the instant docket, McCulloch still has not made a complete filing of the Statements required by § 154.63(b) (3). Additionally, those Statements which McCulloch has submitted reveal that the test period used in the filing consists of the twelve months ended December 31, 1974. Section 154.63(e) (2) requires, that the test period shall consist of twelve months of most recently available actual experience, the last day which shall not be more than four months prior to the date of filing. Thus, McCulloch's submittal complies with neither § 154.63(b) nor § 154.63(e) of our regulations.

McCulloch did not explicitly request waiver of our filing requirements, but in its transmittal letter McCulloch attempted to present the instant filing as though it were an amendment to its filing in Docket No. RP75-98.³ We shall treat that as constituting an implied request for waiver of our filing requirements. We find, however, that good cause does not exist for waiver. Consequently, pursuant to 18 CFR 154.63(c) (4), we reject McCulloch's filing for noncompliance with our regulations.

The Commission finds. (1) Good cause exists to reject McCulloch's proposed rate increase as filed on December 10, 1975.

(2) Good cause does not exist to grant waiver of § 154.63(b) and (e) of the Commission's regulations.

The Commission orders. (A) McCulloch's proposed increased rates as filed on December 10, 1975, are hereby rejected, without prejudice to McCulloch's right to file proposed increased rates with supporting data conforming to the Commission's regulations.

(B) Waiver of § 154.63 (b) and (e) of the Commission's regulations is hereby denied.

¹ Designated as First Revised Sheet No. 38 to McCulloch's FPC Gas Tariff, Original Volume No. 1.

² McCulloch Interstate Gas Corporation, Docket No. RP76-25.

³ See order issued May 30, 1975. The proceeding in Docket No. RP75-98 involves an increase in rates to be charged to Colorado Interstate Gas Company, McCulloch's sole jurisdictional sales customer.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-1830 Filed 1-20-76; 8:45 am]

[Docket No. RP71-112]

**MICHIGAN WISCONSIN PIPE LINE CO.
Intention To Act**

JANUARY 9, 1976.

On December 11, 1975, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed a motion for a prehearing conference among the parties to the proceeding and the Commission Staff in the above-titled, remanded proceeding for the purpose of attempting to resolve the issues raised by the opinion of the U.S. Court of Appeals for the District of Columbia Circuit in "Michigan Wisconsin Pipe Line Company v. F.P.C.", 520 F.2d 84 (D.C. Cir. 1975). In that opinion, the Court remanded this Commission's Opinion 685, which had denied rate base treatment for certain of Michigan Wisconsin's advance payments in Canada, for further clarification of the rationale supporting the Commission's decision in Opinion 685. Michigan Wisconsin also notes that since Commission acted in Opinion 685, several material circumstances have changed.

In view of the several complex issues raised by the Court's opinion, Michigan Wisconsin's pleading, and our action on advance payments in the lower 48 states and Alaska on December 31, 1975, in Docket Nos. R-411 and RM74-4 as well as Docket No. RP76-49, it is appropriate that we defer action on Michigan Wisconsin's motion in order to allow further consideration by the Commission of those issues.

Pursuant to § 1.12(e) of the Commission's rules of practice and procedure, the above motion would be deemed to have been denied if the Commission has taken no action by November 14, 1975.

Notice is hereby given of the intention of the Commission to act on the above motion subsequent to the expiration of the 30-day period prescribed by § 1.12(e).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-1717 Filed 1-20-76; 8:45 am]

[Docket No. CP76-205]

**MONTANA-DAKOTA UTILITIES CO.
Notice of Application**

JANUARY 9, 1976.

Take notice that on December 22, 1975, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP76-205 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the

Regulations thereunder [18 CFR 157.7 (b)], for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing April 1, 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with Applicant's pipeline system.

The total cost of the proposed facilities would not exceed \$2,970,000 and the cost of any single project would not exceed \$697,500, which costs, Applicant states, would be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1831 Filed 1-20-76;8:45 am]

[Docket No. RP76-4]

NATIONAL FUEL GAS SUPPLY CORP.

Notice of Extension of Procedural Dates

JANUARY 9, 1976.

On December 22, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 21, 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, March 16, 1976.
Service of Intervenor Testimony, March 30, 1976.

Service of Company Rebuttal, April 13, 1976.

Hearing, April 27, 1976 (10:00 a.m., Local Time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1832 Filed 1-20-76;8:45 am]

[Docket No. CP74-254]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

JANUARY 13, 1976.

Take notice that on January 7, 1976, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-254 a petition to amend the order of the Commission of August 13, 1974 (52 FPC —), issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to authorize Petitioner to withdraw natural gas from storage in excess of the peak-day and seasonal limitations imposed by said order, to support presently authorized levels of winter pipeline deliveries of natural gas and to avoid winter curtailment of deliveries by Petitioner to its customers during the 1975-76 winter period, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner alleges that the supply deficiency for the 1975-76 winter is currently anticipated to be at least 22 million Mcf. Petitioner states that it is authorized by the aforementioned order and other authorizations of the Commission to withdraw up to 33.3 million Mcf from storage on a seasonal basis and up to 333,000 Mcf on a peak day. Petitioner states further that it had withdrawn 21.6 million Mcf of its seasonal storage capacity as of December 31, 1975.

Petitioner states that pursuant to authorized inventory levels, it has injected into its reservoirs gas in excess of the seasonal withdrawal volumes certificated to date. Currently Petitioner is said to have available in storage about 9.5 million Mcf in excess of its certificated seasonal withdrawal capacity which could

be utilized, subject to the authorization requested in the instant petition, to support pipeline deliveries during the 1975-76 winter. In addition, Petitioner estimates that under proper reservoir conditions, cushion gas could be withdrawn on an emergency basis this winter to support pipeline deliveries.

Petitioner states that it anticipates it can withdraw such additional gas with existing facilities, which are designed to accommodate peak day usage of gas stored by Petitioner for its customers under its Rate Schedule S-1 and of certificated pipeline flow gas support withdrawals. Withdrawal of this additional gas is said to be possible because on any given day S-1 customers may not be utilizing their peak day quantity and, further, S-1 is a 30-day peaking service whereas storage to support pipeline winter deliveries is predicated upon a 100-day winter season so that existing facilities will accommodate additional pipeline flow gas on a seasonal basis even S-1 customers make heavy demands on S-1 storage. Petitioner states, in addition, that it can withdraw extra gas over a period in excess of the 100-day winter period. The exact level and timing of these withdrawals cannot be projected at this time as it depends on customer S-1 usage and its impact on the capacity of facilities and reservoir pressures. Petitioner states; however, Petitioner anticipates that it may be able to make sufficient withdrawals to avoid curtailment.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1849 Filed 1-20-76;8:45 am]

[Project No. 1835 and Docket No. E-8492]

NEBRASKA PUBLIC POWER DISTRICT

Availability of Environmental Impact Statement

Notice is hereby given that on or about January 22, 1976, as required by the Commission rules and regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement

prepared by the Commission's staff pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impacts of the use of Project No. 1835 lands and water for the construction of water intake and outlet facilities and a cooling pond associated with the Gerald Gentleman steam plant. This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and its Chicago Regional Office located at Federal Building, 230 S. Dearborn St., Chicago, Illinois 60604. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1716 Filed 1-20-76;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Notice of Further Extension of Procedural Dates

JANUARY 9, 1976.

On December 23, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 16, 1975, as most recently modified by notice issued November 26, 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, March 12, 1976.
Service of Intervenor Testimony, March 26, 1976.
Service of Company Rebuttal, April 9, 1976.
Hearing, April 27, 1976 (10:00 a.m., Local Time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1833 Filed 1-20-76;8:45 am]

No. 71778, Pauley, J. E., 1-20-76

[Docket No. RP73-8; (PGA76-6)]

NORTH PENN GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 13, 1976.

Take notice that North Penn Gas Company (North Penn) on January 7, 1976, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective February 1, 1976. The proposed rate change will increase jurisdictional revenues based on the twelve-month period ending November 30, 1975, by \$121.7 thousand annually.

North Penn states that the PGA filing was triggered by a PGA increase filed by Consolidated Gas Supply Corporation, to become effective February 1, 1976.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed

rates to go into effect on February 1, 1976.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 February 2, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1850 Filed 1-20-76;8:45 am]

[Docket No. E-9545]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

JANUARY 9, 1976.

Take Notice that on December 29, 1975 Northwestern Public Service Company ("Northwestern") filed an Application pursuant to Section 203 of the Federal Power Act seeking authorization to sell to the City of Watertown, South Dakota ("City"), that part of Northwestern's electric distribution system serving approximately 35 consumers and a part of Northwestern's electric transmission system in the vicinity of the City of Watertown, Codington County, South Dakota, reserving and excepting, however, the right of Northwestern to utilize the facilities for the delivery of (i) up to 10 MW from the U.S. Bureau of Reclamation Watertown Substation to Northwestern's Kampeska Substation, and (ii) up to 6 MW at a mutually agreeable location at or near the point where Northwestern's 12.4 KV line intersects U.S. Interstate Highway 29 for the purpose of providing sufficient capacity to supply Northwestern's present and future loads east of the City of Watertown.

Northwestern is incorporated under the laws of the State of Delaware and is engaged in the electric utility business and serves a total of approximately 49,551 electric customers at retail in counties in east central South Dakota. The transmission and distribution facilities proposed to be sold to the City are located in and adjacent to the City.

Northwestern and the City have entered into an agreement pursuant to which Northwestern agrees to sell and the City agrees to purchase Northwestern's electric transmission and distribution system in and adjacent to areas above set forth. The City now owns and

operates the electric distribution system serving the residents of the City and plans to interconnect the properties to be purchased with the existing municipal system. The base purchase price will be \$249,300 subject to adjustments by reason of additions and retirements between March 31, 1975, and the date of transfer.

Any person desiring to be heard or to make any protest with reference to said Application should on or before February 6, 1976, file with the Federal Power Commission in Washington, D.C. 20426, Petitions to Intervene or Protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All Protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file Petitions to Intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1834 Filed 1-20-76;8:45 am]

[Docket Nos. E-7777 (Phase II) and ER76-296]

PACIFIC GAS AND ELECTRIC CO.

Notice of Extension of Time

JANUARY 13, 1976.

On January 7, 1976, Pacific Gas and Electric Company filed a motion to extend the time for filing responses to the "Motion to Consolidate and Conditional Petition to Intervene" filed on December 22, 1975, by Northern California Power Agency (NCPA) in the above-indicated proceeding.

Notice is hereby given that the time for filing responses to the above motion filed by NCPA in the above matter is extended from January 6, 1976 to and including January 30, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1851 Filed 1-20-76;8:45 am]

[Docket No. RP73-89]

SEA ROBIN PIPELINE CO.

Notice of Filing of Revised Tariff Sheets

JANUARY 12, 1976.

Take notice that on December 29, 1975, Sea Robin Pipeline Company (Sea Robin) filed with the Federal Power Commission (Commission) as a part of its FPC Gas Tariff, Original Volume No. 1, the following revised tariff sheets:

First Revised Sheet No. 5
First Revised Sheet No. 6
First Revised Sheet No. 7

These revised tariff sheets are being filed to correct certain deficiencies in

Sea Robin's existing Purchased Gas Adjustment Clause in order to permit Sea Robin to recover its total purchased gas cost. Sea Robin requests that the attached revised tariff sheets be accepted for filing and be permitted to become effective concurrently with the increased rates reflected in Sea Robin's general rate increase filing in Docket No. RP76-39.

A copy of the revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1844 Filed 1-20-76;8:45 am]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Application for Use of Project Property

JANUARY 13, 1976.

Public notice is hereby given that application was filed on August 11, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by South Carolina Electric & Gas Company (Correspondence to: Mr. D. G. Jeter, Vice President, and Mr. Edward C. Roberts, Senior Attorney, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218; and to Peyton G. Bowman III, and Brian McManus, Reid & Priest, Attorneys at Law, 1701 K Street NW., Washington, D.C. 20006), Licensee for Saluda Project No. 516, requesting Commission authorization to permit the South Carolina Highway Department to make certain modifications to S.C. Route 6 over the spillway section of Lake Murray Dam in Lexington County, South Carolina.

As proposed, the State Highway Department would widen the existing bridge and roadway of S.C. Route 6 where it crosses over the spillway section of Lake Murray Dam in Lexington County, South Carolina. The roadway would be widened from 22 feet to 31 feet to alleviate a bottleneck in the traffic flow. The existing bridge would be widened on the west side along its 310-foot length.

Any person desiring to be heard or to make any protest with reference to said

application should on or before March 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), 18 CFR 1.32(b) (April 1, 1975), a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

MARY KID PEAK,
Acting Secretary.

[FR Doc.76-1852 Filed 1-20-76;8:45 am]

H. GUYFORD STEVER

Order Removing a Member From National Power Survey Coordinating Committee

JANUARY 12, 1976.

The Federal Power Commission by Order issued November 2, 1972, established the Coordinating Committee of the National Power Survey and designated initial membership of that Committee. This Coordinating Committee was renewed by Commission Order, dated January 13, 1975.

1. *Membership.* Resignation from the National Power Survey Coordinating Committee has been received and accepted from the following individual who is hereby removed as a member of the Committee:

Dr. H. Guyford Stever, Director, National Science Foundation.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1837 Filed 1-20-76;8:45 am]

[Docket No. CP75-358]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO, INC.

Notice of Extension of Procedural Dates

JANUARY 12, 1976.

On January 6, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) filed a motion to extend the procedural dates fixed by order issued December 10, 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 Tennessee's Testimony, February 18, 1976.

Hearing, March 8, 1976 (10:00 a.m., Local Time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1845 Filed 1-20-76;8:45 am]

SUPPLY-TECHNICAL ADVISORY COMMITTEE STUDY SUBGROUP ON GAS RESERVES AND RESOURCES CLASSIFICATIONS

Agenda of Meeting

Conference Room 6200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, February 9, 1976, 9:00 A.M.

Presiding: Mr. William J. McCabe, National Gas Survey, Federal Power Commission.

1. Call to Order—Mr. William J. McCabe.
2. Discussion of Draft Papers on Reserves—Resources Nomenclature and Classifications—Dr. Richard F. Meyer, Subgroup Leader.

3. Other Business.

4. Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the subgroup—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the subgroup.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1821 Filed 1-20-76;8:45 am]

SUPPLY-TECHNICAL ADVISORY TASK FORCE-NONCONVENTIONAL NATURAL GAS RESOURCES SUB-TASK FORCE II: METHANE IN COAL

Agenda of Meeting

Conference Room 6200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, February 10, 1976, 9:30 A.M.

Presiding: Thomas Jennings, Senior Staff Engineer, National Gas Survey and Federal Power Commission Coordinating Representative and Secretary.

1. Call to Order—Thomas Jennings.
2. Discussion of Sub-Task Force Work Scope and Goals—Arthur Warner Chairman.
3. Assignment of Work to Sub-Task Force Members.

4. Establishment of Priorities and Completion Dates for Work of the Sub-Task Force.
5. Scheduling of Next Meeting Date.
6. Other Business.

7. Adjournment—Thomas Jennings.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1822 Filed 1-20-76;8:45 am]

TRANSWESTERN PIPELINE CO.

[Docket No. CP73-211]

**TRANSWESTERN PIPELINE COMPANY,
TRANSWESTERN COAL GASIFICATION
COMPANY, PACIFIC COAL GASIFICA-
TION COMPANY, AND WESTERN GASIFI-
CATION COMPANY**

**Order Granting Intervention and Rehearing
for Further Consideration**

JANUARY 9, 1976.

George and Mary Silentman, Navajo Indians residing on the Navajo Reservation near Burnhams, New Mexico, on December 11, 1975, have filed an application for rehearing of the Commission's Opinion No. 728-A and order issued November 21, 1975, because it did not grant their petition for leave to intervene and to file an untimely application for rehearing with respect to the Commission's Opinion No. 728 and order issued on April 21, 1975.

In Opinion No. 728 the Commission granted a certificate of public convenience and necessity authorizing the transportation and sale of coal gas produced by the Transwestern Coal Gasification Project, located on the Navajo Reservation in northwest New Mexico. Petitioners state that they reside on land on which applicants propose to construct the gasification plant and coal mine, and that if the applications are finally approved they will lose their ancestral home, their land, their sheep and their entire way of life.

They argue further that they are represented by counsel in a small legal services office with limited resources and did not intervene earlier in this proceeding because they believed that their interests would be represented in *El Paso Natural Gas Company*, Docket No. CP73-131, and because counsel had been on an extended leave of absence. Petitioners contended that they should be allowed to raise the important issues of environmental devastation which the Commission had not fully considered in Opinion No. 728.

Applicants replied on October 15, 1975, pointing out that the Commission had no authority to waive the provision in Section 19(a) of the Natural Gas Act that applications for rehearing be filed within 30 days of the date of the order on which rehearing is sought. Applicants also pointed out that orderly procedure should not permit such a late intervention and that a change of mind on the part of counsel nor an extensive period of leave constituted good cause permitting untimely intervention.

In our opinion these Petitioners should be granted leave to intervene even at this advanced stage. While they have not followed the prescribed procedure with respect to interventions, they appear to have an interest in these proceedings and have not been represented by counsel that was able to participate earlier. The application for rehearing filed December 11, 1975, and asking for full rehearing of Opinion No. 728-A "insofar as it denies Applicants' Petition for Leave to Intervene" should be granted.

In their application for rehearing Petitioners argue that in its Opinion No. 728-A and order on rehearing the Commission made a gesture of compliance with its obligations under the National Environmental Policy Act (42 U.S.C. 4321, et seq.) but had failed to follow the procedural or substantive requirements of the Act. We will address these substantive issues in another order and therefore will grant rehearing for further consideration.

The Commission further finds: (1) Petitioners should be permitted to intervene in these proceedings subject to the conditions below.

(2) The application for rehearing filed December 11, 1975, should be granted for further consideration of the substantive issues raised therein.

The Commission orders: (A) Petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding; and *Provided, further*, that the record shall not be reopened for the purposes of this intervention and Petitioners shall take the record as they find it.

(B) The application for rehearing filed by the Petitioners on December 11, 1975, is hereby granted for purposes of further consideration of the substantive issues raised therein.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1835 Filed 1-20-76;8:45 am]

[Docket No. E-8559]

**UNION ELECTRIC CO.
Notice of Application**

JANUARY 9, 1976.

Take notice of the filing of an application by Union Electric Company (Applicant)

18 CFR 1.8.

seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of short term, unsecured promissory notes in the amount of \$200,000,000, of which aggregate amount up to \$100,000,000 may be in the form of commercial paper, with final maturities not later than December 31, 1978.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial banks, the prime rate, with appropriate compensating balances, in effect during the period they are; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance of commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The Applicant contemplates the issuance of promissory notes, including the "roll-over" of commercial paper promissory notes, without further application to this Commission, at any time and from time to time, each of such notes to have a maturity date of not later than December 31, 1978.

The proceeds will be used to finance in part Applicant's construction program to December 31, 1978. The construction program of Applicant, as now scheduled, calls for plant expenditures of approximately \$875,826,000 for 1976 through 1978.

Any person desiring to be heard or to make any protest with reference to the application should, on or before February 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1836 Filed 1-20-76;8:45 am]

[Docket Nos. RP74-20, RP74-83]

**UNITED GAS PIPE LINE CO.
Notice of Certification of Settlement
Agreement and Record**

JANUARY 13, 1976.

Take notice that on December 24, 1975 Presiding Administrative Law Judge Graham W. McGowan certified to the Commission a proposed Stipulation and

Agreement of the parties and the Commission Staff in this proceeding as well as the hearing record made at a formal hearing on December 2, 1975. The proposed Stipulation and Agreement proposes to settle all issues in this proceeding with the exception of certain issues which would be dependent on the outcome of other proceedings.

Copies of the proposed Stipulation and Agreement are on file with the Commission and are available for public inspection. Any person desiring to comment upon such matters contained in the proposed Stipulation and Agreement should file such comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before February 4, 1976. Reply comments are to be filed on or before February 19, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1853 Filed 1-20-76; 8:45 am]

[Docket No. ES76-32]

UTAH POWER & LIGHT CO.

Notice of Application

JANUARY 13, 1976.

Take notice that on January 8, 1976, Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale of \$35,000,000 in principal amount of First Mortgage Bonds.

Applicant is incorporated under the laws of the State of Maine, with its principal business office at Salt Lake City, Utah and is engaged in the business of generating, transmitting and distributing electrical energy in the states of Idaho, Utah and Wyoming. The New Bonds are proposed to be offered pursuant to competitive bidding procedures on or about February 18, 1976.

The proceeds from the sale of the New Bonds will be applied to the retirement of \$35,000,000 in principal amount of Applicant's First Mortgage Bonds due March 1, 1976.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the

Commission and available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1854 Filed 1-20-76; 8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thursday, February 19, 1976 and Thursday, February 26, 1976.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
*Chairman, Federal Prevailing
Rate Advisory Committee.*

JANUARY 16, 1976.

[FR Doc.76-1767 Filed 1-20-76; 8:45 am]

FEDERAL RESERVE SYSTEM BANK SHARES INC.

Acquisition of Bank

Bank Shares Incorporated, Minneapolis, Minnesota, 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 acquire 100 per cent of the voting shares of Mid America Bancorporation, Inc., St. Paul, 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)).

The application may be inspected at the office of the Board of Governors of the Federal Reserve Bank of Minneapolis. 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 February 4, 1976.

Board of Governors of the Federal Reserve System, January 14, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-1741 Filed 1-20-76; 8:45 am]

CITIZENS FINANCIAL CORP.

Formation of Bank Holding Company

Citizens Financial Corporation, Liberal, Kansas, 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 The Citizens State Bank, Liberal, Kansas. 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)).

Citizens Financial Corporation has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to engage de novo in certain credit related insurance activities and certain general insurance agency activities. Notice of the application was published on December 19, 1975, in The Southwest Daily Times, a newspaper circulated in Liberal, Kansas.

Applicant states that it proposes to engage in the following activities: the sale of joint credit life, reducing term credit life, credit accident and health, and level term credit life insurance, all directly related to extensions of credit by The Citizens State Bank; and the sale of other convenience insurance such as ordinary life insurance in connection with lines of credit to customers of The Citizens State Bank provided that the limitations of the Board's Regulation Y are not exceeded. Such activities will be conducted from the premises of The Citizens State Bank. Applicant states that such activities have been specified by the Board in section 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 section 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 competi-

tion, 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 Kansas City.

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 February 9, 1976.

Board of Governors of the Federal Reserve System, January 14, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-1742 Filed 1-20-76; 8:45 am]

FIRST TRIBUNE INSURANCE AGENCY, INC.

Formation of Bank Holding Company

First Tribune Insurance Agency, Inc., Tribune, Kansas, 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 84 per cent of the voting shares of The First National Bank of Tribune, Tribune, Kansas. 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)).

First Tribune Insurance Agency, Inc., Tribune, Kansas, 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 continue to engage in the business of a general insurance agency in a community with a population of less than 5,000 persons. Notice of the application was published on December 11, 1975, in the Greenly County Republican, a newspaper circulated in Greenly County, Kansas. 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 interest, 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 mat-

ter 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 Kansas City.

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 February 11, 1976.

Board of Governors of the Federal Reserve System, January 15, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-1743 Filed 1-20-76; 8:45 am]

ORWIG AND COMPANY, INC.

Determination With Respect to Entitlement to Exemption

By Order dated December 1, 1975 (40 FEDERAL REGISTER 57246; 1975), the Board approved the application filed by Orwig and Company, Inc., Kansas City, Missouri ("Orwig"), for the Board's approval under section 3(a) (5) of the Bank Holding Company Act ("Act") to merge with Merchants Investors, Inc., Kansas City, Missouri ("Merchants Investors"), under the title and charter of Orwig. Because Orwig desires to continue engaging in certain nonbanking activities engaged in by Merchants Investors, which activities are not presently authorized for bank holding companies, Orwig has requested a Board determination that it is entitled to the benefits of the exemption set forth in section 4(c) (ii) of the Act. That section provides that the Act's prohibitions against nonbanking activities of a bank holding company shall not apply to any bank holding company that is "a company covered in 1970 more than 85 per centum of the voting stock of which was collectively owned on June 30, 1968, and continuously thereafter, directly or indirectly, by or for members of the same family, or their spouses, who are lineal descendants of common ancestors." (12 U.S.C. § 1843(c) (ii)). In its Order of December 1, 1975, the Board indicated that the question of Orwig's entitlement to such exemption was still under consideration. The Board has considered the request and, on the basis of the information presented, makes the following findings.

As indicated above, section 4(c) (ii) of the Act provides a complete exemption from the nonbanking prohibitions of the Act for a bank holding company that is a "company covered in 1970" more than 85 per cent of the voting shares of which was owned on June 30, 1968, and continuously thereafter, by or for members of the same family. Thus, to qualify for a section 4(c) (ii) exemption, a bank holding company must satisfy two distinct tests: (1) it must be a "company covered in 1970"; and (2) it must fulfill the continuous family ownership requirement.

The Board believes that Orwig does not satisfy the family ownership test because Orwig was not in existence on June 30, 1968. Orwig argues, however, that it is a "successor" to a company that was in existence on that date more than 85 per cent of the voting shares of which was owned on that date by members of the same family, and that it should therefore be viewed as having been in existence on that date. Specifically, Orwig contends that it was formed on July 24, 1970, as the result of a consolidation of Mawn Investment Co. ("Mawn") and three other corporations.

The Board believes, however, that Orwig is not a "successor" to these preexisting corporations, within the meaning of the Act. The term "successor" is defined in section 2(e) of the Act as

any company which acquires directly or indirectly from a bank holding company shares of any bank, when and if the relationship between such company and the bank holding company is such that the transaction effects no substantial change in the control of the bank or beneficial ownership of such shares of such bank.

On July 24, 1970, the four companies that were consolidated to form Orwig owned, directly and indirectly, about 47 per cent of the shares of University Bank, Kansas City, Missouri, and about 22 per cent of the shares of Merchants-Produce Bank. It is clear, therefore, that the constituent companies of Orwig, even if viewed as a single entity, did not constitute a "bank holding company" under the definitions in the Act as it was in effect on the date of the consolidation. Accordingly, since Orwig did not acquire shares of a bank "from a bank holding company," it cannot be viewed as a "successor" to the constituent companies within the definition set forth in section 2(e).¹

However, even if Orwig were considered a successor in interest to its constituent companies so that it may trace its corporate existence back to June 30, 1968, and thus satisfy the continuous family ownership requirement of section 4(c) (ii), it does not satisfy the requirement of that section that it also be a "company covered in 1970."

Section 2(b) of the Act defines the term "company covered in 1970" as a "company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date." On Decem-

¹ While Orwig may be viewed as the legal successor in interest to the constituent companies under applicable state corporation law, the Board does not believe that state law is relevant or controlling on the question whether Orwig is entitled to the broad exemption from the prohibitions on nonbanking activities set forth in section 4(c) (ii). That section plainly refers to "a company" whose stock was owned by family members on June 30, 1968, and the Board believes this language should be narrowly construed.

ber 31, 1970, Orwig owned approximately 28.5 percent of a company that owned substantially all of the voting shares of Merchants-Produce Bank, and by virtue of this ownership it became a bank holding company as a result of the enactment of the 1970 Amendments to the Act. In addition, as of that date Orwig owned approximately 24.9 percent of a company that owned substantially all of the voting shares of University Bank. These holdings were reported to the Board in Orwig's initial bank holding company registration statement filed under the Act in 1971. On June 30, 1968, Orwig (if viewed as the successor in interest to its constituent companies) owned about 45 percent of University Bank, but owned only 16 percent of Merchants-Produce Bank. Thus, while Orwig became a bank holding company by reason of its ownership of Merchants-Produce Bank in 1970, it clearly would not have been a bank holding company as to Merchants-Produce Bank on June 30, 1968, if the 1970 Amendments had been enacted on that date. Orwig offers three arguments in an effort to cure this defect in its claim of entitlement to the section 4(c) (ii) exemption:

First, it contends that even though it did not control Merchants-Produce Bank on June 30, 1968, it did control University Bank. Therefore, it claims, it would have been a bank holding company as to University Bank on June 30, 1968, had the Act been amended on that date.

Second, Orwig contends that while it did not control Merchants-Produce Bank on June 30, 1968, by virtue of stock ownership, it exercised a "controlling influence" over the management or policies of that bank on that date, and should therefore be deemed retroactively to have controlled the bank as of that date.

Third, Orwig argues that as of December 31, 1970, it exercised a "controlling influence" over the management or policies of University Bank, and should therefore be deemed retroactively to have become a bank holding company as to University Bank by reason of the enactment of the 1970 Amendments. If this contention were accepted, Orwig would then be a "company covered in 1970" with respect to University Bank because it clearly controlled more than 25 percent of that bank's voting shares as of June 30, 1968.

As to Orwig's first point, it is the Board's view that a company claiming to be a "company covered in 1970" must have owned more than 25 percent of the voting shares of the same bank both on June 30, 1968, and December 31, 1970, and continuously between those dates. In enacting the 1970 Amendments to the Act, Congress was concerned about disrupting settled banking relationships that had existed for a period of time prior to the enactment of the Amendments to the Act. June 30, 1968, was originally recommended by the Administration as the cut-off date for determining eligibility for grandfather privi-

leges.² In the final version of the legislation, Congress adopted June 30, 1968, as the "grandfather" date, "because it was about that time that it became clear that the major banks of this country were going to restructure themselves as subsidiaries or affiliates of one-bank holding companies," and because the controversy engendered by the publicity concerning this development put the public on notice "that the issue was going to be reconsidered by the Congress." 116 Cong. Rec. 42424 (1970) (remarks of Sen. Sparkman). The ranking minority member of the House Banking Committee explained that the "grandfather" clause "permits nonbanking activities of one-bank holding companies that existed on or before June 30, 1968, to be continued." 116 Cong. Res. 41953 (1970) (remarks of Rep. Widnall). It is clear, therefore, that Congress was concerned about the disruption of holding company relationships that were covered for the first time by the 1970 Amendments and that had existed on June 30, 1968. If a company that controlled one bank on June 30, 1968, voluntarily relinquished that control position prior to the enactment of the 1970 Amendments, it was plainly not within the scope of Congress' concern, even though it may have acquired control of a different bank after that date.

Orwig's second argument, that it exercised a "controlling influence" over Merchants-Produce Bank on June 30, 1968, and therefore should be deemed to be a "company covered in 1970" because it controlled the bank as of that date, within the meaning of section 2(a)(2)(C) of the Act, is also without merit. As noted above, section 2(b) of the Act defines the term "company covered in 1970" as a "company that becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date." Since Orwig did not own as much as 25 per cent of Merchants-Produce Bank on June 30, 1968, it would not have been a bank holding company on that date had the Amendments been enacted at that time. It could only have become a bank holding company at some subsequent date after the Board made a "controlling influence" determination under section 2(a)(2)(C). It has long been the Board's view that a company may only be considered a "company covered in 1970" if it automatically became a

² Under Secretary of the Treasury Walker testified in early 1969: "This date is not so far back in time that forced divestitures would disrupt the operations or threaten the viability of most of the smaller, 'traditional' one-bank holding companies. On the other hand, the date is early enough to include the great majority of new companies whose organization has pushed the total assets involved to such high level." Hearings on "Bank Holding Company Act Amendments" before the House Committee on Banking and Currency, 91st Cong., 1st Sess. 90 (1969).

bank holding company by virtue of the 1970 Amendments and would automatically have become a bank holding company on June 30, 1968, had the amendments then been enacted. See *Perpetual Corporation—Pierce National Life Insurance Company*, 1973 Federal Reserve Bulletin 218; *Ribso, Inc.*, 38 Fed. Reg. 7029 (1973). Accordingly, Orwig cannot achieve the status of a "company covered in 1970" by virtue of a retroactive "controlling influence" determination.

Orwig's third argument, that it exercised a "controlling influence" over University Bank as of December 31, 1970, must fail for the same reasons as discussed with respect to its claim of a "controlling influence" over Merchants-Produce Bank as of June 30, 1968.⁴ In this regard the Board notes further that when Orwig registered as a bank holding company in 1971, because of its control of Merchants-Produce Bank, it did not claim to have control over University Bank by virtue of its exercise of a "controlling influence," and in fact it indicated that University Bank was not a subsidiary of Orwig. Thus, its present

³ The recent decision of the United States Court of Appeals for the Ninth Circuit in *Patagonia Corporation v. Board of Governors*, 517 F.2d 803 (1975) is not relevant to this issue. The issue in *Patagonia* was whether a bank holding company that was admittedly a "company covered in 1970," because it controlled more than 25 percent of the same bank both on June 30, 1968, and December 31, 1970, was entitled to continue to engage in a nonbanking activity that it was engaged in through a "subsidiary" on June 30, 1968. The court held that in determining whether the nonbank company was a "subsidiary," within the definition in § 2(d)(3) of the Act, the Board must consider whether Patagonia exercised a "controlling influence" over that company's management policies. The court itself distinguished that issue from the issue involved here and in the Board's *Ribso* decision, namely, whether a "controlling influence" determination can be made retroactively under § 2(a)(2)(C) with respect to a bank for the purpose of determining whether a company is a "company covered in 1970." (517 F.2d at 814).

⁴ As an alternative, Orwig has requested that the Board make a "controlling influence" determination under § 2(a)(2)(C) of the Act that Merchants Investors was in fact a bank holding company with respect to the same bank throughout the period of June 30, 1968, to December 31, 1970, and thus a "company covered in 1970." Merchants is wholly owned by members of the same family that owns Orwig. Orwig argues that, upon the merger of Merchants into Orwig (which transaction was approved by the Board on December 1, 1975) Orwig would be a "company covered in 1970" by reason of its being a "successor" to Merchants. Merchants owned approximately 24 percent of the voting shares of University Bank on December 31, 1970, and approximately the same ownership of University Bank existed on June 30, 1968. Orwig's request that Merchants be determined to be a "company covered in 1970" also must fail for the same reasons as discussed above with respect to Orwig's claim of a "controlling influence" over Merchants-Produce Bank as of June 30, 1968.

claim of "controlling influence" is in conflict with the representations it made to the Board in 1971.⁵

Accordingly, on the basis of the information presented and for the reasons summarized herein, the Board has determined that Orwig is not entitled to the exemption provided in § 4(c) (ii) of the Act.

By order of the Board of Governors,⁶ effective January 15, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.
[FR Doc.76-1812 Filed 1-20-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 128]

PORTION, GRAND FORKS AIR FORCE BASE, GRAND FORKS COUNTY, NORTH DAKOTA D-ND-416E

Transfer of Property

Pursuant to section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated December 15, 1975, the property comprising approximately 90 acres of unimproved land identified as a portion of Grand Forks Air Force Base, Grand Forks County, North Dakota, has been conveyed to the State of North Dakota.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provisions of section 1 of said Pub. L. 537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: January 9, 1976.

NICHOLAS A. PANUZIO,
Commissioner,
Public Buildings Service.

[FR Doc.76-1760 Filed 1-20-76;8:45 am]

[GSA Bulletin FPMR A-60]

SUBMISSION OF FISCAL YEAR REPORTS— CHANGES IN REPORTING PERIOD

1. *Purpose.* This bulletin advises agencies of changes in the fiscal year reporting period.

2. *Expiration date.* This bulletin expires October 1, 1976, unless sooner revised or canceled.

3. *Background.* The enactment of the Congressional Budget and Impoundment Control Act of 1974, (Pub. L. 93-344), requires that the fiscal year begin October 1 and end September 30. The Federal

⁵ The registration form instructs registrants that "if the existence of control is open to reasonable doubt in any instance" a registrant may disclaim control but must "state the material facts pertinent to the possible existence of control."

⁶ Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, and Jackson. Absent and not voting: Chairman Burns and Governor Coldwell.

⁷ Board action was taken while Governor Bucher was a Board Member and before Governor Partee became a Board Member.

Property Management Regulations requirements for submission of fiscal year reports to GSA will be affected by this change.

4. *Agency action.* Except as noted in paragraph 5 below, requirements for submission of fiscal year reports to GSA will be as follows:

a. FPMR requirements for fiscal year 1976 reports are construed to cover 15 months, from July 1, 1975, through September 30, 1976.

b. Future FPMR requirements for submission of fiscal year reports will involve the 12-month period beginning October 1 each year and ending September 30 the following year.

5. *Federal Motor Vehicle Fleet Report.* This report is prepared annually by GSA from motor vehicle data provided by agencies on Standard Form 82, Agency Report of Motor Vehicle Data, and Standard Form 82-D, Agency Report of Sedan Data. In order to allow a meaningful comparison with previous and succeeding fiscal years, submission of this report will be as follows:

a. Information for the period July 1, 1975, through June 30, 1976, is to be submitted no later than September 15, 1976.

b. Information for the period July 1, 1976, through September 30, 1976, is to be maintained by the agencies involved for reference purposes.

c. Information for subsequent fiscal years beginning October 1, and ending September 30, is to be submitted no later than December 15 each year.

Dated: January 12, 1976.

JACK ECKERD,
Administrator of
General Services.

[FR Doc.76-1772 Filed 1-20-76;8:45 am]

NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR NEUROBIOLOGY AND ADVISORY PANEL FOR PSYCHO- BIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following joint meeting:

Names: Advisory Panels for Neurobiology and Psychobiology.

Date: February 9 and 10, 1976.

Time: 9 a.m. each day.

Place: Rm. 338, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of Meeting: Closed.

Contact Person: Dr. James H. Brown, Program Director for Neurobiology or Dr. Robert D. Sorkin, Program Director for Psychobiology, Rm. 333, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4264.

Purpose of Advisory Panels: To provide advice and recommendations concerning support for research in neurobiology and psychobiology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5) and (6).

Authority to Close Meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of Section 10(d) of Public Law 92-463.

GAIL A. MCHENRY,
Acting Committee
Management Officer.

JANUARY 16, 1976.

[FR Doc.76-1865 Filed 1-20-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 16, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL ACADEMY OF SCIENCES

Questionnaire for Peer Judging of Biomedical Journals, single-time, scientists, Dick Eisinger, 395-6140.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Evaluation of Officially recognized Programs, semi-annually, nonprofit organizations, Raynsford, R., 395-3814.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education:
Followup Survey: Former Clients of Career Education Project, NIE 144, single-time, clients, George Hall, 395-6140.

National Institute of Education:
Research on the Effects of Demonstration Compensatory Education Projects, 149 A-C, annually, parents, citizens, George Hall, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management: Actual Modernization Cost Certificate, HUD 53001, single-time, Public Housing Agencies, Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration: Used Car Owner Survey, single-time, persons obtaining motor vehicle inspection, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Application for Domestic Mining and Mineral and Mineral Fuel Conservation Program, OE 405, annually, Inst. of Post-Secondary Education, Lowry, R. L., 395-3772.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Application for Federal Employment, CSC 1200, on occasion, households, Caywood, D. P., 395-3443.

COMMUNITY SERVICES ADMINISTRATION

Attorney's Certification, OEO-393, on occasion, Community Development Corp., Lowry, R. L., 395-3772.

Budget Summary, OEO-325, on occasion, Community Development Corp., Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

Format for Experimental Score Occupational Supplements, on occasion, households, Caywood, D. P., 395-3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage: Architect/Engineer's Certificate, HUD-4532, on occasion, Architect/Engineer, Lowry, R. L., 395-3772.

Housing Production and Mortgage: Post Office Survey Forms (Dwelling Vacancies), FHA-2597, on occasion, U.S. Post Offices, Community and Veterans Affairs Division, 395-3532.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.76-1964 Filed 1-20-76; 8:45 am]

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 13, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

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proved after brief notice through this release.

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NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census:

Education and Training need Survey, MBE-127, single-time, educators, George Hall, 395-6140.

Education and Training Program Survey, MBE-126, single-time, educators, George Hall, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Evaluation of Existing State Programs for Control of Streptococcal Disease, Rheumatic Fever, and Glomerulonephritis, TF 4247, single-time, State Heart Associations, Human Resources Division, Dick Elsinger, 395-3532.

Social and Rehabilitation Service:

Child Support Program Reporting, OCSE-NCSS 1001, quarterly, jurisdictions, Human Resources Division, Sunderhauf, M. B., 395-3532.

National Center for Education Statistics:

National Assessment of Educational Progress Supplementary Student Questionnaire, OE 2371-1, single-time, 17 year olds in schools, George Hall, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research Baseline Interview Guide, single-time, local administrators, Community and Veterans Affairs Division, C. Louis Kincannon, 395-3532.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:

Survey of Formalized Special Traffic Control Measures, single-time, Highway and Law Enforcement Agencies, Strasser, A., 395-5867.

REVISIONS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Application for Special Fellowship, 734, on occasion, university directors of ERDA traineeship program, Strasser, A., 395-5867.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, regulations—Special Milk Program for Children, 7 CFR 215, on occasion, Human Resources Division, 395-3532.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:

A Survey of Health Science Curricula Among NAFEO Schools, HRAOD 0606, single-time, Black College Presidents, George Hall and Dick Elsinger, 395-6140.

Public Health Service:

Impact of Regional Office Monitoring Activities on Decentralized Health Services Programs in Region II, 2-0602, single-time, Ambulatory Care Centers, Human Resources Division, Reese, B. F., 395-3532.

National Institutes of Health:

Hypertension Detection and Followup Program, OS NIH-HL-13, other (see SF-83), Hypertensive Study Participants, Dick Elsinger, 395-6140.

Center for Disease Control:

Psychological Job Stress and Coronary Heart Disease, NIOSH 0422, on occasion, Workers in Aerospace Company, Dick Elsinger, 395-6140.

EXTENSIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Cash Request and Fiscal Report Form, NEA-7, on occasion, Charitable and Educational Institutions, Marsha Traynham, 395-4529.

SMALL BUSINESS ADMINISTRATION

Evaluation of Small Business Institute Program, Part III, Small Business Owner or Manager, on occasion, firms, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:

Report of Exportations and Allowances of Drawback to Fulfill Conditions of Bonds (quantities of sugar with duty drawback), SU20, monthly, sugar importers, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control:

Monthly Manufacturers' Report of Specified Biologics Distribution and Inventory, HSM 4206, monthly, pharmaceutical companies, Marsha Traynham, 395-4529.

National Institutes of Health:

Pilot Test for a Study to Determine the Incidence, Prevalence, and Costs Associated with Head and Spinal Cord Injury, NIH ND-7, single-time, hospitals, Dick Elsinger, 395-6140.

Office of the Secretary:

Extended Care Facility Compliance Report, OS-8 73, on occasion, Lowry, R. L., 395-3772.

Social and Rehabilitation Service:

Quarterly Statement of Expenditures, SRS-OA-41, quarterly, States' welfare agencies, Lowry, R. L., 395-3772.

DEPARTMENT OF THE TREASURY

Departmental and Other Confidential Information for the Secretary of the Treasury, annually, largest corporations, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration:

On-Road Vehicle Failure Questionnaire, single-time, disabled vehicle driver/owner, Strasser, A., 395-5867.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.76-1965 Filed 1-20-76; 8:45 am]

CLEARANCE OF REPORTS

Lists of Requests

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Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of International Commerce: Schedule of Trade Promotion Events—Laboratory and Scientific Instruments, DIB-4050P, single-time, Trade Association Manufacturers of Instruments, Harry B. Sheftel, 395-5870.

Bureau of Census: Fair Labor Standards Act Wage and Hour Survey, FLSA-1, 2, 3, 4, 5, 6 and 7, single-time, State and local governments, Ellett, C. A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: Attitude Preassessment, Assessment, and Post-Assessment Questionnaire, NIE 148, on occasion, Piedmont Schools Project Staff, Human Resources Division, Raynsford, R., 395-3532.

NEW FORMS

Office of the Secretary: Evaluation of Delaware Services, Integration Program, OS-59-75, single-time, Delaware State Employees, Human Resources Division, Reese, B. F., 395-3532.

DEPARTMENT OF JUSTICE

Departmental and Other Economic and Rehabilitative Aspects of Prison Industry, Series 3400 (1-76), A, B, C, single-time, prison inmates, George Hall, 395-6140.

DEPARTMENT OF LABOR

Employment and Training Administration: Survey of FSB-SUA Recipients, MT-275, single-time, recipients of ex. benefits, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Disabled Veterans Application for Vocational Rehabilitation, 22-1900, on occasion, Disabled Veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: Proposal Application Forms, 0001, 0002, annually, Institutions of Higher Education, Lowry, R. L., 395-3772.

EXTENSIONS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Claim under . . . Atomic Energy Act for bodily injury, death, or damage to or loss of property, AEC-369, on occasion, individuals or corporations near test areas, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-1866 Filed 1-20-76; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-35994 (22-5872); 2-37251 (22-6062); 2-39532 (22-6538); 2-44260 (22-7196); 2-47762 (22-7534); 2-50423 (22-7848)]

BAY STATE GAS COMPANY

Application and Opportunity for Hearing

JANUARY 15, 1976.

Notice is hereby given that Bay State Gas Company (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of First National Bank of Boston ("First National") under the New Indenture, hereinafter mentioned, while also serving as trustee under seven other indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as Trustee under the New Indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that: (1) First National is the trustee under six indentures which heretofore have been qualified under the Act (the "Old Indentures"), its continued service as such having been sanctioned by an order of the Securities and Exchange Commission dated March 11, 1975, granted pursuant to an application of the Company under Section 310(b)(1)(ii) of the Trust Indentures Act of 1939. These indentures are qualified under the Act as Nos. 22-5872, 22-6062, 22-6538, 22-7196, 22-7534, and 22-7848, respectively.

(2) First National is also the trustee under the Company's indenture dated as of July 1, 1975 (the "July 1975 Indenture"), its continued service as such having been sanctioned by an order of the Securities and Exchange Commission dated October 30, 1975, granted pursuant to an application of the Company under

clause (ii) of Section 310(b)(1) of the Act. The July 1975 Indenture was not qualified under the Act since the securities issued thereunder were issued in an exempt (private placement) transaction.

(3) On or about October 14, 1975, the Company executed and delivered an indenture dated as of October 1, 1975 (the "New Indenture") to First National, as Trustee, pursuant to which indenture \$2,000,000 aggregate principal amount of the Company's 11½% Notes due August 15, 1995 were issued and are presently outstanding. It is anticipated that an additional \$3,000,000 aggregate principal amount of the Company's 11½% Note due August 15, 1995 will be issued pursuant to the New Indenture in January 1976.

(4) The New Indenture is substantially identical to the Old Indentures and the July 1975 Indenture and, except as hereinafter mentioned, the only differences between the New Indenture and the Old and July 1975 Indentures are:

(a) Principal amounts, interest rates, maturity dates, interest payment dates, sinking fund provisions, redemption provisions and premiums relating to the indenture securities;

(b) Limitations on payment of dividends;

(c) Limitations on future issuance of funded debt and the calculation of the amount of the earnings available for interest required to support future issuance of funded debt;

(d) Some of such indentures, including the New Indenture, require subsidiaries to be in compliance with covenants similar to those of the Company and some do not;

(e) The New Indenture provides that the Company will, upon request of any holder of not less than \$1,000,000 of Notes issued thereunder furnish to such holder certain information regarding the Company and any of its subsidiaries and permit such holder to visit and inspect any of the property of the Company or any subsidiary, and obtain further information about the Company in specified ways; and

(f) The New Indenture provides that the Company will periodically transmit by mail to each such holder current quarterly and annual financial statements and reports.

(5) In addition to the foregoing differences, the New Indenture permits the existence of any mortgages or other liens on any property of a subsidiary (or of the Company in the case of a merger of any such subsidiary into the Company) which is a utility subject to regulation by any state or federal utility regulatory body, whether or not such mortgages or liens exist at the time the utility becomes a subsidiary; provided, however, that to the extent such subsidiary should be merged into the Company, the mortgages or other liens would not spread to property owned by the Company prior to the merger and would not extend to property or betterments thereafter acquired or made except to the extent necessary to comply with the provisions of the indentures or other instruments creating such

mortgages or other liens. Notwithstanding these provisions, if the existence of such a lien or mortgage would constitute a default under the July 1975 or Old Indentures then through "cross default" provisions, such default would constitute a default under the New Indenture as well as the Old Indentures and the July 1975 Indenture.

(6) The New Indenture differs from the July 1975 Indenture as follows:

(a) The July Indenture permits the issuance of various series of Notes up to a maximum aggregate principal amount of \$5,000,000;

(b) The July 1975 Indenture requires approval of two-thirds of each series affected and a majority of all Notes outstanding for certain amendments to the July 1975 Indenture while the Old Indentures and the New Indenture require approval of two-thirds of all Notes outstanding under such indentures;

(c) The July 1975 Indenture, recognizing that different series of notes could become due at different times, provides for application by the Trustee of funds collected upon certain events of default where the principal of less than all outstanding notes has become due; and

(d) The July 1975 Indenture provides for "home office payment" upon redemption.

(7) The New Indenture has not been qualified under the Act nor was such qualification required because such Notes were issued in a transaction exempt from the registration requirements of the Securities Act pursuant to Section 4(2) thereof. The New Indenture contains all the provisions required to be included in an indenture to be qualified under the Act except that the provisions required by Sections 312 (b) and (c) and Section 313(d) will not become effective unless and until the New Indenture is qualified under the Act.

(8) Each of the indentures provides that, if the trustee has or acquires a conflicting interest as defined therein, it shall eliminate such conflict or resign within ninety days after ascertaining that it has such a conflicting interest. Each of the Old Indentures and the July 1975 Indenture contain the provisions permitted by the proviso of Section 310(b) (1) of the Act. The New Indenture specifically names the Old Indentures and the July 1975 Indenture and declares that no conflicting interest of the Trustee would be deemed to exist by reason of its trusteeship under the Old Indentures and the July 1975 Indenture.

(9) The obligations of the Company under all of the indentures are wholly unsecured and each such obligation ranks equally with the others. The Company is not in default under any of the indentures.

(10) Each of the Old Indentures as well as the July 1975 Indenture and the New Indenture, through a general "cross-default" provision, provides in substance that a default under any one of said indentures constitutes an event of default under all of said indentures. Accordingly, with respect to the differences between the indentures mentioned in paragraphs

4, 5 and 6 above, the Company is effectively required to comply with the most restrictive of each of the provisions as found in all eight indentures in order to avoid being in default under all of them.

(11) Such differences as exist between the several indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as trustee under any one of said Indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than February 12, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 76-1708 Filed 1-20-76; 8:45 am]

[Rel. No. 19345; (70-5388)]

EASTERN UTILITIES ASSOCIATES ET AL. Notice of Proposed Extension of Bank Borrowing by Subsidiary Company

Notice is hereby given that Eastern Utilities Associates ("EUA") P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, and its electric utility subsidiary companies, Blackstone Valley Electric Company ("Blackstone") P.O. Box 1111, Lincoln, Rhode Island 02865, Brockton Edison Company ("Brockton") 36 Main Street, Brockton, Massachusetts 02403, Fall River Electric Light Company ("Fall River") 85 North Main Street, Fall River, Massachusetts 02722, and Montaup Electric Company ("Montaup") P.O. Box 391, Fall River, Massachusetts 02722, have filed a post-effective amendment to their application-declaration, as previously filed and amended in this proceeding with this Commission designating Sections 6(a), 7, 9(a), 10, 12(b), 12(c) and 12(f) of the Act and Rules 43(a) and 45(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as further amended by said

post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

EUA has proposed a series of transactions designed to effect the transfer of Blackstone's proportionate ownership in the securities of Montaup, the EUA system generating company, to Brockton, with the result that Brockton will thereafter own 81% of Montaup. Falls River, EUA's other electric utility subsidiary, will continue to own 19% of Montaup's securities under the proposed arrangement.

As a part of this proposed program, Blackstone has been authorized in this proceeding (order dated February 19, 1975, HCAR No. 18817, 6 SEC Docket 314) to borrow \$25,000,000 from The Chase Manhattan Bank (N.A.) ("Chase"). Blackstone has issued Chase its note in that amount, maturing on February 16, 1976, and bearing interest at 115% of the prime rate in effect at Chase from time to time. The note is secured by a second mortgage on certain properties of Blackstone, said second mortgage being subject, among other encumbrances, to the prior lien of Blackstone's Indenture of Mortgage and Deed of Trust dated as of November 1, 1943. No compensating balance is required in connection with this borrowing.

Proceeds of the loan have been used by Blackstone to reduce open account advances to Blackstone from EUA. EUA applied the funds so received to reduce its short-term bank borrowings.

By post-effective amendment filed in this proceeding, it is now requested that the term of the \$25,000,000 Chase loan be extended for a one year period to approximately February 10, 1977. The Chase loan will continue to be secured by the second mortgage described above and will bear interest at 115% of the prime rate in effect at Chase from time to time. No compensating balance is required with the extension of the Chase loan.

It is stated that the Public Utilities Commission of the State of Rhode Island has jurisdiction over the proposed extension of the Chase loan to Blackstone and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than February 10, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the

point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as further amended by said post-effective amendment, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-1709 Filed 1-20-76;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[USRA Docket No. 76-30]

READING CO.

Notice of Proposed Interim Abandonment

The Trustees in Bankruptcy of the Reading Company propose to abandon the Kentmere Branch, a line of railroad in New Castle County, Delaware, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under Section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The Kentmere Branch sought to be abandoned extends from Engineering Station 0+00 at Greenwood Road, in Christiana Hundred, to Engineering Station 118+54 at Riddle Avenue, in the City of Wilmington, a distance of 2.25 miles in New Castle County, Delaware.

There are no stations on the line.

In support of its request, the Reading asserts that:

1. There are no patrons on the line and have been none for the past three years.
2. The State of Delaware and County of New Castle are interested in purchasing the right-of-way for use as a bike trail.

3. The line does not handle any passenger service, overhead or bridge traffic.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Transpot Building, 2100 Second Street, S.W., Washington, D.C. 20595, by March 5, 1976, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address between 9 a.m. and 5 p.m., Monday through Friday, at the offices of the Delaware Department of Highways and Transportation, Division of Transportation, Highway Administration Building, Route 113, Dover, Delaware, between 8 a.m. and 4 p.m., Monday through Friday, at the main offices of the Reading Company, 12th and Market Streets, Philadelphia, Pennsylvania, between 9 a.m. and 5 p.m., Monday through Friday, and at the Wilmington office of the Reading Company, 220 Beach Street, between 8 a.m. and 5 p.m., Monday through Friday.

In addition to this publication, Reading, shall by January 19, 1976, furnish a copy of this notice and invitation for written submission, to know shippers on the Kentmere Branch sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along the line, continually during the period from January 19, 1976, to March 5, 1976.

This action is taken pursuant to Section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Copies of this notice have been sent by USRA to the Governor of Delaware, the Delaware Department of Highways and Transportation, the Mayor of the City of Wilmington, Delaware, and the County Executive of New Castle County, the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the re-

quirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C. this 15th day of January, 1976.

JAMES A. HAGEN,
President, United States
Railway Association.

[FR Doc.76-1862 Filed 1-20-76;8:45 am]

DEPARTMENT OF LABOR

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COM- PENSATION)

Notice of Availability of Federal Supple- mental Benefits in the State of Idaho

This notice announces the beginning of a Federal Supplemental Benefit Period in the State of Idaho, effective on January 11, 1976.

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) created a temporary program of supplemental unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement with the United States Secretary of Labor, and a Federal Supplemental Benefit Period is triggered on when unemployment in the State or in the State and the nation reach the high levels set in the Act. Up to 13 or 26 weeks of Federal Supplemental Benefits may be payable to eligible individuals during a Federal Supplemental Benefit Period, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to that State that there is a State or National "on" indicator for the week as determined under section 203(d) or section 203(e) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of such week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week in which there is a Federal Supplemental Benefit "on" indicator, and lasts for a period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of such week and the immediately

preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is a Federal Supplemental Benefit "off" indicator, but not earlier than the twenty-sixth week of the Period as stated above.

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER, at 40 FR 7722, February 21, 1975. The State employment security agency has determined under 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER at 40 FR 57765, 57772, December 11, 1975) that the average rate of insured unemployment in the State of Idaho for the period consisting of the week ending on December 27, 1975, and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER at 40 FR 18515) that there was a Federal Supplemental Benefit "on" indicator in the State of Idaho for the week ending on December 27, 1975, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 11, 1976.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and ex-

tended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Idaho, which terminated with the week ending on January 3, 1976, as announced in the notice published in the FEDERAL REGISTER at 41 FR 1340, January 7, 1976. Immediately following the end of the prior Federal Supplemental Benefit Period, there was an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period. Accordingly, the individual additional eligibility periods terminate on January 10, 1976, immediately preceding the beginning of the new Federal Supplemental Benefit Period. Any individual who qualified for an additional eligibility period will be entitled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Idaho, or who wish to inquire about their rights under this program, should contact the State employment office in their locality.

Signed at Washington, D.C. this 15th day of January, 1976.

BEN BURDETSKY,
Acting Assistant Secretary for
Employment and Training.

[FR Doc.76-1807 Filed 1-20-76; 8:45 am]

Employment and Training Administration

[Field Memorandum No. 440-75]

GRANT PROCESS FOR TITLES I AND II OF COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973, AS AMENDED Schedule for Fiscal Year 1977

In order to insure an effective implementation of titles I and II of the Com-

prehensive Employment and Training Act of 1973, as amended (CETA) for fiscal year 1977 the Department of Labor has developed a grant process schedule. This schedule will enable CETA prime sponsors to anticipate the completion by the Employment and Training Administration of requisite inputs to their grants. It will also enable them to plan the activities necessary on their part to complete their grants in accordance with the established schedule.

The entire text of Field Memorandum No. 440-75 is published here to inform all interested parties of the Department's implementing procedures. While these procedures are effective immediately, comments are invited and should be submitted to Mr. Pierce Quinlan, Administrator, Office of Comprehensive Employment Development, Room 6000, 6th and D Streets, NW, Washington, D.C. 20213.

BEN BURDETSKY,
Acting Assistant Secretary for
Employment and Training
Administration.

DIRECTIVE: FIELD MEMORANDUM NO. 440-75.

TO: ALL REGIONAL ADMINISTRATORS.
FROM: FLOYD E. EDWARDS, AEE, Administrator, Field Operations.

SUBJECT: Schedule for Fiscal Year '77 Grant Process for Titles I and II of CETA.

DECEMBER 19, 1975.

1. *Purpose.* To present the schedule to be followed in implementing CETA titles I and II programs for Fiscal Year 1977.

2. *Reference.* FM 420-75.

3. *Background.* In order to insure an effective implementation of the FY '77 CETA titles I and II programs, the attached grant process schedule should provide appropriate general guidance. Since some of the information may be subject to change, modifications, if any, will be communicated to the regional offices and prime sponsors. The schedule is based on a FY '77 grant period of October 1, 1976, through September 30, 1977, for both titles I and II grants. Therefore, the planning cycle on the attachment is identical for both titles, thus enabling prime sponsors to develop an integrated program. Prime sponsors' current FY '76 grants will be modified to add the transition quarter of July 1, 1976, through September 30, 1976. The dates for this modification of the title I grants are included in the attached schedule. Instructions for this modification have been provided in Field Memorandum No. 420-75. Instructions for the modification of the title II grants will be issued in time for a modification to be executed by July 1, 1976.

4. *Action Required.* RAs should distribute the attached schedule to prime sponsors so they can anticipate requisite inputs to their grants and plan the activities necessary to complete their grants in accordance with the established schedule.

5. *Inquiries.* Questions should be directed to Mel Goldberg (202) 376-7006 or Elaine Kolodny (202) 376-7554.

6. *Attachment.* FY 1977 Grant Process Schedule for Titles I and II of CETA.

FISCAL YEAR 1977 GRANT PROCESS SCHEDULE FOR TITLES I AND II OF CETA

A. MATERIALS DEVELOPMENT

	<i>Date</i>
1. Regulations:	
Identify required changes (soliciting suggestions from regional offices, other national office components, public interest groups and other pertinent organizations); prepare and clear internally amendments to CETA regulations.	Dec. 15, 1975 to Feb. 1, 1976.
Incorporate comments from internal clearance.	Feb. 1 to Feb. 20, 1976.
Clearance with appropriate organizations.	Feb. 21 to Mar. 10, 1976.
Initiate ACIR (A-85) clearance.	Feb. 21, 1976.
Incorporate comments from appropriate organizations as well as A-85 comments received to date.	Mar. 10 to 30, 1976.
Initial FEDERAL REGISTER publication.	Apr. 1, 1976.
Review and resolve comments received from Initial FEDERAL REGISTER publication.	May 1 to 20, 1976.
Final FEDERAL REGISTER publication.	June 1, 1976.
Printing and transmittal.	June 1 to 15, 1976.
Formally respond to comments received on regulations amendments.	June 20 to Aug. 20, 1976.
2. Forms preparation handbook:	
Identify required changes.	Aug. 1 to Jan. 30, 1976.
Prepare amendments to ETA Handbook No. 311, CETA Forms Preparation.	Jan. 15 to Mar. 15, 1976.
Clearance.	Mar. 15 to May 15, 1976.
Print and Issue.	May 15 to June 1, 1976.
3. Regional office handbook:	
Identify required changes.	Aug. 1 to Jan. 15, 1976.
Prepare amendments to Handbook.	Jan. 15 to Mar. 15, 1976.
Clearance.	Mar. 15 to May 15, 1976.
Print and Issue.	May 15 to June 1, 1976.

B. PRIME SPONSOR DESIGNATION

	<i>Date</i>
1. National office receives population data from Bureau of Census verifying eligible prime sponsors.	Feb. 1 to 15, 1976.
2. DOL publishes Request for Pre-Application for Federal Assistance in FEDERAL REGISTER.	Mar. 1, 1976.
3. Regional Office mails Pre-Application forms.	Mar. 1, 1976.
4. Pre-Applications submitted to regional office, Governor and A-95 State and Areawide Clearinghouses by potential prime sponsors (including consortia) pursuant to sections 102(a) (1), (2), (3), (4), and (5) of the act.	Apr. 1, 1976.
5. Governor and A-95 Clearinghouses comment to regional office and prime sponsors on Pre-Application.	Apr. 1 to 30, 1976.
6. Regional office reviews Pre-Application, identifies applicants qualified pursuant to section 102(a) (4) and (5) of the act (exceptional circumstances and CEP) and notifies national office.	Apr. 1 to 30, 1976.
7. Regional office reviews Pre-Application; identifies applicants approved pursuant to section 102(a) (1), (2), and (3) (State, local, and consortia) including newly designated prime sponsors, and notifies national office.	Apr. 1 to May 10, 1976.
8. Prime sponsor finalizes Consortia Agreement.	Apr. 1 to May 15, 1976.
9. Notification by regional offices to prime sponsors of their designation; response by regional office to Governor and A-95 Clearinghouse.	June 1, 1976.

C. FORMAL PERFORMANCE ASSESSMENT

1. Preparation of Assessment Criteria.	Oct. 15 to Dec. 31, 1975.
2. Regions notify all prime sponsors of the assessment.	Feb. 1, 1976.
3. Regions review existing data, monitoring reports and progress of corrective action plans to date.	Mar. 1 to 31, 1976.
4. Region conducts formal assessment.	Apr. 1 to May 31, 1976.
5. Regions prepare and send to sponsors assessment letters informing them if their performance is: Satisfactory, Marginal or Unsatisfactory.	May 31, 1976.
6. For unsatisfactory performers, regions arrange for alternative sponsor or notify current sponsor that its grant will be extended beyond October 1.	May 31 to Open.
7. Regions transmit results of assessment findings to national office.	May 31, 1976.

D. DATA COLLECTION AND ALLOCATIONS

1. Title I:	
a. National office request for unemployment data to State employment security agencies (SESA).	Mar. 1, 1976.
b. Regional office receives and reviews data from SESA.	Apr. 20 to 30, 1976.
c. Regional office transmits data to national office.	May 1, 1976.
d. Data analysis in national office.	May 1 to 29, 1976.
e. Refinement for consortia prime sponsors in national office.	May 1 to 29, 1976.

NOTICES

- | | <i>Date</i> |
|--|-------------------------------|
| f. Title I Planning Estimates calculated based on three-part formula (including hold harmless and minimum guarantee), and cleared with regional offices. | June 3 to 10, 1976. |
| g. Preliminary planning estimates released based on 12-month average. ¹ | June 15, 1976. |
| h. Final allocations calculated and released and printed in FEDERAL REGISTER. | Dependent upon appropriation. |
| 2. Title II: | |
| a. National office request to State Employment Security Agencies (SESA) to Benchmark Unemployment Data. | Mar. 1, 1976. |
| b. Regional office receives data from SESA----- | Apr. 20 to 30, 1976. |
| c. Regional office transmits data to national office----- | May 1, 1976. |
| d. Data analysis in national office----- | May 1 to 29, 1976. |
| e. Title II planning estimates calculated, cleared with regional offices and released. | June 1 to 15, 1976. |
| f. Final title II allocations announced and printed in FEDERAL REGISTER. | Dependent upon appropriation. |

E. EXTENSION OF FY 1976 TITLE GRANT FROM JULY 1976-SEPTEMBER 30, 1976
(VIA MAJOR MODIFICATION) ²

- | | |
|--|---------------------------|
| 1. Release instructions on transition allocation----- | Nov. 1, 1975. |
| 2. Prime sponsors prepare modification to their plan and submit to regional office. | Nov. 15 to 30, 1975. |
| 3. Prime sponsors submit modification to A-95 clearinghouses for a comment period simultaneous with RO review. | Nov. 30 to Dec. 31, 1975. |
| 4. RO review and approval. | Jan. 1 to 31, 1976. |
| 5. Issuance of transition allotments and grant modifications--- | July 1, 1976. |

F. PRIME SPONSORS DEVELOPMENT WORK

- | | |
|---|---------------------------|
| 1. Prime sponsor preliminary planning----- | Apr. 1 to June 15, 1976. |
| 2. Regional office mails grant application forms to prime sponsors. | June 1, 1976. |
| 3. Prime sponsor prepares grant application----- | June 15 to July 15, 1976. |
| <i>Date</i> | |
| 4. Grant application submitted to Governor and Appropriate A-95 State and areawide clearinghouses. | July 15 to Aug. 15, 1976. |
| 5. Grant application summary submitted to appropriate units of local government, Indian prime sponsors and Labor Organizations for comment. | July 15 to Aug. 15, 1976. |
| 6. Grant application summary published in newspaper----- | July 15 to Aug. 15, 1976. |
| 7. Preliminary copy of grant application to ARDM----- | July 15, 1976. |
| 8. Comments received from sources in Nos. 4, 5, and 6 above and responded to by prime sponsors; grant application revised if necessary. | Aug. 15 to Sept. 1, 1976. |
| 9. Grant application and appropriate comments and responses submitted to regional office. | Sept. 2, 1976. |

G. FEDERAL REVIEW

1. Approval:
Regional office notifies prime sponsors, Governors and A-95 (including explanation to A-95 clearinghouses where appropriate). Grant signed.
2. Disapproval:
RO notifies PS, Governor and A-95-----
Prime sponsor modifies and resubmits application-----

GRANT APPROVED/DISAPPROVED

RO notifies PS, Gov., A-95 Hearing, Designation of alternate PS. Grant signed.

3. Extension of unsatisfactory performers:
RO notifies PS, Governor and A-95.³

¹ Data will incorporate latest benchmark which should be available by March 15, 1976, and a 12-month annual average for calendar year 1975.

² Instructions for title II will be forthcoming in time for a modification to be executed by July 1, 1976.

³ Date open as to when final decision to be made on issuing new grant or designating a new prime sponsor for jurisdiction. When and if a new prime sponsor is selected to serve the jurisdiction formerly served by an unsatisfactory performer, the new prime sponsor will submit a preapplication and will follow the steps listed herein in the "Prime Sponsor Development Work" section.

[FR Doc.76-1806 Filed 1-20-76;8:45 am]

Office of the Secretary

[TA-W-273/274]

UNITED STATES SHOE CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-273/274; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 30, 1975 in response to two worker petitions received on October 30, 1975, filed by former workers on behalf of former workers producing women's non-rubber footwear at the Columbus, Ohio and Crothersville, Indiana plants of United States Shoe Corp.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 52677-52678) on November 11, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United States Shoe Corp., Cincinnati, Ohio, its customers, the U.S. Department of Commerce, and the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must meet:

- (1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated.
- (2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and
- (3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

The average number of production workers declined 4.5 percent in the first 11 months of 1974 compared to the like period in 1973. Average weekly hours decreased 1.9 percent in the first 11 months of 1974 compared to the like period in 1973. There were no workers in 1975.

Crothersville Plant

The average number of production workers decreased 5.3 percent from 1973 to 1974. Average weekly hours decreased only $\frac{3}{10}$ of 1 percent from 1973 to 1974. However, during the last four months of operation, October-December 1974 and January 1975, average weekly hours declined 11 percent compared to the like period in 1973 and 1974.

Sales or Production, or Both, Have Decreased Absolutely

Production at the Columbus plant declined $\frac{1}{10}$ of 1 percent in the first 11

months of 1974 compared to the first 11 months of 1973. However, production declined each quarter in 1974 compared to the previous quarter until the plant closed in the second week of November 1974. Crothersville plant production rose 8.5 percent from 1973 to 1974. In January 1975, the last full month of operation, production declined 46.1 percent as compared to January 1974. During the last four months of operation, production fell 30 percent compared to the like period of a year earlier.

Increased Imports Contributed Importantly

Imports of articles like or directly competitive with those produced at the Columbus and Crothersville plants increased from 73 million pairs in 1970 to 87 million pairs in 1973 and decreased 12.6 percent between 1973 and 1974. From January to June 1975, imports increased 7.2 percent compared to the same period in 1974.

The ratios of imports to domestic production and consumption increased from 41.0 percent and 29.0 percent, respectively in 1970 to 70.7 percent and 41.4 percent in 1973 and declined slightly from 1973 to 1974. Ratios of imports to domestic production and consumption increased from 66.9 percent and 40.0 percent to 89.6 and 47.2 percent respectively, for the first six months of 1975 compared to the first six months of 1974.

Major customers have indicated that purchases of imported women's shoes increased significantly over the past few years, either through their regular domestic suppliers or directly from foreign suppliers.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's nonrubber footwear produced at the Columbus and Crothersville plants of United States Shoe Corporation contributed importantly to the total or partial separation of the workers of those plants. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of women's nonrubber footwear at the Columbus plant of the United States Shoe Corporation who became totally or partially separated from employment on or after October 24, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All hourly, piecework, and salaried workers engaged in employment related to the production of women's nonrubber footwear at the Crothersville plant of the United States Shoe Corporation who became totally or partially separated from employment on or after January 3, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of January 1976.

GLORIA G. PRATT,
Director, Office of
Foreign Economic Policy.

[FR Doc.76-1808 Filed 1-20-76; 8:45 am]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

[Notice No. 5]

JANUARY 16, 1976.

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 right's 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 88594 (Sub-No. 21) (Notice of filing of petition to add destination points), filed December 17, 1975. Petitioner: CARLETON G. WHITAKER, INC., Route 17, Exit 84, Deposit (Delaware County), N.Y. 13754. Petitioner's

representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Petitioner holds a motor common carrier certificate in No. MC 88594 (Sub-No. 21), issued September 13, 1972, authorizing transportation, over irregular routes, of *Bakery products*, in vehicles equipped with mechanical refrigeration, from points in Wayne Township (Passaic County), N.J., to points in Alabama, Broome, Erie, Monroe, Oneida, Onondaga, and Schenectady Counties, N.Y., restricted to the transportation of traffic originating at the facilities of Drake Bakeries Division of Borden Foods, Borden, Inc., at Wayne Township (Passaic County), N.J. By the instant petition, petitioner seeks to include points in Chautauqua, Chemung, and Jefferson Counties, N.Y., as additional destination points in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 112822 (Sub-No. 299) (Notice of filing of petition for modification of certificate), filed December 22, 1975. Petitioner: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 742023. Petitioner's Representative: Thomas J. Burke, Jr., Suite 1600, Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Petitioner holds a motor common carrier certificate in No. MC 112822 (Sub-No. 299), issued September 25, 1975, authorizing transportation, over irregular routes, of *Pizza ingredients*, (1) from the facilities of Franchise Services, Incorporated, a subsidiary of Pizza Hut, Incorporated, at Wichita and Hutchinson, Kans., to points in Texas, Illinois, Florida, and Georgia; (2) from the facilities of Franchise Services, Incorporated, at Peoria, Ill., to points in Texas, restricted to the transportation of shipments originating at the named facilities and destined to points in the described destination territory. By the instant petition, petitioner seeks to modify the above authority so as to read, "*Pizza ingredients*," (1) from the facilities of Franchise Services, Incorporated, a subsidiary of Pizza Hut, Incorporated, at Wichita, Kans., to points in Texas, Illinois, Florida, and Georgia; (2) from the facilities of Doskocil Sausage Co., at Hutchinson, Kans., to points in Texas, Illinois, Florida, and Georgia; and (3) from the facilities of Franchise Services, Incorporated, at Peoria, Ill., to points in Texas, restricted to the transportation of shipments originating at the named facilities, and destined to points in the described destination territory. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114211 (Sub-No. 181) (Notice of filing of a petition for declaratory

order), filed November 19, 1975. Petitioner: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Petitioner's representative: Gregory A. Stayart, 327 South LaSalle Street, Chicago, Ill. 60604. Petitioner presently holds authority in No. MC 114211 (Sub-No. 181), issued May 2, 1974, as a common carrier by motor vehicle, over irregular routes, authorizing the transportation of (1) *grading, paving and finishing machinery and equipment*, and *contractor's equipment*, (2) *parts, accessories and attachments* for the commodities in (1) above; and (3) *materials, equipment, and supplies* used in the manufacture or distribution of commodities described in (1) and (2) above (except commodities in bulk), between Ida Grove, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted in (1) and (2) above to the transportation of shipments originating at Ida Grove, Iowa, and in (3) above to the transportation of shipments destined to Ida Grove, Iowa. Petitioner excepts to the Commission's rejection of its original and amended gateway elimination letter-notice filings based on tacking of its authorities with MC 114211 (Sub-No. 181), on the grounds that neither the express or intended grant of authority in its Sub-181 nor the restriction contained therein precludes tacking.

By the instant petition, petitioner seeks a declaratory order by the Commission that its existing authority in MC 114211 (Sub-No. 181) does not prohibit tacking or interline through Ida Grove, Iowa: (a) on the commodities specified in (1) and (2) above on shipments moving from points in the United States (except Alaska and Hawaii) "inbound" to the base point of Ida Grove, Iowa; and (b) on the commodities specified in (3) above moving "outbound" from Ida Grove, Iowa, to the radial points in the United States (except Alaska and Hawaii). More specifically the petitioner asserts that the express grant of authority in its Sub-181 authorizes the full scope of the commodities subject to the territorial scope, and restrictions only limit the scope but do not take away authorities clearly granted in the authorizing paragraphs. Petitioner further suggests that had the Commission intended to limit the transportation of specific commodities from and to specified points it would have constructed the wording of the authority in the traditional "from and to" language. Petitioner further contends that the interpretation of the application of the origin and destination restriction of the type specified in its Sub-181 as intended to impose a tacking or interline restriction only and not limit the clearly authorized scope of service is consistent with the Commission's interpretation of the purpose and utilization of such a restriction as described in *Fox-Smythe Transport Co. v. Est.—Oklahoma*, 106 M.C.C. 1, 18-19 and 56-58 (1967). Thus, petitioner concludes that the "originating at" restriction with respect to (1) and (2) above is a one-way restriction

not preventing authorized commodities from being destined to and through Ida Grove, Iowa, and the "destined to" restriction with respect to (3) above is a one-way restriction not preventing authorized commodities from originating at and through Ida Grove, Iowa. (See *Michigan Exp., Inc.—Purchase—Williams*, 57 M.C.C. 267, 269 (1951).)

Petitioner additionally asserts that the record in the initial MC 114211 (Sub-No. 181) application proceeding supports the interpretation of an authorization of a complete radial service and the application of the restriction as prohibiting only specific directional tacking or interline operations. Petitioner relies upon the verified statements of its supporter and the verified statements in opposition to its initial application proceeding to interpret the imposition and intention of the Commission in restricting the subject authority. Petitioner asserts: (1) that its through service is lawful and does not violate that portion of the transportation service prohibited under the restriction; (2) that its gateway elimination letter-notices were improperly rejected from filing before the Commission; and (3) that a restriction against tacking or interline should not be imputed in construing its certificate, except upon the presence of a specific restriction having such an effect. (Cf. *Public Service Coordinated Transport v. Trans-Bridge*, 105 M.C.C. 679, 681 (1967)). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of this notice in the FEDERAL REGISTER.

No. MC 114552 (Sub-No. 104) (Notice of filing of petition to add an origin point), filed December 3, 1975. Petitioner: SENN TRUCKING COMPANY, a Corporation, P.O. Box 220, Newberry, S.C. 29108. Petitioner's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Petitioner holds a motor common carrier certificate in No. MC 114552 (Sub-No. 104), issued July 8, 1975, authorizing transportation, over irregular routes, of *Plastic articles* (except commodities in bulk), from the facilities of Evans Products Company at Chesapeake, Va., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. By the instant petition, petitioner seeks to add the Weyerhaeuser Company as an additional plantsite origin point at Chesapeake, Va., in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119160 (Notice of filing of petition to modify territorial description), filed November 19, 1975. Petitioner: H. E. SPANW AND COMPANY, INC., P.O. Box 1111, Mt. Pleasant, Tex. 75455. Petitioner's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Petitioner holds a motor common carrier certificate in No. MC 119160, issued March 4, 1964, authorizing transportation, over irregular routes, of *Gravel, sand, rock, caliche, shell, iron ore, readymix asphalt, rip rap, aggregate, dirt, bulk cement mixed with sand, crushed limestone, flexible base, and sand mixed with stone, gravel and crushed stone or rock*, in bulk, in dump trucks or trailers with dump bodies, between points in Grayson, Collin, Fannin, Hunt, Lamar, Hopkins, Red River, Titus, Camp, Bowie, Morris, Cass, Marion, Harrison, and Panola Counties, Tex., Webster, De Soto, Bossier, and Caddo Parishes, La., Little River, Miller, Lafayette, Columbia, Hempstead, Howard, Sevier, and Polk Counties, Ark., and points in McCurtain, Pushmataha, Byran, Choctaw, and Atoka Counties, Okla. By the instant petition, petitioner seeks to modify the above authority so as to read, *Gravel, sand, rock, caliche, shell, iron ore, ready-mix asphalt, rip rap, aggregate, dirt, bulk cement mixed with sand, crushed limestone, flexible base, and sand mixed with stone, gravel and crushed stone or rock*, in bulk, in dump vehicles, between points in Arkansas, Louisiana, Oklahoma, and Texas. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126305 (Sub-No. 27) (Notice of filing of petition to modify certificate), filed December 3, 1975. Petitioner: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor common carrier certificate in No. MC 126305 (Sub-No. 27), issued April 10, 1974, authorizing transportation, over irregular routes, of *Used farm equipment, materials, and supplies*, between Dothan, Ala., on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Virginia, and Wisconsin. By the instant petition, petitioner seeks to remove the word "used" from the commodity description in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135917 (Notice of filing of petition to modify territorial description), filed December 17, 1975. Petitioner: THE PORTSMOUTH TRUCKING COMPANY, a Corporation, 1200 Stambaugh Bldg., Youngstown, Ohio 44501. Petitioner's representative: J. H. Jackson (same address as petitioner). Petitioner holds a motor contract carrier permit in No. MC 135917, issued October 31, 1972, authorizing transportation, over irregular routes, of *Commodities*, in bulk, in dump vehicles, between points in Scioto, Adams, and Pike Counties, Ohio, and Boyd County, Ky., on the one hand, and, on the other, points in West Virginia, Kentucky, and Ohio, restricted to a transportation service to be performed, under a continuing contract, or contracts, with The Standard Slag Company and Standard Materials, Inc., both of Youngstown, Ohio. By the instant petition, petitioner seeks to modify the territorial description in the above authority so as to read, between points in West Virginia, Kentucky, and Ohio. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135649 (Sub-No. 1) (Notice of filing of petition to modify territorial description), filed November 25, 1975. Petitioner: FRIEDERICH TRUCK SERVICE INC., P.O. Box 86, O'Fallon, Ill. 62269. Petitioner's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Petitioner holds a motor contract carrier permit in No. MC 135649 (Sub-No. 1), issued March 12, 1974, authorizing transportation, over irregular routes, of *Commodities* such as are dealt in by retail discount stores, between St. Louis, Springfield, Kansas City, and Independence, Mo., Alton, Fairview Heights, Chicago, and Peoria, Ill., and Overland Park, Kans., restricted against the transportation of shipments between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission and points in St. Clair County, Ill., under a continuing contract, or contracts, with Venture Stores, Inc., a division of May Department Stores Co., of St. Ann, Mo. By the instant petition, petitioner seeks to add Oakbrook Terrace and Matteson, Ill., to the above territorial description. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 139845 (Notice of filing of petition to substitute contracting shipper), filed November 20, 1975. Petitioner: BESELAERE CARTAGE AND FUELS, LIMITED, 467 James Street, Delhi, Ontario, Canada. Petitioner's representative: Stephen F. Harantha, P.O. Box 206, Adrian, Mich. 49221. Petitioner holds a motor contract carrier permit in No. MC 139845, issued May 29, 1975, authorizing transportation, over irregular routes, of *Liquid protein supplements*, not intended for human consumption, in bulk, in tank vehicles, from Adrian, Mich., and Arcade, N.Y., to ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, under a continuing contract, or contracts, with

Brockville Chemical Industries, Limited, of Montreal, Quebec, Canada. By the instant petition, petitioner seeks to delete Brockville Chemical Industries, Limited, of Montreal, Quebec, Canada, as a contract shipper in the above authority, and to substitute in lieu thereof, Ruminant Nitrogen Products Company, of Adrian, Mich. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 140048 (Notice of filing of petition to modify territorial description), filed December 18, 1975. Petitioner: VALLEY WAREHOUSE AND TRUCKING, INC., 89 Oak Street, East Rutherford, N.J. 07073. Petitioner's Representative: Edward M. Alfano, 550 Mamaronck Avenue, Harrison, N.Y. 10528. Petitioner holds a motor contract carrier permit in No. MC 140048, issued September 4, 1975, authorizing transportation, over irregular routes, of *Green coffee beans*, from points in New York, N.Y., harbor limits, as defined in 49 CFR 1070.01 to East Rutherford and Moonachie, N.J., under a continuing contract, or contracts, with C. F. S. Continental, Inc., Coffee Manufacturing Division, of Chicago, Ill. By the instant petition, petitioner seeks to delete East Rutherford, N.J., as a destination point and to substitute in lieu thereof Paterson, N.J., in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

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 CFR 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 1936 (Sub-No. 44), filed November 10, 1975. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. 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 commodities requiring special equipment), between

Mansfield, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. Applicant states that the requested authority will be tacked at Mansfield, Ohio, to provide service on general commodities, between points in Ohio, on the one hand, and, on the other, points along applicant's regular route located in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, Wisconsin, and the District of Columbia. A copy of applicant's existing authority in MC 1936 and Subs thereunder may be viewed in this public docket at the Offices of the Secretary, Interstate Commerce Commission, Washington, D.C. This is a matter directly related to a Section 5(2) proceeding in MC-F-12674 published in the FEDERAL REGISTER issue of November 19, 1975. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Chicago, Ill., or New York, N.Y.

No. MC 2770 (Sub-No. 19), filed November 14, 1975. Applicant: SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, Maine 04101. Applicant's representative: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), between points in Massachusetts and Portsmouth, N.H., on the one hand, and, on the other, points in Connecticut.

NOTE.—Applicant states that the requested authority will be tacked at Boston, Mass., Newburyport and Salisbury, Mass., between points in Essex and Suffolk Counties, Mass., and points in those portions of Norfolk and Middlesex Counties, Mass. on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along Massachusetts Highway 111, to junction Massachusetts Highway 119, thence along Massachusetts Highway 119 to junction Massachusetts Highway 27, thence along Massachusetts Highway 27 to the Norfolk-Bristol County boundary line. This is a matter directly related to a section 5(2) proceeding in MC-F-12683 published in the FEDERAL REGISTER issue of November 26, 1975. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Portland, Maine.

No. MC 11917 (Sub-No. 1), filed December 12, 1975. Applicant: KEITH FULTON & SONS, INC., 21 Water Street, Cambridge, Mass. 02141. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as require specialized handling because of size or weight, between Boston, Mass., points in Massachusetts within 25 miles of Boston, Providence, R.I., and points in Rhode Island and Massachusetts within 10 miles of Providence, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of New York, N.Y.

(2) *Heavy machinery*, between points in that part of Massachusetts east of Massachusetts Highway 12 and north of U.S. Highway 44, including points on the

indicated portions of the highways specified, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Boston, Mass. and New York, N.Y.

NOTE.—This is a gateway elimination request and is a matter directly related to a section 5(2) proceeding in MC-F-12729 published in the FEDERAL REGISTER issue of January 14, 1976. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or New York, N.Y.

No. MC 61592 (Sub-No. 378), filed November 21, 1975. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant site of Kiger & Jackson, Inc. at Memphis, Tenn., to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateway of the plant site of Armco Steel Corp. at or near Ashland, Ky.

(2) *Iron and steel electrical conduit pipe*, from the plant site and warehouses of Triangle Conduit & Cable Co., Inc. at Glendale, W. Va., to points in Florida, Georgia, South Carolina, Tennessee, North Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of the plant site of Armco Steel Corp. at or near Ashland, Ky.

(3) *Iron and steel electrical conduit pipe*, from the plant site and warehouses of Jones & Laughlin Steel Corp. at New Kensington, Pa., to points in Florida, Georgia, South Carolina, Tennessee, North Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of the plant site of Armco Steel Corp. at or near Ashland, Ky.

(4) *Iron and steel electrical conduit pipe*, from the plant site and warehouses of Jones & Laughlin Steel Corp. at Niles, Ohio, to points in Florida, Georgia, South Carolina, Tennessee, North Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of the plant site of Armco Steel Corp. at or near Ashland, Ky.

(5) *Iron and steel electrical conduit pipe*, from the plant site and warehouse of H. K. Porter, at Ambridge, Pa., to points in Florida, Georgia, South Carolina, Tennessee, North Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of the plant site of Armco Steel Corp. at or near Ashland, Ky.

(6) *Manufactured iron and steel articles*, from Vernon, Calif., Dallas, Tex., and Arlington Heights, Ill., to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateway of the plant site of Armco Steel Corp. at or near Ashland, Ky.

(7) *Manufactured iron and steel articles*, from Philadelphia, Pa., to points in Florida, Georgia, Tennessee, North Carolina, South Carolina, and Virginia.

The purpose of this filing is to eliminate the gateway of the plant site of Armco Steel Corp. at or near Ashland, Ky.

(8) *Lumber and plywood*, from Wadesboro, N.C. and points within three miles thereof, to points in Iowa, Kansas, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateway of Catawba, S.C.

(9) *Lumber, plywood, and wood boxes*, from Wadesboro, N.C. and points within three miles thereof, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, Ohio, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Covington, Tenn.

(10) *Lumber, plywood, and wood boxes*, from Wadesboro, N.C. and points within three miles thereof, to points in Oregon, and Washington, Arkansas, California, Arizona, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of the plant site of Barclay Industries, Inc. at Lodi, N.J.

(11) *Lumber, plywood, and wood boxes*, from Wadesboro, N.C. and points within three miles thereof, to points in Illinois, Indiana, and Kentucky. The purpose of this filing is to eliminate the gateway of Milford, Va.

(12) *Lumber, plywood, and wood boxes*, from Wadesboro, N.C. and points within three miles thereof, to points in Alaska, Arkansas, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

(13) *Lumber* (except plywood, veneer, built-up wood, and flooring), from points in Anson, Richmond, Union, Stanly, Randolph, Moore, Montgomery, and Scotland Counties, N.C. and points in Chesterfield and Darlington Counties, S.C., to points in Alaska, Arkansas, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

(14) *Lumber* (except plywood, veneer, built-up wood, and flooring), from points in Anson, Richmond, Union, Stanly, Randolph, Moore, Montgomery, and Scotland Counties, N.C., and points in Chesterfield and Darlington Counties, S.C., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, Ohio, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Covington, Tenn.

(15) *Lumber* (except plywood and veneer), from points in Anson, Richmond, Randolph, Moore, Montgomery, Cumberland, Robeson, Bladen, Cabarrus, Sampson, Chatham, Lee, Harnett, and Nash Counties, N.C., and Lancaster, Chesterfield, Dillon, Marion, Horry, Kershaw, Darlington, Florence, Sumter, Clarendon, and Georgetown Counties, S.C., to Minneapolis and St. Paul, Minn., Iowa, Wisconsin, Michigan, Arkansas, Alabama, Indiana, Kentucky, Missouri, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Illinois on and north of U.S. Highway 24.

(16) *Lumber* (except plywood and veneer), from points in Anson, Richmond, Randolph, Moore, Montgomery, Cumberland, Roberson, Bladen, Cabarrus, Sampson, Chatham, Lee, Harnett, and Nash Counties, N.C., and Lancaster, Chesterfield, Dillon, Marion, Horry, Kershaw, Darlington, Florence, Sumter, Clarendon, and Georgetown Counties, S.C., to points in Iowa, Indiana, Kentucky, Missouri, and Tennessee. The purpose of this filing is to eliminate the gateway of Beardstown, Ill.

(17) *Hardboard sheets and boards*, from Catawba, S.C. and points within five miles thereof, to points in North Dakota, South Dakota, Minnesota, Iowa, and Wisconsin. The purpose of this filing is to eliminate the gateways of Beaver Dam and Monticello, Ky. and Oneida, Tenn.

(18) *Hardboard sheets and boards*, from Catawba, S.C. and points within five miles thereof, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, Ohio, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Covington, Tenn.

(19) *Hardboard sheets and boards*, from Catawba, S.C. and points within five miles thereof, to points in Iowa, Indiana, Kentucky, Missouri, and Tennessee. The purpose of this filing is to eliminate the gateway of Beardstown, Ill.

(20) *Plywood*, from the plant site of the U.S. Plywood-Champion Papers, Inc. at or near Catawba, S.C., to points in North Dakota, South Dakota, Minnesota, Iowa, and Wisconsin. The purpose of this filing is to eliminate the gateways of Beaver Dam and Monticello, Ky., and Oneida, Tenn.

(21) *Plywood*, from the plant site of the U.S. Plywood-Champion Papers, Inc. at or near Catawba, S.C., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota,

Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, Ohio, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Covington, Tenn.

(22) *Plywood*, from the plant site of the U.S. Plywood-Champion Papers, Inc. at or near Catawba, S.C., to points in Iowa, Indiana, Kentucky, Missouri, and Tennessee. The purpose of this filing is to eliminate the gateway of Beardstown, Ill.

(23) *Lumber*, from points in South Carolina, to points in that part of West Virginia on and west of a line beginning at the West Virginia-Ohio State Line, thence along U.S. Highway 21 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State Line. The purpose of this filing is to eliminate the gateway of the plant site of Barclay Industries, at Lodi, N.J.

(24) *Lumber*, from points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State Line and extending along U.S. Highway 21 to Columbia, thence along U.S. Highway 321 to junction U.S. Highway 278, and thence along U.S. Highway 278 to the Atlantic Ocean, to points in California. The purpose of this filing is to eliminate the gateway of the plantsite of the Howdyshell Lumber Co. near New Lexington, Ohio.

(25) *Lumber*, from points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to Columbia, thence along U.S. Highway 321 to junction U.S. Highway 278, and thence along U.S. Highway 278 to the Atlantic Ocean, to Phoenix, Ariz. The purpose of this filing is to eliminate the gateway of the plantsite of the Howdyshell Lumber Co. near New Lexington, Ohio.

(26) *Lumber*, from points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to Columbia, thence along U.S. Highway 321 to junction U.S. Highway 278, and thence along U.S. Highway 278 to the Atlantic Ocean, to points in Louisiana and Mississippi. The purpose of this filing is to eliminate the gateway of the plantsite of the Howdyshell Lumber Co. near New Lexington, Ohio.

(27) *Building slabs*, from Terry, Miss., to Rockingham, N.C., and points in Anson County, N.C. The purpose of this filing is to eliminate the gateways of Spartanburg, S.C. and Mont Clare, S.C.

(28) *Building slabs*, from Terry, Miss., to Wadesboro, N.C., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of points in South Carolina (except lumber from Mont Clare, S.C.).

(29) *Building slabs*, from Terry, Miss., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Kentucky, Ohio, South Carolina, Tennessee, Virginia, West Virginia, with no transportation for compensation on return except as otherwise authorized. The

purpose of this filing is to eliminate the gateways of points in Chesterfield and Darlington Counties, S.C.

(30) *Building slabs*, from Terry, Miss., to points in Illinois, Lafayette, Ind., and Riverdale, Iowa, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in Lancaster, Chesterfield, Dillon, Marion, Horry, Kershaw, Darlington, Florence, Sumter, Clarendon, and Georgetown Counties, S.C.

(31) *Building slabs*, from Terry, Miss., to points in Connecticut, Maryland (except points in the Baltimore, Md. Commercial Zone), Illinois (except points in the Chicago, Ill. Commercial Zone, as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio Commercial Zone, as defined by the Commission), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70. The purpose of this filing is to eliminate the gateway of Catawba, S.C. and points within five miles thereof.

(32) *Building slabs*, from Terry, Miss., to points in Connecticut and Maryland (except points in the Baltimore, Md. Commercial Zone as defined by the Commission), Illinois (except points in the Chicago, Ill. Commercial Zone as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio Commercial Zone as defined by the Commission), and points in Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the U.S. Plywood-Champion Papers, Inc., at or near Catawba, S.C.

(33) *Building board, wallboard*, from Wright City, Mo., to Rockingham, N.C., points in South Carolina, and points and places in Anson County, N.C. The purpose of this filing is to eliminate the gateways of Spartanburg, S.C., points in Anson County, N.C. and Mont Clare, S.C.

(43) *Building board, wallboard*, from Wright City, Mo., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Wadesboro, N.C. and points within three miles thereof.

(34) *Building board, wallboard*, from Wright City, Mo., to Wadesboro, N.C., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of points in South Carolina (except lumber from Mont Clara, S.C.).

(36) *Building board, wallboard*, from Wright City, Mo., to points in Delaware, Florida, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in Anson, Richmond, Union, Stanly, Randolph, Moore, Montgomery, and Scotland Counties, N.C. and points in

Chesterfield and Darlington Counties, S.C.

(37) *Building board, wallboard*, from Wright City, Mo., to points in Illinois, Lafayette, Ind., and Riverdale, Iowa, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in Anson, Richmond, Randolph, Moore, Montgomery, Cumberland, Robeson, Bladen, Cabarrus, Sampson, Chatham, Lee, Harnett, and Nash Counties, N.C. and Lancaster, Chesterfield, Dillon, Marion, Horry, Kershaw, Darlington, Florence, Sumter, Clarendon, and Georgetown Counties, S.C.

(38) *Building slabs*, from Wright City, Mo., to points in Connecticut, Illinois (except points in the Chicago, Ill. Commercial Zone, as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio Commercial Zone, as defined by the Commission), Maryland (except points in the Baltimore, Md. Commercial Zone), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70. The purpose of this filing is to eliminate the gateway of Catawba, S.C. and points within five miles thereof.

(39) *Building board, wallboard*, from Wright City, Mo., to points in Connecticut, Illinois (except points in the Chicago, Ill. Commercial Zone as defined by the Commission), Kentucky (except points in Cincinnati, Ohio Commercial Zone as defined by the Commission), Maryland (except points in the Baltimore, Md. Commercial Zone as defined by the Commission), and points in Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the U.S. Plywood-Champion Papers, Inc. at or near Catawba, S.C.

(40) *Lumber*, from the facilities of American Lumber Co. at or near McConnellsville, Nellie, Piketon, St. James, and West Lafayette, Ohio to points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Anson County, N.C.

(41) *Lumber*, from the facilities of American Lumber Co. at or near McConnellsville, Nellie, Piketon, St. James, and West Lafayette, Ohio, to points in South Carolina, Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Wadesboro, N.C. and points within three miles thereof.

(42) *Lumber*, (except plywood, veneer, built-up wood and flooring), from the facilities of American Lumber Co. at or near McConnellsville, Nellie, Piketon, St. James and West Lafayette, Ohio, to points in Florida, South Carolina, Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized.

The purpose of this filing is to eliminate the gateways of points in Anson, Richmond, Union, Stanly, Randolph, Moore, Montgomery, and Scotland Counties, N.C.

(43) *Lumber*, from the facilities of American Lumber Co. at or near McConnellsville, Nellie, Piketon, St. James, and West Lafayette, Ohio to points in Illinois, Lafayette, Ind., and Riverdale, Iowa, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in Anson, Richmond, Randolph, Moore, Montgomery, Cumberland, Robeson, Bladen, Cabarrus, Sampson, Chatham, Lee, Harnett, and Nash Counties, N.C.

(44) *Lumber*, from the facilities of American Lumber Company at or near McConnellsville, Nellie, Piketon, St. James, and West Lafayette, Ohio, to points in Connecticut, Illinois (except points in the Chicago, Ill. Commercial Zone, as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio Commercial Zone, as defined by the Commission), Maryland (except points in the Baltimore, Md. Commercial Zone), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70. The purpose of this filing is to eliminate the gateway of Catawba, S.C. and points within five miles thereof.

(45) *Lumber*, from the plant site of the Howdyshell Lumber Co. near New Lexington, Ohio, to Rockingham, N.C., South Carolina, and Anson County, N.C. The purpose of this filing is to eliminate the gateways of Spartanburg, S.C. and points in Anson County, N.C. and Mont Clare, S.C.

(46) *Lumber*, from the plant site of the Howdyshell Lumber Co. near New Lexington, Ohio, to points in South Carolina, Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Wadesboro, N.C. and points within three miles thereof.

(47) *Lumber*, from the plant site of the Howdyshell Lumber Co. near New Lexington, Ohio, to Wadesboro, N.C. with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of points in South Carolina (except lumber from Mont Clare, S.C.).

(48) *Lumber*, from the plant site of the Howdyshell Lumber Co. near New Lexington, Ohio, to points in South Carolina, Florida, Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in Anson, Richmond, Randolph, Moore, Montgomery, and Scotland Counties, N.C. and points in Chesterfield and Darlington Counties, S.C.

(49) *Lumber*, from the plantsite of the Howdyshell Lumber Co. near New Lexington, Ohio, to points in Illinois, Lafayette, Ind., and Riverdale, Iowa, with no transportation for compensation on

return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in Anson, Richmond, Randolph, Moore, Montgomery, Cumberland, Robeson, Bladen, Cabarrus, Sampson, Chatham, Lee, Harnett, and Nash Counties, N.C. and Lancaster, Chesterfield, Dillon, Marion, Horry, Kershaw, Darlington, Florence, Sumter, Clarendon, and Georgetown Counties, S.C.

(50) *Lumber*, from the plantsite of the Howdyshell Lumber Co. near New Lexington, Ohio, to points in Connecticut, Illinois (except points in the Chicago, Ill. Commercial Zone as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio Commercial Zone as defined by the Commission), Maryland (except points in the Baltimore, Md. Commercial Zone), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70. The purpose of this filing is to eliminate the gateway of Catawba, S.C. and points within five miles thereof.

(51) *Lumber*, from the plantsite of the Howdyshell Lumber Co. near New Lexington, Ohio, to points in Connecticut, Illinois (except points in the Chicago, Ill. Commercial Zone as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio Commercial Zone as defined by the Commission), Maryland (except points in the Baltimore, Md. Commercial Zone as defined by the Commission), and points in Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plantsite of the U.S. Plywood-Champion Papers, Inc. at or near Catawba, S.C.

(52) *Lumber*, from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, (except Denmark), to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in South Carolina.

(53) *Lumber*, from Beardstown, Ill., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in South Carolina.

(54) *Building board, wallboard*, from ports of entry on the International Boundary line between the United States and Canada in Minnesota, to points in Kentucky, Maryland, Delaware, New Jersey, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in South Carolina.

(55) *Building board, wallboard*, from ports of entry on the International Boundary line between the United States and Canada in Maine, to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in South Carolina.

(56) *Lumber*, from points in that part of Illinois on and north of U.S. Highway 24, to points in Maryland, New York, Ohio, Pennsylvania, Delaware, New Jersey, and Kentucky. The purpose of this filing is to eliminate the gateway of points in South Carolina.

(57) *Manufactured iron and steel articles*, from Peoria, Ill., to points in North Carolina, South Carolina, Virginia, Florida, Georgia, and Tennessee. The purpose of this filing is to eliminate the gateway of the plant site of Armco Steel Corporation, at or near Ashland, Ky.

(58) *Lumber*, from Chicago, Ill., to points in South Carolina, Delaware, Florida, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of points in Anson, Richmond, Union, Stanly, Randolph, Moore, Montgomery, and Scotland Counties, N.C. and points in Chesterfield, and Darlington Counties, S.C.

(59) *Iron and steel articles*, from the plant site of Bethlehem Steel Corp. at Lackawanna, N.Y., to points in Florida, Georgia, South Carolina, Tennessee, North Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Ironton, Ohio (as part of Ashland, Ky. Commercial Zone).

(60) *Brick and tile*, from Lexington, N.C. to points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Deer Park, N.Y.

(61) *Ceramic wall and floor tile*, from Canton, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateway of Salisbury, N.C.

NOTE.—This is a gateway elimination request and is a matter directly related to MC-F-12693 published in the FEDERAL REGISTER issue of December 10, 1975. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Indianapolis, Ind.

No. MC 141577, filed November 25, 1975. Applicant: RED STAR EXPRESS LINES OF ONTARIO, LIMITED, 1608 The Queensway, Toronto, Ontario, Canada. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value and those requiring special equipment), (1) Between Trenton, Mich. and Grosse Ile, Mich.: From Trenton over Wayne County Road 354 to Grosse Ile, and return over the same route, (2) Between Trenton, Mich. and junction Wayne County Road 358 and Telegraph Road (U.S. Highway 24): From Trenton over Wayne County Road 356 to junction Wayne County Road 358, (3) Between Trenton, Mich. and Detroit, Mich.: From

Trenton over Wayne County Road 379 to West Fort Street (U.S. Highway 25), thence over West Fort Street to Detroit, Mich., (4) Between Detroit, Mich. and Dearborn, Mich.: From Detroit over Fort Street to Miller Road, thence over Miller Road to Dearborn, Mich., and (5) Between Detroit, Mich. and Trenton, Mich.: From Fort Street to Wayne County Road 381, thence over Wayne County Road 381 to junction Wayne County Road 364, thence over Wayne County Road 364 to junction Wayne County Road 379, thence over Wayne County Road 379 to Trenton, service is authorized at Gibraltar, Mich., including the site of the McLouth Steel Corporation plant and Warren, Troy, and Sterling Township as off-routes points in connection with authorized regular routes.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a section 5(2) proceeding in MC-F-12659 published in the FEDERAL REGISTER issue of October 30, 1975. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y. or Washington, D.C.

No. MC-F-11023. (Supplemental) (DUNDEE TRUCK LINE, INC.—CONTROL—MODERN MOTOR EXPRESS, INC.), published in the November 25, 1970, issue of the FEDERAL REGISTER. The merger of MODERN MOTOR EXPRESS, INC., of Toledo, Ohio, into DUNDEE TRUCK LINE, INC., of Toledo, Ohio, subject to the present republication, was authorized by order of the Commission, Division 3, Acting as an Appellate Division, dated December 24, 1975, which further modified the initial decision of the Administrative Law Judge, served May 2, 1974, as modified by order of the Commission, Division 3, dated August 19, 1975, authorizing the acquisition by Dundee Truck Line, Inc., of Control of Modern Motor Express, Inc., through purchase of its capital stock. The Division, in the same order, also authorized the acquisition by John D. Phillips, of control of the operating rights and property of Modern through the merger. The interstate operating rights of Modern Motor Express, Inc., are those described in the report and order served May 2, 1974. Also, the Division, in the same order, dismissed the directly related application in Finance Docket No. 27255, and in No. MC-F-11504, denied applicants request for the elimination of duplications.

No. MC-F-12480. (Supplemental) (JAN TRANSPORT, INC.—CONTROL—CHARLES NOEDING TRUCKING CO., INC.), published in the April 16, 1975, issue of the FEDERAL REGISTER on page 17113. The merger of CHARLES NOEDING TRUCKING CO., INC. (NOEDING), into JAN TRANSPORT, INC. (JAN), subject to present republication, was authorized by order of the Commission, Division 3, Acting as an Appellate Division served December 29, 1975. The Division's order modified the order of the Commission, Review Board Number 5 of June 4, 1975, which authorized JAN through the

acquisition, by gift, of all of the outstanding capital to control NOEDING.

No. MC-F-12714. (Correction) (LOWELL L. TREFFERT, INC.—CONTROL—H. IMME & SONS, INC.), published in the December 23, 1975, issue of the FEDERAL REGISTER. Prior notice should read: LOWELL L. TREFFERT, INC.—PURCHASE—H. IMME & SONS, INC. Operating rights sought to be transferred: *Prepared foods, as a contract carrier over irregular routes, from Milwaukee, Wis., to points in the Upper Peninsula of Michigan.* Vendee is authorized to operate as a *common carrier* in Illinois, Ohio, Missouri, and Wisconsin.

No. MC-F-12721. Authority sought for purchase by ROMANO'S BULK CARRIERS, INC., 1065 Belvoir Road, Norristown, PA 19401, of a portion of the operating rights of BIVINS FREIGHT SERVICE, INC., South Fifteenth St., Millville, N.J. 08332, and for acquisition by GEORGE R. ROMANO, SR., also of Norristown, PA 19401, of control through management, pursuant to authorization in MC-F-12358. Applicants' attorney: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, VA 22201. Operating rights sought to be transferred: *Sand and gravel, siler, silica, glass foundry, mold wash, and blasting, as a common carrier over irregular routes, from Millville, Dorchester, Port Norris, and Port Elizabeth, N.J., to Washington, D.C., Baltimore, Md., Wilmington, Del., Stamford, Norwalk, Bridgeport, New Haven, and Waterbury, Conn., and points in the New York, N.Y. Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and those in Pennsylvania east of the Susquehanna River.* Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Connecticut, Delaware, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12732. Authority sought for continuance in control by PENNSYLVANIA COMPANY, 1616 N. Fort Myer Drive, Arlington, VA 22209, of OHIO OIL GATHERING CORPORATION, Chilton Bldg., Suite 400, 201 King of Prussia Rd., Radnor, PA 19087, and for acquisition by ROBERT W. BLANCHETTE, RICHARD C. BOND, and JOHN H. McARTHUR, Trustee of the property of Penn Central Transportation Company (Trustees of Penn Central) Transportation Bldg., 6 Penn Center Plaza, Philadelphia, PA 19104, of control of OHIO OIL GATHERING CORPORATION, through the acquisition by PENNSYLVANIA COMPANY. Applicants' attorney: Frederick H. Knight, III, 123 South Broad St., Philadelphia, PA 19109. Operating rights sought for continuance in control: In interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of petroleum, in bulk, from points in Ashland, Athens, Carroll, Columbiana, Cuyahoga, Fairfield, Gallia, Guernsey, Hocking, Holmes, Knox, Licking, Loraine, Mahoning, Medina, Meigs, Morgan, Morrow, Muskingum, Noble, Perry, Portage, Richland,

Stark, Tuscarawas, Vinton, Washington, and Wayne Counties, Ohio, to points in Carroll, Coshocton, Fairfield, Hocking, Holmes, Knox, Licking, Morgan, Muskingum, Perry, Stark, Washington, and Wayne Counties, Ohio, under a continuing contract or contracts with Buckeye Pipe Line Company of Radnor, Pa. (Permit not yet issued.) Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12733. Authority sought for purchase by LEIGHTON TRANS., INC., 172 Franklin Turnpike, Mahwah, NJ 07430, of the operating rights of HARTMAN TRANSPORTATION CO., INC., 675 Canton St., Norwood, MA 02062, and for acquisition by FRANCIS M. VILORD, Cragmoor Rd., Gohsen, NY, and WALTER S. ORLINSKY, 1530 Bolton St., Baltimore, MD, of control of such rights through the purchase. Applicants' attorneys: Edward M. Alfano, 550 Mamaronck Ave., Harrison, NY 10528, and Frank J. Weiner, 15 Court Square, Boston, MA 02108. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 98490 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 3130 (Sub-No. 1), is a matter directly related.

No. MC-F-12734. Authority sought for purchase by ROGERS MOTOR LINES, INC., R.D. #2, P.O. Box 388 D2, Hackettstown, NJ 07840, of a portion of the operating rights of DONALD SUNSHINE, Trustee in Bankruptcy GENE ADAMS REFRIGERATED TRUCKING SERVICE INC., 1230 Sixth Ave., New York, NY 10020, and for acquisition by RICHARD ROGERS, also of Hackettstown, NJ 07840, of control of such rights through the purchase. Applicants' attorney: Bert Collins, Suite 6193, 5 World Trade Center, New York, NY 10048. Operating rights sought to be transferred: *Foodstuffs, in vehicles equipped with mechanical refrigeration, as a common carrier over irregular routes, between points in New York, on the one hand, and, on the other, points in Hudson, Essex, Passaic, Union, Bergen, and Middlesex Counties, N.J.* Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12735. Authority sought for purchase by SCHWERMANN TRUCKING CO., P.O. Box 1601, Milwaukee, WI 53201, of a portion of the operating rights of N & K CARTAGE CO., 2501 Henry St., Muskegon, MI 49441, and for acquisition by FRED J. SCHWERMANN AND CARL L. SCHWERMANN, both of Milwaukee, WI 53215, of control of such rights through the purchase. Applicants' attorneys: James R. Ziperski, P.O. Box 1601, Milwaukee, WI 53201, and Robert

A. Sullivan, P.O. Box 400, Northville, MI 48167. Operating rights sought to be transferred: *Cement, as a common carrier over irregular routes, from Buffalo, N.Y.; to points in Bradford, Cameron, Clinton, Crawford, Elk, Erie, Forest, Lackawanna, Lycoming, McKean, Mercer, Potter, Sullivan, Susquehanna, Tioga, Venango, Warren, Wayne, and Wyoming Counties, Pa.* Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12736. Authority sought for purchase by SCHWERMANN TRUCKING CO., P.O. Box 1601, Milwaukee, WI 53201, of the operating rights of CARLSON TRUCK SERVICE, INC., 2501 Henry St., Muskegon, MI 49441, and for acquisition by FRED J. SCHWERMANN, and CARL L. SCHWERMANN, both of Milwaukee, WI 53215, of control of such rights through the purchase. Applicants' attorneys: James R. Ziperski, P.O. Box 1601, Milwaukee, WI 53201, and Robert A. Sullivan, P.O. Box 400, Northville, MI 48167. Operating rights sought to be transferred: *Cement, as a common carrier over irregular routes, from Oswego, N.Y., to points in Pennsylvania; and from Buffalo, N.Y., to points in Pennsylvania (except points in Bradford, Cameron, Clinton, Crawford, Elk, Erie, Forest, Lackawanna, Lycoming, McKean, Mercer, Potter, Sullivan, Susquehanna, Tioga, Venango, Warren, Wayne, and Wyoming Counties); and return with shipments of cement; cement, between Buffalo, N.Y., on the one hand, and, on the other, points in New York.* Vendee is authorized to operate as a *common carrier* in all of the States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-12737. Authority sought for control and merger by JENKINS TRUCK LINE, INC., P.O. Box 697, Route 3, Jeffersonville, IN 47130, of the operating rights and property of DENNY MOTOR FREIGHT, INC., 617 Indiana Ave., New Albany, IN 47150, and for acquisition by ROBERT L. JENKINS, AND GERTRUDE JENKINS, 1623 Greentree Blvd., Apt. 808, Clarksville, IN 47130, of control of such rights and property through the transaction. Applicants' attorneys and representative: Michael J. Ogborne, P.O. Box 82028, 14th & J Streets, Lincoln, NE, Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, IN 46204, and Robert L. Jenkins, P.O. Box 697, Route

3, Jeffersonville, IN 46130. Operating rights sought to be controlled and merged: *Tractors* (except truck tractors) and *attachments* therefor, as a *common carrier* over irregular routes, from the plant site of International Harvester Company of Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Colorado, Connecticut, Delaware, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Vermont, Wisconsin, and West Virginia; *fabricated steel joists*, from the plant site of Permajoist, Inc., at Louisville, Ky., to points in Tennessee, Pennsylvania, Missouri, Ohio, Illinois, and Indiana (except points in Floyd and Clark Counties); *lumber*, from Grand Rapids, Mich., to Carrollton, Ky., with restrictions; *mechanical broadcasters* (spreaders) and *tractor attachments*, from Logansport, Ind., to points in Kentucky, Michigan, Missouri, North Carolina, Tennessee, Texas, and Virginia; *Wood treatment chemicals* (except in bulk), from Buffalo, N.Y., to Crestwood, Ky.; *cabinets, cabinet parts and accessories*, and *counter tops*, crated, from Louisville, Ky., and Jeffersonville, Ind., to points in Alabama, Colorado, Louisiana, Maine, Mississippi, New Hampshire, Oklahoma, Rhode Island, Texas, and Vermont; *industrial waste containers*, from the plant site of Galbreath Incorporated, at Winamac, Ind., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(1) *Tractors*, (except track tractors) and (2) *attachments* for, and *equipment* designed for use with and when moving in mixed loads with the articles described in (1) above and parts for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Wau Claire, Wis., to points in Illinois, Indiana, Ohio, Kentucky, Michigan, West Virginia, and Wisconsin; (1) *agricultural machinery and implements*, (2) *attachments* for agricultural machinery and implements (other than hand), and (3) *such merchandise* as is dealt in by lawn and garden stores (except chemicals, and commodities in bulk), in mixed loads with tractors or the commodities described in (1) or (2) above, from Louisville, Ky., to points in Vermont, New York, Connecticut, Pennsylvania, Maryland, Delaware, Virginia, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Colorado, Kansas, Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Oklahoma, and Tennessee, with restrictions; *industrial and commercial waste containers*, from the plant site of Galbreath, Incorporated, at Winamac, Ind., to points in Kentucky, Illinois, Michigan, Minnesota, and Wisconsin; (1) *dry animal and poultry feed*, *dry animal and poultry mineral mixtures*, *animal and poultry tonics*, in-

secticides (other than agricultural), *live-stock and poultry feeders and equipment* (except liquid commodities in bulk, in tank vehicles), from Quincy, Ill., to points in Tennessee; and (2) *commodities* used in the manufacture, sale or distribution of the commodities in (1) above (except liquid commodities in bulk, in tank vehicles), from points in Kentucky and Tennessee to Quincy, Ill., with restriction; *pallets, boxes, and component parts* of boxes, from Rocky Mount, N.C., to points in Illinois, Indiana, Michigan, and Ohio; *boxes, crates, and hogsheds*, from Meridian, Miss., to points in Kentucky and Tennessee, and return with used boxes, crates, and hogsheds. Vendee is authorized to operate as a common carrier in all of the States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-12738. Authority sought for control by NEW HOPE CRUSHED STONE AND LIME CO., 184 South Broad Street, Trenton, N.J., 08608, of PERAWEL TRUCKING COMPANY, INC., 56 N. Logan Ave., Trenton, N.J., 08609, and for acquisition by BLANCHE PESTRAK, 27 Edgewood Rd., Yardley, Pa., 19067, of control of PERAWEL TRUCKING COMPANY, INC., through the acquisition by NEW HOPE CRUSHED STONE AND LIME CO. Applicants' attorneys: Sheldon M. Bonovitz or Donald A. Tortorice, 100 South Broad Street, Philadelphia, Pa. 19110. Operating rights sought to be controlled: General commodities, with exceptions as a *common carrier* over regular routes between Philadelphia, Pa., and New York, N.Y., between Philadelphia, Pa., and Trenton, N.J., serving all intermediate points (except those between New York, N.Y., and New Brunswick, N.J.) and the intermediate or off-route points of Hillside, Bloomfield, Orange, East Orange, West Orange, South Orange, Bordentown, Montclair, Clifton, Passaic, Hawthorne, Paterson, Rutherford, Hackensack, Lodi, Garfield, Woodbridge, South River, Sayreville, Highland Park, South Amboy, Perth Amboy, Metuchen, Carteret, Rahway, Linden, Roselle Park, Belleville, Nutley, Kearney, Harrison, Bayonne, Hoboken, Weehawken, Union City, West New York, Edgewater, Englewood, Roberg, Florence, Beverly, Riverside, Riverton, Delanco, Palmyra, Delair, Pettys Island, Collingswood, Haddonfield, and Haddon Heights, N.J., and Conshohocken, Pa., in connection with the above described routes. NEW HOPE CRUSHED STONE AND LIME CO., holds no authority from this Commission. However, is affiliated with NEW HOPE MOTOR SERVICE, INC., Box 246 Phillips Mills Rd., New Hope, Pa. 18938, which under MC 127035 is authorized to operate as a contract carrier in New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12743. Authority sought for purchase by THE CHIEF FREIGHT LINES COMPANY, doing business as CHIEF FREIGHT LINES, 2401 North Harvard Ave., Tulsa, OK 74115, of the operating rights of W. V. WILLIAMS, do-

ing business as WILLIAMS TRANSPORT, P.O. Box 723, Granite City, IL 62040, and for acquisition by LLOYD STITH, also of Tulsa, OK 74115, of control of such rights through the purchase. Applicants' attorney: Einar Viren, 200 First West Side Bank Bldg., 222 South 72nd St. Omaha, NE 68114. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Kansas City, Kans., and Cameron, Mo., serving no intermediate points; *general commodities*, excepting among others, classes A and B explosives, livestock, household goods and commodities in bulk, between St. Joseph, Mo., and Cameron, Mo., serving the intermediate and off-route points of San Antonio, Highway Garage, McQuerry Station, McQuate Station, and Osborn, Mo. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Oklahoma, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12744. Authority sought for purchase by P & D TRANSPORTATION, INC., Connell Highway, Newport, R.I., 02840, of the operating rights and property of GARDNER STORAGE COMPANY, INC., 40 Truman Street, New London, CT., 06320, and for acquisition by WILLIAM T. BOWLER, Connell Highway, Newport, R.I., 02840, PETER G. BOWLER, Plymouth Ave., Middletown, R.I., 02840 and RONALD J. BOWLER, 200 Eustis Ave., Newport, R.I., 02840, of control of such rights through the purchase. Applicants' attorney: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell St., Peabody, MA., 01960. Operating rights and property sought to be transferred: *Used boat furniture*, as a *common carrier* over irregular routes from New London, Conn., and points in Connecticut within 20 miles of New London, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; *general commodities*, with exceptions between New London, Conn., on the one hand, and, on the other, points in Connecticut: *household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia, between points in Massachusetts, New York, and Rhode Island. Vendee is authorized to operate as a *common carrier* in Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, Washington, Tennessee, Kentucky, North Carolina, Maine, Vermont, New Hampshire, Michigan, West Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission,

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-1790 Filed 1-20-76; 8:45 am]

[Notice 955]

ASSIGNMENT OF HEARINGS

JANUARY 16, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 109780 Sub-68, Continental Trailways, Inc., now being assigned March 1, 1976 (1 week), at San Francisco, California, in a hearing room to be designated later.

MC-C-8577, William T. Fleming (Maude E. Fleming and Dorothy M. Ivin, Executives)—Revocation of Permits, now being assigned March 8, 1976 (1 day) at Philadelphia, Pennsylvania; in a hearing room to be designated later.

MC 129759 Sub 5, Triangle Trucking Company, now being assigned March 9, 1976 (1 day) at Philadelphia, Pennsylvania; in a hearing room to be designated later.

MC 124679 Sub 67, C. R. England & Sons, Inc., now being assigned March 10, 1976 (3 days) at Philadelphia, Pennsylvania; in a hearing room to be designated later.

MC 30561 Sub 3, Joseph Ruffin d/b/a Ruffin's Motor Freight, now being assigned March 9, 1976; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140016 Sub-4, Transportation Services, Inc., now assigned February 18, 1976, at Reno, Nevada, will be held in Room 4002, Conference Room A, Federal Bldg., 300 Booth Street.

MC 130329, Victor F. Gamboa, dba Vic's Tour, now assigned February 23, 1976, at San Francisco, California, will be held in Room 13025, 13001 Federal Bldg., 13th Floor, 450 Golden Gate Avenue.

MC 107012 Sub 218, North American Van Lines, Inc., now assigned February 25, 1976, at San Francisco, California, will be held in Room 13025, 13001 Federal Bldg., 13th Floor, 450 Golden Gate Avenue.

MC 2890 Sub-50, American Buslines, Inc., MC 89037 Sub-8, Continental Pacific Lines, dba Continental Pacific Trailways, and MC 109780 Sub-68, Continental Trailways, Inc., now assigned March 5, 1976, at San Francisco, California, will be held in Room 13025, 13001 Federal Bldg., 13th Floor, 450 Golden Gate Avenue.

W-C-25 Waxler Towing Company, Incorporated—Investigation and Revocation of Certificate, now assigned January 22, 1976, at Memphis, Tenn., is postponed indefinitely.

W-C-26 A. & O. Barge Line, Inc.—Investigation and Revocation of Certificates, now assigned January 22, 1976, at Memphis, Tenn., is postponed indefinitely.

F.D. 27992 Flowers Transportation, Inc., Greenville, Mississippi Transferee and Waxler Towing Company, Incorporated, Memphis, Tennessee, Transferor, now assigned January 22, 1976, at Memphis, Tenn., is postponed indefinitely.

MC 130324, American Travel, Inc., now assigned January 29, 1976, at Montpelier, Vt., is canceled and transferred to Modified Procedure.

MC 115841 (Sub-No. 495), Colonial Refrigerated Transportation, Inc., now assigned February 19, 1976, at Buffalo, N.Y., is canceled and application dismissed.

F.D. 27770, Burlington Northern, Inc.—Control Through Acquisition of Securities Of—Green Bay & Western Railroad Company, now assigned continued hearing January 26, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S 9099, Crude Earth in Bulk, Within S.F.A. Territory, now being assigned March 29, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 141081, Traller Car Corp., now assigned February 4, 1976, at New York City, N.Y., is postponed indefinitely.

I & S 9079, Potatoes, From Origins in Minnesota & North Dakota, now assigned February 9, 1976, at St. Paul, Minn., is canceled. This proceeding is being discontinued.

MC 119767 Sub-328, Beaver Transport Co., now assigned February 3, 1976, at Chicago, Illinois, will be held in Room 204-A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 64932 Sub-551, Rogers Cartage Co., now assigned February 4, 1976, at Chicago, Illinois, will be held in Room 204-A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 107496 Sub-997, Ruan Transport Corporation, now assigned February 5, 1976, at Chicago, Illinois, will be held in Room 350, Federal Bldg., 230 S. Dearborn Street.

MC 114274 Sub-33, Vitals Truck Lines, Inc., now assigned February 9, 1976, at Chicago, Illinois, will be held in Room 3855-A, Federal Bldg., 230 S. Dearborn Street.

MC 113651 Sub-184, Indiana Refrigerated Lines, Inc., now assigned February 10, 1976, at Chicago, Illinois, will be held in Room 3855-A, Federal Bldg., 230 S. Dearborn Street.

MC-C 8834, Scherman Trucking Company and Continental Oil Company—Investigation of Operations and Practices and Revocation of Certificates, now assigned February 12, 1976, at Chicago, Ill., will be held in Room 3855-A, Federal Bldg., 230 S. Dearborn St.

MC 128932 (Sub-No. 9), Robert L. Torrans dba Commercial Storage & Distribution Co., now assigned January 13, 1976, at Baton Rouge, La., is canceled and application dismissed.

MC 19227 (Sub-No. 212), Leonard Bros. Trucking Co., Inc., now assigned February 10, 1976, at Washington, D.C., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1794 Filed 1-20-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 16, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before February 5, 1976.

FSA No. 43112—Joint Rail-Water Container Rates—Baltic Shipping Company. Filed by Baltic Shipping Company, (No. 1), for itself and interested rail carriers. Rates on general commodities, between rail and water carrier terminals on the U.S. Pacific Coast Seaboard, on the one hand, and ports and terminals in Europe, on the other.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1788 Filed 1-20-76;8:45 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 16, 1976.

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 Rule—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-2153 (Deviation No. 5), MIDWEST MOTOR EXPRESS, INC., 5015 East Main St., Bismarck, N. Dak. 58501, filed December 5, 1975. Carrier's representative: Warren H. Albrecht, Jr., Suite 200, Professional Bldg., P.O. Box 1436, Bismarck, N. Dak. 58501. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Jamestown, N. Dak., over U.S. Highway 52 to Minot, N. Dak., and (2) From Duluth, Minn., over U.S. Highway 2 to Erskine, Minn., 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 pertinent service routes as follows: (1) From Jamestown, N. Dak., over Interstate Highway 94 (U.S. Highway 10) to Bismarck, N. Dak., thence over U.S. Highway 83 to Minot, N. Dak., and (2) From Duluth, Minn., over Minnesota Highway 210 to junction U.S. Highway 10, thence over U.S. Highway 10 to Detroit Lakes, Minn., thence over U.S. Highway 59 to Erskine, Minn., and return over the same routes.

No. MC-75320 (Deviation No. 59), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed January 6, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 85 to Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10, thence over Interstate Highway 10 to Gulfport, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities, over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 11 to junction U.S. Highway 82 near Tuscaloosa, Ala., thence over U.S. Highway 82 to Columbus, Miss., thence over U.S. Highway 45 to Meridian, Miss., thence over U.S. Highway 11 to Hattiesburg, Miss., thence over U.S. Highway 49 to Gulfport, Miss., and return over the same route.

No. MC-80430 (Deviation No. 18), GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601, filed December 30, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a route as follows: From St. Louis, Mo., over Interstate Highway 55 to junction Interstate Highway 57 near Sikeston, Mo., thence over Interstate Highway 57 (U.S. Highway 60) to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 45E, thence over U.S. Highway 45E to junction Interstate Highway 40 near Jackson, Tenn., thence over Interstate Highway 40 to Nashville, Tenn., 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 St. Louis, Mo., over U.S. Highway 50 to Seymour, Ind., thence over Alternate U.S. Highway 31 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 31E, near Sellersburg, Ind., thence over U.S. Highway 31E to Louisville, Ky., thence over U.S. Highway 31W to Nashville, Tenn., and return over the same route.

No. MC-89913 (Deviation No. 4), FRISCO TRANSPORTATION COMPANY, 3253 E. Trafficway, Springfield, Mo. 65802, filed December 30, 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 Kansas City, Mo., over Interstate Highway 70 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 50, thence over U.S. Highway 50 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 St. Louis, Mo., over U.S. Highway 66 to Springfield, Mo., thence over Missouri Highway 13 to Warrensburg, Mo., thence over U.S. Highway 50 to Kansas City, Mo., and return over the same route.

No. MC-127602 (Deviation No. 3), DENVER-MIDWEST FREIGHT, INC., 5555 E. 58th Ave., Commerce City, Colo. 80022, filed January 6, 1976. Carrier's representative: Michael J. Ogborn, P.O. Box 82028, 300 NSEA Bldg., 14th & J Streets, Lincoln, Nebr. 68501. 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 Minnesota Highway 60 and U.S. Highway 16 near Worthington, Minn., over U.S. Highway 16 to junction Minnesota Highway 15, thence over Minnesota Highway 15 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction Minnesota Highway 101, thence over Minnesota Highway 101 to junction Interstate Highway 35, thence over Interstate Highway 35 to Minneapolis/St. Paul, Minn., and return over the same route for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities, over a pertinent service route as follows: From junction Minnesota Highway 60 and U.S. Highway 16 near Worthington, Minn., over Minnesota Highway 60 to junction Minnesota Highway 15, thence over Minnesota Highway 15 to junction U.S. Highway 212, thence over U.S. Highway 212 to junction Minnesota Highway 261, thence over Minnesota Highway 261 to Winsted, Minn., thence over Minnesota County Roads to junction Minnesota Highway 25, thence over Minnesota Highway 25 to Watertown, Minn., thence over Minnesota County Roads to junction U.S. Highway 12, thence over U.S. Highway 12 to Minneapolis/St. Paul, Minn., and return over the same route.

No. MC-128944 (Deviation No. 1), RELIABLE TRUCK LINES, INC., 716 S. 37th St., Birmingham, Ala. 35222, filed December 5, 1975. Carrier's representative: James Clarence Evans, Eighteenth Floor, Third National Bank Bldg., Nashville, Tenn. 37219. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 78 to Hamilton, Ala., thence over U.S. Highway 278 to junction Alabama Highway 5, thence over Alabama Highway 4 to Junction U.S. Highway 78 near Jasper, Ala., thence over U.S. Highway 78 to Birmingham, Ala., 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 Memphis, Tenn., over Interstate Highway 40 to junction U.S. Highway 64, thence over U.S. Highway 64 to Savannah, Tenn., thence over Tennessee Highway 69 to the Tennessee-Alabama State Line, thence over Alabama Highway 20 to Florence, Ala., thence over U.S. Highway 43 to junction Alternate U.S. Highway 72 thence over Alternate U.S. Highway 72 to junction Alabama Highway 157, thence over Alabama Highway 157 to junction Interstate Highway 65, north of Cullman, Ala., thence over Interstate Highway 65 to Birmingham, Ala., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1789 Filed 1-20-76; 8:45 am]

[Notice No. 7]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 15, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 1184 (Sub-No. 21TA), filed January 2, 1976. Applicant: K&B MOUNTING, INC., 21533 Mound Road, Warren, Mich. 48091. Applicant's representative: Frank McNamee (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Motor vehicles* (van conversions), in secondary movements, in truckaway service, from points in Elkhart County, Ind. to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Midas-International Corp., P.O. Box 100, Elkhart, Ind. 46514. Send protests to: Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, District Supervisor, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 47010 (Sub-No. 10TA), filed January 2, 1976. Applicant: BERRY TRANSPORT, INC., 5315 N.W. St. Helens Road, Portland, Ore. 97210. Applicant's representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, Ore. 97258. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cans, can ends, cannery supplies, and machinery*, from Toppenish, Wash., to Hammond, Ore., under a contract with Del Monte Corporation, for 180 days. Supporting shipper: Del Monte Corporation, 2001 Del Monte Way, Vancouver, Wash. 98660. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 104430 (Sub-No. 45TA), filed January 5, 1976. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss. 39648. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza (Box 22628), Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses*, in bulk, in tank vehicles from Reserve, La., to points in Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc., 1412 Cargill Building, Minneapolis, Minn. 55402. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 108207 (Sub-No. 430TA), filed January 2, 1976. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and meats, meat products, and meat byproducts* 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, from Oklahoma City, Okla., to points in Iowa, Kansas, and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Schwartz Meat Company, Box 971, Norman, Okla. 73069, and George A. Hormel & Co., 7300 S.W. 29th Street, Oklahoma City, Okla. 73128. Send protests to: Opal M. Jones,

Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 111729 (Sub-No. 600TA), filed January 5, 1976. Applicant: PUROLATOR COURIER CORP., 333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formal wear and related articles*, between Parkersburg, W. Va., on the one hand, and, on the other, Cumberland, Frederick, and Hagerstown, Md.; and points in Ohio, Pennsylvania, and Virginia, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Duccilli Formal Wear, Inc., Grand Central Mall, Parkersburg, W. Va. 26101. Send protests to: Anthony D. Giammo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113434 (Sub-No. 66TA), filed December 31, 1975. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except frozen foodstuffs and commodities in bulk) from the facilities of Heinz U.S.A. at Iowa City and Muscatine, Iowa, to the distribution facilities of Heinz U.S.A. at Pittsburgh, Pa., Toledo, Ohio, and Mechanicsburg, Pa., for 180 days. Supporting shipper: Heinz, U.S.A., P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 113908 (Sub-No. 362TA), filed January 5, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, Glestone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, neutral spirits, distilled spirits and alcohol*, in bulk, between Atlanta and Roberta, Ga., on the one hand, and, on the other, Lawrenceville, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115495 (Sub-No. 28TA), filed December 31, 1975. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, Ill. 60174. Applicant's representative: J. Robert Peterson, 51 Weaver Street, Greenwich Office Park 5, Greenwich, Conn. 06830.

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 commodities requiring special equipment), (1) between the premises of Marshall Field and Company, Chicago, Ill., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, Kansas, Nebraska, Iowa, Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Indiana, Nevada, California, Oregon, and Washington; and (2) between the premises of Marshall Field and Company, Chicago, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Virginia, within 10 miles of the Pennsylvania-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee, or the Virginia-North Carolina State lines. Restrictions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and (b) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Marshall Field & Company, 111 North State Street, Chicago, Ill. 60690. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill.

No. MC 116119 (Sub-No. 28TA), filed December 30, 1975. Applicant: JOHN F. HARRIS, d/b/a HOGAN'S TRANSFER & STORAGE, 1122 South Davis Avenue, Elkins, W. Va. 26241. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, motor bikes and motor driven trail bikes*, from Norfolk, Va. and Port Newark, N.J., to Elkins, W. Va., under a contract with Demotto Honda Sales, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Demotto Honda Sales, Norton Road, Elkins, W. Va. 26241. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 123294 (Sub-No. 37TA), filed January 2, 1976. Applicant: WARSAW TRUCKING CO., INC., 1102 West

Winona, Warsaw, Ind. 46580. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400., Northville, Minn. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides, pesticides, livestock and poultry feeders and equipment, and advertising matter and premiums related to such commodities* (except liquid commodities in bulk), from the plantsite and warehouse facilities of Moorman Manufacturing Co. at or near Bluffton, Ind., to points in Alabama, Delaware, Florida, Georgia, Illinois, Kentucky, Maryland, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, Tennessee, South Carolina, Virginia, West Virginia, and Wisconsin; and (2) *materials, equipments and supplies used in the manufacture, sale and distribution of the above-named commodities* (except liquid commodities in bulk), from points in the above-named destination States, to the plantsite or warehouse facilities of Moorman Manufacturing Co. at or near Bluffton, Ind., for 180 days. Supporting shipper: Moorman Manufacturing Co., 1000 North 30th Street, Quincy, Ill. 62301. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 123993 (Sub-No. 37TA), filed December 29, 1975. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, 1724 W. Mill Street, Crowley, La. 70526. Applicant's representative: Byron Fogleman (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, from Anse LaButte, and Baldwin, La., to points in Florida, Georgia and Tennessee, for 180 days. Supporting shipper: Cargill Incorporated, Salt Department, Cargill Building, Minneapolis, Minn. 55402. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, 9038 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124813 (Sub-No. 140TA), filed January 6, 1976. Applicant: UTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products* (except feed and feed ingredients), from the facilities of Calcium Carbonate Company at or near Fort Dodge, Iowa, to Rosemount, Shakopee, and Minneapolis, Minn. and points in their respective commercial zones, for 180 days. Supporting shipper: Calcium Carbonate Company, P.O. Box 808, Quincy, Ill. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate

Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 134068 (Sub-No. 25TA), filed January 5, 1976. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Avenue, Vernon, Calif. 90058. Applicant's representative: Lowell W. Moffit (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, shampoo, cleaning compounds, paper products, advertising matter, and supplies, materials and articles used by manufacturers or distributors of beauty products*, from the plant site and facilities of La Maur, Inc., and Beautifax, Inc., at or near Fridley, Minn., to Denver, Colo.; Salt Lake City, Utah; Los Angeles and San Francisco, Calif.; and Portland, Oreg. and points in their commercial zones as described by the Commission, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: La Maur, Inc., Beautifax, Inc., 5601 East River Road, Minneapolis, Minn. 55440. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134601 (Sub-No. 9TA), filed December 29, 1975. Applicant: GOOSE CREEK TRANSPORT, INC., R.D. #1, Ashville, N.Y. 14710. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products distributed by meat packing-houses* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the Town of Harmony (Chautauqua County), N.Y., to York, Pa., under a contract with Fairbank Farms, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fairbank Farms, Inc., R.D. #1, Ashville, N.Y. 14710. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 W. Huron Street, Buffalo, N.Y. 14202.

No. MC 134653 (Sub-No. 5TA), filed December 31, 1975. Applicant: STERRITT TRUCKING, INC., P.O. Box 367, West Coxsackie, N.Y. 12192. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete products*, from Kenil, N.J., to Harrison, N.Y., under a contract with Spancrete Northeast, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Spancrete Northeast, Inc., P.O. Box 534, S. Bethlehem, N.Y. 12161. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 134653 (Sub-No. 6TA), filed December 31, 1975. Applicant: STERRITT TRUCKING, INC., P.O. Box 367, West Coxsackie, N.Y. 12192. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete products*, from South Bethlehem, N.Y. to Danbury and Stamford, Conn., under a contract with Spancrete Northeast, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Spancrete Northeast, Inc., P.O. Box 534, South Bethlehem, N.Y. 12161. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 135795 (Sub-No. 4TA), filed December 30, 1975. Applicant: WILLIAM J. JAMES, d/b/a BILL JAMES, P.O. Box 1786, Hereford, Texas 79045. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Texas 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm implements, and equipment and supplies incidental to the raising of livestock*, when moving in connection with shipments of dry animal and poultry feeds, from Hereford and Comanche, Tex., to points in Oklahoma, New Mexico, Kansas, Colorado, Arkansas, and Louisiana; (2) *dry animal and poultry feeds*, from Hereford, Tex., to points in Arkansas and Louisiana; and (3) *dry animal and poultry feeds*, from Comanche, Tex., to points in Oklahoma, New Mexico, Kansas, Colorado, Arkansas, and Louisiana, under a continuing contract or contracts with Moorman Mfg. Company, Quincy, Ill., for 180 days. Supporting shipper: Moorman Mfg. Company, 1000 N. 30th Street, Quincy, Ill. 62301. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Texas 79101.

No. MC 135871 (Sub-No. 21TA), filed January 5, 1976. Applicant: H.G.M. TRANSPORT COMPANY, 1079 West Side Avenue, Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores and supplies and equipment used in the conduct of such business*, between points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Sturbridge, Westfield, Mass., St. Johnsbury, Rutland, Barre, Morrisville, St. Albans, Middlebury, Vt., Ogdensburg, Lockport, Massena, Dunkirk, Malone, Saranac Lake, North Tonawanda, Albion, Springville, Ontario, Warsaw, Amenia, N.Y.; Salisbury, Aberdeen, Edgewood, Reisterstown, Westminster, Cambridge, Pocomoke City, Berlin, North East, Chestertown, Md.; Clearfield, Connelville, State

College, Bloomsburg, Carbondale, Berwick, St. Marys, Sayre, Wellsboro, Towanda, Oxford, Pa.; Pennsville, N.J.; Waynesboro, Va.; Lenoir, N.C.; and Sanford, Maine, under a contract with Ames Department Stores, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ames Department Stores, 3580 Main Street, Hartford, Conn. 06112. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 138658 (Sub-No. 4TA), filed January 5, 1976. Applicant: CROSS TRANSPORTATION, INC., 100 Factory Street, Lewis, Kansas 67552. Applicant's representative: James H. Cross (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw castings*, from Camden, Tenn., to Lewis, Kans. and Lamar, Colo., under a contract with Cross Manufacturing, Inc., for 90 days. Supporting shipper: Cross Manufacturing, Inc., 100 Factory Street, Lewis, Kans. 67552. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 139096 (Sub-No. 1TA), filed January 5, 1976. Applicant: RENO ARMORED TRANSPORT, INC., 1130 South Flower Street, Los Angeles, Calif. 90015. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Film and photofinished prints and slides*, between Reno, Nev., on the one hand, and, on the other, Kings Beach, South Lake Tahoe, Tahoe City, and Truckee, Calif., and Incline Village and Roundhill, Nev., under contract with Bennetts Photo Service, Hayward, Calif., for 180 days. Supporting shipper: Bennetts Photo Service, 27577 Industrial Boulevard, Hayward, Calif. 94545. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140605 (Sub-No. 1TA), filed January 6, 1976. Applicant: OHIO OIL GATHERING CORPORATION, Chilton Building, Suite 400, 201 King of Prussia Road, Radnor, Pa. 19087. Applicant's representative: Frederick H. Knight, III, 2100 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, in bulk, from points in Ashland, Athens, Carroll, Columbiana, Coshocton, Cuyahoga, Fairfield, Gallia, Guernsey, Hocking, Holmes, Knox, Licking, Loraine, Mahoning, Medina, Meigs, Morgan, Morrow, Muskingum, Noble, Perry, Portage, Richland, Stark, Tuscarawas, Vinton, Washington, and Wayne Counties, Ohio, to points in Coshocton, Fairfield, Hocking, Holmes, Carroll, Knox, Licking, Morgan, Muskingum, Perry, Stark, Washing-

ington, and Wayne Counties, Ohio, restricted to subsequent movement by pipeline, rail or water to points in Pennsylvania and West Virginia, under a continuing contract with Buckeye Pipe Line Company of Radnor, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Buckeye Pipe Line Company, 201 King of Prussia Road, Suite 400, Radnor, Pa. 19087. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 140854 (Sub-No. 2TA), filed December 30, 1975. Applicant: MICHAEL TARANTINO, d/b/a M. TARANTINO TRUCKING, P.O. Box 602, Bound Brook, N.J. 08805. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soap*, in tank vehicles, from the facilities of the Miranol Chemical Company, Inc., at or near Dayton, N.J., to the facilities of the Lehigh Valley RR Co., at Middlesex, N.J., restricted to shipments having a subsequent movement by rail, under a contract with the Miranol Chemical Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Miranol Chemical Company, Inc., 600 Stuyvesant Avenue, Irvington, N.J. 07111. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 141436 (Sub-No. 1TA), filed December 30, 1975. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, Iowa 51031. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from LeMars, Iowa to points in Iowa, Minnesota, Wisconsin, South Dakota, Nebraska, Missouri, North Dakota, and Illinois; and (2) *commodities* named in (1) above, and *materials, supplies and equipment*, utilized in the manufacture, production, and distribution of the commodities named in (1) above, from points in Iowa, Minnesota, Wisconsin, South Dakota, Nebraska, Missouri, North Dakota, and Illinois, to Sioux City, Marshalltown, Orange City, and Lemars, Iowa. Restrictions: (1) Restricted against the transportation of commodities in bulk, in tank vehicles, (2) Restricted to traffic originating at the named destinations, and (3) Restricted to a transportation service to be performed under a continuing contract or contracts with Harker's Wholesale Meat, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harker's Wholesale Meat, Inc., 521 8th Avenue, S.W., LeMars, Iowa 51031. Send protests to: Carroll Russell,

District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 141585 (Sub-No. 3TA), filed December 31, 1975. Applicant: ECMYERS TRUCKING, INC., R.F.D. 108 B, Route 44, Thorofare, N.J. 08086. Applicant's representative: Thomas F. X. Foley, 744 Broad Street, Suite 2005, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial and commercial air pollution control devices and associated metal fabrication, and materials and supplies* used in the installation and operation thereof, between Pedricktown, N.J., on the one hand, and, on the other, Craig, Colo., under a contract with Lovett & Martin Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 30 days of operating authority. Supporting shipper: Lovett & Martin Co., Inc., 1895 Federal Street, Camden, N.J. 08105. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 141606 TA (Correction), filed December 12, 1975, published in the FEDERAL REGISTER issue of January 9, 1976, and republished as corrected this issue. Applicant: ALERT TRUCKING, INC., 6689 N.W. 16th Terrace, Fort Lauderdale, Fla. 33309. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil; carbon gum or sludge removing compounds; cartridges or elements* exceeding 5 lbs. per cubic foot; and *oil filters*, from Plainville, Ohio, to Lowell, Mass.; Hillside, N.J.; Baltimore, Md.; Charlotte, N.C.; Tampa, Fla.; Morrow, Ga.; Jackson, Miss.; Nashville, Tenn.; Louisville, Ky.; Lake Bluff, Ill.; New York City commercial zone; and Chicago, Ill.; and Evansville, Ind.; and Richmond, Va., under a continuing contract with STP Corp., for 180 days. Supporting shipper: STP Corp., 1400 West Commercial Blvd., Fort Lauderdale, Fla. Send protests to: Joseph B. Tiechert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

NOTE.—The purpose of this republication is to indicate the proper origin in this proceeding.

No. MC 141612 (Sub-No. 1TA), filed January 6, 1976. Applicant: K & B TRANSPORT, INC., Route 5, Newark, Ohio 43055. Applicant's representative: Lewis S. Witherspoon, Suite 930, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dog food*, in bags, from Muscatine, Iowa, to the facilities of Landmark, Inc., located in Ohio, under a contract with Landmark, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of

operating authority. Supporting shipper: Landmark, Inc., 245 North High Street, Columbus, Ohio 43216. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 141631 (Sub-No. 1TA), filed January 2, 1976. Applicant: ADAMS VAN SERVICE, INC., P.O. Box 1771, Pittsburgh, Pa. 15230. Applicant's representative: H. J. McSuley, Jr., 1619 Noblestown Road, Pittsburgh, Pa. 15205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by department stores, the business of which is the sale of general commodities, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Ohio on and east of Ohio Highway 83, West Virginia on and north of U.S. Highway 33, and Garrett and Allegany Counties, Md., restricted to shipments moving to or from retail customers of such department stores, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Gimbel Brothers, Inc., 339 Sixth Avenue, Pittsburgh, Pa. 15222, Kaufmann's Department Store, Fifth and Smithfield Streets, Pittsburgh, Pa. 15219, and Joseph Horne Co., Penn and Stanwix Streets, Pittsburgh, Pa. Send protests to: Mr. John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 141656 TA, filed January 6, 1976. Applicant: ROBERT E. MACK, II, EDWARD S. MACK, JR., ESTELLE M. FUNK, ALBERT R. FUNK, AND CARL BROWN d/b/a MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by hardware stores, between the plantsite or facilities of Cotter & Company, at or near Fogelsville, Pa., on the one hand, and, on the other, points in Fairfield and New Haven Counties, Conn., Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cotter & Company, 1501 Unity Street, Philadelphia, Pa. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1792 Filed 1-20-76; 8:45 am]

[Notice No. 8]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 16, 1976.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 2202 (Sub-No. 504TA), filed January 5, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). (A) serving all intermediate points on the routes hereinafter described, and all points located in the Counties of Lee, Van Buren, Davis, Appanoose, Wayne, Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Louisa, Washington, Keokuk, Mahaska, Marion, Jasper, Poweshiek, Iowa, Johnson, Muscatine, Scott, Cedar, Clinton, Jackson, Jones, Linn, Benton, Tama, Marshall, Grundy, Black Hawk, Buchanan, Delaware, and Dubuque as off-route points as follows: (1) Between Missouri-Iowa State line and Dubuque, Iowa: From the Missouri-Iowa State line over U.S. High-

way 61 to Dubuque, and return over the same route; (2) Between Davenport, Iowa and Dubuque, Iowa: From Davenport over U.S. Highway 67 to the junction of U.S. Highway 52, thence over U.S. Highway 52 to Dubuque, and return over the same route.

(3) Between Missouri-Iowa State line and Iowa Highway 2 to the junction of U.S. Highway 61: From the Missouri-Iowa State line over Iowa Highway 40 to the junction of Iowa Highway 2, thence over Iowa Highway 2 to the junction of U.S. Highway 61, and return over the same route; (4) Between Corydon, Iowa and Dubuque, Iowa: From Corydon over Iowa Highway 14 to the junction of U.S. Highway 20, thence over U.S. Highway 20 to Dubuque, and return over the same route; (5) Between Missouri-Iowa State line and Waterloo, Iowa: From the Missouri-Iowa State line over U.S. Highway 63 to Waterloo, and return over the same route; (6) Between Chariton, Iowa and Burlington, Iowa: From Chariton over U.S. Highway 34 to Burlington, and return over the same route; (7) Between Knoxville, Iowa and Iowa Highway 92 to the junction of U.S. Highway 61: From Knoxville over Iowa Highway 92 to the junction of U.S. Highway 61, and return over the same route; (8) Between Monroe, Iowa and Oskaloosa, Iowa: From Monroe over Iowa Highway 163 to Oskaloosa, and return over the same route; (9) Between Marshalltown, Iowa and Clinton, Iowa: From Marshalltown over U.S. Highway 30, to Clinton, and return over the same route; (10) Between Newton, Iowa and Davenport, Iowa: From Newton over U.S. Highway 6 to Davenport, and return over the same route; (11) Between Cedar Rapids, Iowa and Iowa Highway 149 to the junction of U.S. Highway 63: From Cedar Rapids over Iowa Highway 149 to the junction of U.S. Highway 63, and return over the same route;

(12) Between Newport, Iowa and Iowa Highway 78 to the junction of Iowa Highway 149: From Newport over Iowa Highway 78 to the junction of Iowa Highway 149, and return over the same route; (13) Between the junction of Iowa Highways 1 and 2 and Fairview, Iowa: From the junction of Iowa Highways 1 and 2 over Iowa Highway 1 to Fairview, and return over the same route; (14) Between Keokuk, Iowa to Waterloo, Iowa: From Keokuk over U.S. Highway 218 to Waterloo, and return over the same route; (15) Between Cedar Rapids, Iowa and Independence, Iowa: From Cedar Rapids over Iowa Highway 150 to Independence, and return over the same route; (16) Between Cedar Rapids, Iowa and U.S. Highway 151 to the junction of U.S. Highway 61: From Cedar Rapids over U.S. Highway 151 to the junction of U.S. Highway 61, and return over the same route; (17) Between Anamosa, Iowa and Iowa Highway 64 to the junction of U.S. Highway 67: From Anamosa over Iowa Highway 64 to the junction of U.S. Highway 67, and return over the same route; and (18) Between the junction of U.S. Highway

151 and Iowa Highway 13 and Manchester, Iowa: From the junction of U.S. Highway 151 and Iowa Highway 13 over Iowa Highway 13 to Manchester, and return over the same route. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at or destined to points in Nebraska, Kansas, Missouri, Chicago, Ill., Minnesota and Wisconsin.

(B) Between Omaha and Lincoln, Nebr. serving no intermediate points: From Omaha over Interstate Highway 80 to Lincoln, and return over the same route. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at or destined to points in Iowa, Kansas, Missouri, Chicago, Ill., Minnesota, and Wisconsin, for 180 days. Joiner: Applicant states it will join the requested authority with its existing authority in MC-2202 and subs thereunder, and interchange at all points requested. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are statements of 412 supporting shippers attached to the application which may be viewed at both the offices of the Interstate Commerce Commission in Washington, D.C. and Cleveland, Ohio. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1240 East Ninth Street, 181 Federal Office Bldg., Cleveland, Ohio 44199.

No. MC 79737 (Sub-No. 15TA), (Correction) filed December 22, 1975, published in the FEDERAL REGISTER issue of January 13, 1976 as MC-79373 (Sub-No. 15 TA) and republished as corrected this issue. Applicant: BERTA BROS. TRANSPORTATION, INC., P.O. Box 429, U.S. Highway 50 East, Canon City, Colo. 81212. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Spent acid* (Sulphuric), in bulk, in tank vehicles, from the gas refinery plantsite of the Amoco Oil Company, at Casper, Wyo., to the Cotter Corporation plantsite at or near Canon City, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cotter Corporation, P.O. Box 751, Canon City, Colo. 81212. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding.

No. MC 85811 (Sub-No. 9 TA), filed January 7, 1976. Applicant: AMSCO TRANSPORTATION, INC., 10560 Mykawa Road, P.O. Box 33280, Houston, Texas 77033. Applicant's representative: A. M. Smith (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except

commodities in bulk), from the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Utah; and (2) *materials, equipment and supplies* used in the manufacture, processing and distribution of iron and steel articles (except commodities in bulk) from points in Alabama, Arizona, Arkansas, Colorado, Florida, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Utah, to the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., restricted in Parts (1) and (2) above to traffic originating at and destined to the named plantsite and facilities of National Pipe and Tube Company and the named States, for 180 days. Supporting shipper: National Pipe and Tube Company, 20th and State Streets, Granite City, Ill. 62040. Send protests to: District Supervisor John Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 107839 (Sub-No. 166TA), filed December 23, 1975. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from El Paso, Tex., to Colorado Springs, Denver, Grand Junction, and Pueblo, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chiquita Brands, Inc., Prudential Center, Boston, Mass. 02199. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 118535 (Sub-No. 71TA), filed December 30, 1975. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dry feed ingredients*, in bulk, and (2) *dry feed ingredients*, in bags, when moving in mixed loads with dry feed ingredients, in bulk, from North Little Rock, Ark. to points in Texas, for 180 days. Supporting shipper: Mountaire Feeds, Inc., P.O. Box 5391, North Little Rock, Ark. 72119. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119789 (Sub-No. 276 TA), filed December 29, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd.,

Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen juices*, from Dade City, Fla. to points in Arizona, California and Nevada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lykes Pasco Packing Co., P.O. Box 97, Dade City, Fla. 33525. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 125433 (Sub-No. 65 TA), filed January 5, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Alan R. Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Panguitch, Blanding, Vernal, and Kamas, Utah; Dolores, Durango, Cortez, Paradox, Montrose, Pagosa Springs, and South Fork, Colo.; Fredonia, Flagstaff, Williams, Winslow, Snowflake, Cutter, McNary, Eager, White River, Payson, and Show Low, Ariz.; and Chama, Espanola, Taos, Las Vegas, Cimarron, Albuquerque, Navajo, Alamogordo, Belen, Amalia, Grants, and Truth or Consequences, N. Mex., to points in Nebraska, Wisconsin, Minnesota, Ohio, Illinois, South Dakota, Iowa, Indiana, Kansas, Missouri and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwestern Sales, Inc., P.O. Box 14703, Albuquerque, N. Mex. 87111. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 128217 (Sub-No. 18 TA), filed January 5, 1976. Applicant: REINHART MAYER, d/b/a MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *materials, equipment, parts and supplies* used in the manufacture of agricultural implements, from Anoka, Minn., Monticello, Iowa, Benton, Ark., and points in North Dakota, Illinois, Indiana, and Ohio (except Youngstown, Lorain, and Warren), to the facilities of Clark Equipment Company, Melroe Division at or near Fort Benton, Mont.; (2) *materials equipment, parts and supplies* used in the manufacture of agricultural, industrial and construction machinery from points in North Dakota, Minnesota, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio (except Youngstown, Lorain, and Warren), Chattanooga, Tenn., Hutchinson, Kans., and Maysville, Ky., to the facilities of Clark Equipment Company, Melroe Division at or near Spokane, Wash.; (3) *materi-*

als, equipment, parts and supplies used in the manufacture of agricultural implements and agricultural, industrial and construction machinery from Benton, Ark., Chattanooga, Tenn., Hutchinson, Kans., Maysville, Ky., and points in Iowa, to the facilities of Clark Equipment Company, Melroe Division located at or near Gwinner, Cooperstown and Bismark, N. Dak.; and (4) *agricultural, industrial and construction machinery and parts and subassemblies* for agricultural, industrial and construction machinery from the facilities of Clark Equipment Company, Melroe Division located at or near Spokane, Wash. to the facilities of Clark Equipment Company, Melroe Division at or near Bismark and Gwinner, N. Dak., under a continuing contract with Clark Equipment Co., Melroe Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clark Equipment Co., Melroe Division, Gwinner, N. Dak. 58040. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 134910 (Sub-No. 9 TA), filed January 5, 1976. Applicant: CALLIS TRUCKING, INC., Clay and Market Streets, Box 25, Centerton, Ind. 46116. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural clay tile and related clay products*, (1) from Clay County, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, West Virginia, and Wisconsin, under contract or continuing contracts with Arketex Ceramic Corporation; (2) from Madison County, Ala.; Cloud County, Kans.; Jefferson County, Ky.; Noxubee County, Miss.; Sullivan, Hamilton, and Washington Counties, Tenn.; Smyth and Tazewell Counties, Va.; and Richmond, Va., to Lansing, Ill., under contract or continuing contracts with Lorenz & Sons, Inc.; and (3) from Richmond County, Ga.; Grundy County, Ill.; Dallas and Woodbury Counties, Iowa; Cloud County, Kans.; Boyd County, Ky.; Jefferson County, Nebr.; Cleveland, Davidson, Forsyth, Harnett, and Orange Counties, N.C.; Adams, Armstrong, Chester, and York Counties, Pa.; Horry, Marlboro, and Richland Counties, S.C.; Hamilton, Jefferson, Sullivan, and Washington Counties, Tenn.; Brunswick, Prince William, Smyth, and Tazewell Counties, Va.; and Kanawha County, W. Va., to points in Indiana, under contract or continuing contracts with Architectural Brick Sales, Inc., for 180 days. Supporting shippers: Arketex Ceramic Corporation, North Meridian Street, P.O. Box 347, Brazil, Ind., Lorenz & Sons, Inc.,

19307 Torrence Avenue, Lansing, Ill. 60438, and Architectural Brick Sales, Inc., 7172 North Keystone Avenue, Indianapolis, Ind. 46240. Send protests to: Frances Sterling, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 138026 (Sub-No. 6 TA), filed January 7, 1976. Applicant: LOGISTICS EXPRESS, INC. d/b/a LOGEX, Etiwanda and Slover Avenues, Fontana, Calif. 92335. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen*, in bulk, in shipper furnished trailers, from the plant site of Air Products and Chemicals, Inc. at New Orleans, La., to the plant site of Air Products and Chemicals, Inc. at Long Beach, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Air Products and Chemicals, Inc., 2021 East Rosecrans Blvd., El Segundo, Calif. 90245. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138253 (Sub-No. 1 TA), filed January 2, 1976. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box 1407, Greeley, Colo. 80631. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *such commodities* as are usually dealt in or used by restaurants and restaurant supply houses, from Fort Morgan, Colo., to points in the United States (except Alaska and Hawaii). Restrictions: (1) Restricted to traffic originating at the facilities utilized by Monfort of Colorado, Inc., Monfort Food Distributing Company and Monfort International Sales Corporation, and (2) Restricted to transportation under a continuing contract or contracts with Monfort of Colorado, Inc., Monfort Food Distributing Company and Monfort International Sales Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Monfort of Colorado, Inc.; Monfort Food Distributing Company; and Monfort International Sales Corporation, P.O. Box 1407, Greeley, Colo. 80631. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 138429 (Sub-No. 8TA), filed January 7, 1976. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proc-

tor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home product distributors, between Orlando, Fla. and Charlotte, N.C., on the one hand, and, on the other, points in Alabama, Florida, Georgia, South Carolina, Tennessee, on and west of Interstate Highway 65 and on and south of Interstate Highway 40 and Memphis, Tenn., restricted to the transportation of shipments to be delivered to residences or on return to the warehouse of Stanley Home Products, Inc., for 180 days. Supporting shipper: Stanley Home Products, Inc., Easthampton, Mass. 01027. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 140945 (Sub-No. 2 TA), filed January 5, 1976. Applicant: JAMES W. CROWE, 307 Brennan Road, Columbus, Ga. 31903. Applicant's representative: C. E. Walker, Suite 307, First National Bank Bldg., P.O. Box 1085, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk or in bags, *farm seed, animal feed*, in bags or containers, and *crop protection chemicals* when transported in same vehicle with fertilizer and fertilizer materials, between points in Alabama, Georgia and Florida, under a contract with USS Agri-Chemicals, Division of United States Steel Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: USS Agri-Chemicals, Division of United States Steel Corp., 233 Peachtree Street NE., P.O. Box 1685, Atlanta, Ga. 30301. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 141242 (Sub-No. 2 TA), filed January 6, 1976. Applicant: TRANS-COASTAL FREIGHT LINES, INC., P.O. Drawer 1360, Azalea Estates and Highway 78 West, Summerville, S.C. 29483. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Store fixtures and related merchandising equipment*, from Joplin, Mo., McClure, Pa., Omaha, Nebr., and Scottsboro, Ala., to points in the United States (except Alaska and Hawaii); and (2) *returned, rejected, and damaged commodities* in (1), from points in the United States (except Alaska and Hawaii), to Joplin, Mo., McClure, Pa., Omaha, Nebr., and Scottsboro, Ala., under a continuing contract or contracts with Lozier Corporation, of Omaha, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lozier Corporation, P.O. Box 188, Omaha, Nebr. 68101. Send protests to: E. E. Strotheld, District Supervisor, Interstate Commerce Commis-

sion, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 141475 (Sub-No. 1 TA), (Amendment) filed December 18, 1975, published in the FEDERAL REGISTER issue of January 9, 1976, and republished as corrected this issue. Applicant: CORA H. MABE, BOBBY L. MABE AND ERNIE M. MABE, d/b/a MABE TRUCKING COMPANY, P.O. Box 121, Saltville, Va. 24370. Applicant's representative: Richard J. Lee, 4070 Falstone Road, Richmond, Va. 23234. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, from the plantsite of Greenfield Lumber Co., at or near Meadowview, Va., to Kingsport, Tenn.; (2) *Mining cars and equipment*, from the plantsite of Curry Machine Co., Inc. at or near Glade Springs, Va., to points in West Virginia, Pennsylvania, and Ohio and Kentucky; and (3) *Raw materials used in the manufacture of mining cars and equipment, mining cars to be repaired*, from points in West Virginia, Pennsylvania, and Ohio and Kentucky to Curry Machine Co., at or near Glade Springs, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Curry Manufacturing Corporation, P.O. Box 618, Glade Spring, Va. 24340. Send Protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24011.

NOTE.—The purposes of this republication are to indicate applicant's correct name and to more correctly indicate the request for authority.

No. MC 141588 (Sub-No. 1 TA), filed December 22, 1975. Applicant: TOM WESTFALL, R.R. No. 2, Winfield, Kansas 67156. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery*, (a) from East Moline, Rock Island and Canton, Ill.; Memphis, Tenn.; and Fargo, N. Dak. and all Ports of Entry along the United States-Canada Boundary in Minnesota, Michigan, Pennsylvania and New York, to Marion, White-water, Wichita and Winfield, Kans., and Ponca City, Okla.; (b) from the Ford Motor Company plantsite and/or storage facilities at/or near Kansas City, Mo., to Marion, Kans.; (c) from the Noble Manufacturing plantsite and/or storage facilities at/or near Sac City, Iowa, to Marion, Kans. and Ponca City, Okla.; (d) from New Holland and Lancaster, Pa., and Grand Island, Nebr., to Marion, Kans., and Ponca City, Okla.; and (e) from Blair, Nebr., to White-water, Kans.; and (2) *lawn and garden equipment*, from Louisville, Ky., to Marion, White-water, Wichita and Winfield, Kans., and Ponca City, Okla., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shippers: Wilkins Equipment, Inc., P.O. Box 789, Ponca City, Okla. 74601, Lynn's Truck & Tractor, 203

Water, Marion, Kans. 66861, Neuman Hardware & Impl. Co., 109 S. Main, Whitewater, Kans. 67154, Watt Equipment, Inc., 1925 E. 9th, Winfield, Kans. 67156, and Sedgwick County Equipment, Inc., 1210 S. West Street, Wichita, Kans. 67213. Send Protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 141639 TA, filed December 19, 1975. Applicant: VAUGHN BRICE ENGEL, 7250 Springfield Avenue, Sykesville, Md. 21784. Applicant's representative: Luke K. Burns, Jr., 43 N. Court Street, Westminster, Md. 21157. Authority sought to operate as a contract carrier by motor vehicle, over irregular routes, transporting: *Waste paper*, (1) from Washington, D.C. and Merrifield, Va., to York, Pa.; Halltown, W. Va.; and Baltimore and Ellicott City, Md., and (2) from Baltimore, Md. to Halltown, W. Va., under a contract with Consolidated Fibres, Inc., for 180 days Supporting Shipper: Consolidated Fibres, Inc., 1315 First Street SE., Washington, D.C. 20003. Send Protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 141647 TA, filed December 31, 1975. Applicant: RONALD D. STOKES, ALFRED D. STOKES AND DEWEY STOKES, JR., doing business as STOKES CONSTRUCTION COMPANY, P.O. Box 1046, Philomath, Ore. 97370. Applicant's representative: Frederick M. Kelley, Jr., P.O. Box 10886, Eugene, Ore. 97401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Swiss Home and Junction City, Ore., to San Francisco and Los Angeles, Calif., and their commercial zones, and Phoenix, Ariz.; (2) *Gypsum products*, from San Francisco and Los Angeles, Calif. and Las Vegas, Nev., to the warehouses of the Ellis Pacific Company at Portland, Ore. and its commercial zones, and Vancouver and Seattle, Wash. and its commercial zones; and (3) *Forms and molds, Concrete Construction* (Iron or wood, or Iron or Wood combined) from the plantsite of RAP-I-FORM Corporation at Phoenix, Ariz., to Vancouver and Seattle, Wash. and its commercial zone for 180 days. Supporting Shippers: Ellis Pacific Company, Tacoma, Wash.; Wooley Hardwoods, Swiss Home, Ore.; Pacific Remanufacturing Co., P.O. Box 377, Junction City, Ore.; and Rap-I-Form Corp., 3303 S. 40th St., Phoenix, Ariz. Send Protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Ore. 97204.

No. MC 141670 TA, filed January 8, 1976. Applicant: L & C OF HAMPTON, INC., Route 2, Box 133, Hampton, Ark. 71744. Applicant's representative: J. Phelps Jones, P.O. Box 557, Hampton, Ark. 71744. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rock, dirt, sand, clay and gravel*, in bulk, in

dump-bed trailers, from points in Calhoun, Union, Ouachita, Columbia, Nevada, Bradley, Ashley, Chicot, Drew, Lincoln, Jefferson, Arkansas, Cleveland and Dallas Counties, Ark., to points in Caddo, Bossier, Webster, Claiborne, Union, Lincoln, Morehouse, Ouachita, West Carroll, East Carroll, Jackson, Richland and Bienville Parishes, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shippers: Star City Gravel Co., Inc., Route 2, Box 133, Hampton, Ark. 71744, and Century Ready Mix Corporation, P.O. Box 4420, Monroe, La. 71201. Send Protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

PASSENGER APPLICATION

No. MC 141553 (Sub-No. 1TA), filed December 30, 1975. Applicant: LEO SORIERO, d/b/a BELLE COMPANY, 65 Hovey Avenue, Trenton, N.J. 08610. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Passengers who are employees of Penn Central Transportation Company, Debtor, and their baggage*, by motor vehicle with a seating capacity of no more than 9 passengers, excluding driver, between the facilities of Penn Central Transportation Company, Debtor, at or near Morrisville, Pa., and the rail facilities of U.S. Steel Corporation located at or near Fairless, Pa., on the one hand, and on the other, Trenton, N.J., and the facilities of Penn Central Transportation Company, Debtor, at or near Bordentown and Burlington, N.J., under a continuing contract or contracts with Penn Central Transportation Company, Debtor, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Penn Central Transportation Company, Debtor, Philadelphia, Pa. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1793 Filed 1-20-76;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 16, 1976.

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.

California Docket No. 56140, filed December 23, 1975. Applicant: HORNUNG'S TRUCKING SERVICE, 1344 Marsten Road, Burlingame, Calif. 94010. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 202, San Francisco, Calif. 94102. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Between all points and places in the San Francisco Territory which is described as follows: *San Francisco Territory* includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southern along the Southern Pacific Company right of way to the

Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road;

Northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore

line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobile chassis, trucks, truck chassis, trucks, trailers, trucks and trailers combined, buses and bus chassis.

(3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value; and (10) Fresh fruits and vegetables. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1791 Filed 1-20-76; 8:45 am]

federal register

WEDNESDAY, JANUARY 21, 1976



PART II:

COMMODITY FUTURES TRADING COMMISSION

■

RULES UNDER THE COMMODITY EXCHANGE ACT

Revision

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

RULES UNDER THE COMMODITY EXCHANGE ACT

General Conformity Revisions

The Commodity Futures Trading Commission is revising Parts 1 through 30 and 100, 140 and 150 of its regulations under the Commodity Exchange Act ("Act"), 7 U.S.C. 1 et seq., to reflect the recent, extensive amendments to the Act known as the Commodity Futures Trading Commission Act of 1974 ("CFTCA"), Pub. L. 93-463, 88 Stat. 1389. Part 50 is being revoked. Part 146, which was published at 40 FR 41058, September 4, 1975, is being republished today for the convenience of readers, and without change. The regulations being revised are set forth in the Code of Federal Regulations at Title 17, Chapter I. The changes being made are, for the most part, procedural, housekeeping-type modifications, conforming the regulations to the recently enacted CFTCA. This revision represents the Commission's initial, but minimal, non-substantive revision of the Chapter. The Commission, which was established by the CFTCA as an independent regulatory Commission to administer and enforce the Act—functions which had previously been exercised by the Secretary of Agriculture and the Commodity Exchange Commission¹—intends to engage in a more comprehensive and substantive revision of the entire chapter after further study. The only parts of 17 CFR, Chapter I, not being amended are Part 0, which contains the rules of practice for administrative proceedings instituted under the Act, and, as noted above, Part 146, which was promulgated after the effective date of the CFTCA. For a document affecting Part 0, see 41 FR 2508, January 16, 1976.

The modifications are basically of the following types:

1. Changes to reflect the transfer to the Commission of the functions of the Secretary of Agriculture and/or the Commodity Exchange Commission.
2. Revocation of regulations inconsistent with the CFTCA.
3. Amendments to reflect the expanded registration requirements of the Act.
4. Amendments to reflect the expanded definition of "commodity," and to reflect other changes brought about by the CFTCA.

DESCRIPTION OF THE REVISIONS

1. The word "Commission" (meaning the Commodity Futures Trading Commission) is being substituted for the phrases "Secretary of Agriculture," "Commodity Exchange Authority," "Act Administrator," and "Commodity Exchange Commission" where those phrases

appear in 17 CFR, Chapter I.² These changes are prospective only, and, accordingly, do not affect the various actions taken by the Secretary, the CEC, the CEA or the Administrator pursuant to the regulations in 17 CFR, Chapter I—for example, the registrations of futures commission merchants issued by the Secretary of Agriculture pursuant to § 1.7. (The section provided that no person may engage as a futures commission merchant "unless the Secretary of Agriculture has registered such person * * *") Those registrations (provided they have not expired, been suspended or revoked), as well as the other actions taken under the regulations prior to April 21, 1975, the effective date of the CFTCA, continue in effect because section 411 of the CFTCA (7 U.S.C. 4a) provides that "[a]ll rules, regulations, and orders heretofore issued by the Commodity Exchange Commission and the Secretary of Agriculture under the Commodity Exchange Act to the extent not inconsistent with the provisions of this Act [the CFTCA] shall continue in full force and effect unless and until terminated, modified, or suspended by the Commodity Futures Trading Commission." Except as specifically provided herein, the rule changes announced today are not intended as, and do not constitute, terminations, modifications or suspensions of any of the actions under the Act (by the Secretary, the CEC, the CEA or the Administrator) that would constitute "rules, regulations, or orders" within the meaning of section 411.³ Of course, the Commission may in the future, upon completion of its in-depth review of 17 CFR, Chapter I, make such terminations, modifications or suspensions. The term "Commodity Exchange Act" is being shortened to "Act" except in § 1.3.

2. The following provisions are being revoked because they are no longer necessary as a result of the transfer to the Commission of the responsibility for administering and enforcing the Act:

a. Section 1.2(v)—definition of the term "Act Administrator."

b. Section 1.3(g)—definition of "Commodity Exchange Authority."

c. Section 1.4—"Duties to be performed by Act Administrator."

3. The following provisions are being revoked because they are no longer necessary as a result of the enactment of the CFTCA:

² The Commodity Exchange Authority was the agency within the Department of Agriculture that administered the Act. The Act Administrator was the administrator of the Authority.

³ The Commission has decided to codify this point with respect to contract market rules that were submitted to the Secretary of Agriculture pursuant to §§ 1.10(e), 1.17(b), 1.17(e), 1.38(a) and 1.39(a) and that were approved or "nondisapproved" by him. New rule 1.54 makes clear that such rules which were approved or nondisapproved by the Secretary remain in effect unless disapproved, altered or supplemented by the Commission. Sec. 6.b., *infra*.

a. Section 1.6—"Speculation in commodities by officers and employees prohibited."

This section provides that no officer or employee of the Department of Agriculture engaged in the administration and enforcement of the Act or having access to confidential information obtained under authority of the Act shall have any interest in speculative transactions in commodity futures. This prohibition is unnecessary because the Act is now administered and enforced by the Commission⁴ and section 401 of the CFTCA (section 9(d) of the Act, 7 U.S.C. 13(d)) makes it a felony for any Commission member or employee or agent thereof to participate, directly or indirectly, in any futures transaction.

b. Section 1.49—"Denial of Trading Privileges; suspension or revocation of registration; employment in similar capacity."

This section generally prohibits futures commission merchants ("FCMs") from employing a person in any capacity involving the solicitation, acceptance or execution of commodity futures orders if the person is subject to an outstanding order under the Act (1) denying trading privileges or (2) suspending or revoking registration as an FCM or floor broker. Since the Act now prohibits an FCM from employing an unregistered "associated person"—a category that includes the type of FCM employee subject to § 1.49—and authorizes the Commission to deny or suspend registration as an associated person in appropriate cases (see section 8a of the Act, 7 U.S.C. 12a), § 1.49 is unnecessary.

c. Section 50.1—"Interpretation of 'Eggs' as used in section 2(a) of the Commodity Exchange Act (7 U.S.C. § 2)."

This section consists of an interpretation that the term "eggs" as used in the Act's definition of a "commodity" (prior to the effective date of the CFTCA) includes shell eggs, frozen whole eggs, frozen plain egg whites and frozen plain egg yolks. Since the Act now defines the term commodity to include not only those specific goods and articles listed in the definition but also "all other goods and articles * * * in which contracts for future delivery are presently or in the future dealt * * *," this interpretation is no longer necessary.

4. The following provisions are being revoked because they are inconsistent with the Act as amended by the CFTCA.

a. Section 1.16—"Registrations expire December 31 of each year."

This section provides that all registrations automatically terminate at midnight on December 31 of the year for which issued, unless sooner suspended or revoked. This is inconsistent with sections 204(a) and 205(a) of the CFTCA, which prescribe registration periods for associated persons, commodity trading advisors, and commodity pool operators.

⁴ Section 104 of the CFTCA (7 U.S.C. 4a note) specified that all personnel of the Commodity Exchange Authority were to be transferred to the Commission upon the effective date of the CFTCA.

¹ The Commodity Exchange Commission consisted of the Secretaries of Agriculture and Commerce and the Attorney General, or their designees.

that do not expire on December 31. See sections 4k(2) and 4n(2) of the Act, 7 U.S.C. 6k(2) and 6n(2).

b. Section 50.2—"Interpretation of 'Livestock Products' as used in section 2(a) of the Commodity Exchange Act (7 U.S.C. § 2)."

This section states that the phrase "livestock products" as used in the commodity definition (as it read prior to the enactment of the CFTCA) should not be construed to include cheese or nonfat dry milk. In view of the expansion of the commodity definition (see paragraph 3.c. *supra*), this interpretation would be inaccurate if there were futures trading in cheese and nonfat dry milk.

c. Part 140—"Organization, Functions and Procedures of the Commodity Exchange Authority."

Since the organization, functions and procedures of the Commission are different in many respects from those of the Commodity Exchange Authority, all of Part 140 is being revoked except §140.1 (a)—location of headquarters office—and § 140.2—description of regional offices.

5. The following provisions are being amended to reflect changes in the Act brought about by the CFTCA.

a. Section 1.3(e)—Definition of "Commodity."

Since the definition basically tracked the definition of this term in the Act, and since that statutory definition has been amended, the section 1.3(e) definition is being revised to read the same as the Act.

b. Section 1.9—"Registration as floor broker not included in registration as futures commission merchant and vice versa."

Since the Act now requires the registration not only of futures commission merchants and floor brokers but also of associated persons, commodity trading advisors and commodity pool operators, the title of § 1.9 has been amended to state that registration as one type of person does not include registration as any other type of person and the text of § 1.9 has similarly been revised.

c. Section 1.10(e)—"Applications for registration and financial reports."

This paragraph exempts futures commission merchants from certain filing requirements if they are members of contract markets and conform to certain standards that have been set by the contract market in its bylaws, rules, etc. and that have been "approved by the Secretary of Agriculture (now, Commission) as adequate to effectuate the purposes of section 4f(2) of the Act." (Emphasis added). The underscored language is being deleted because the Act now also requires the Commission to take into consideration the purposes of the anti-trust laws in approving proposed exchange bylaws, rules, etc. See section 15 of the Act, 7 U.S.C. 19. The same change is being made in § 1.17(b).

d. Section 1.13—"Deposit of registration fee; fee not subject to refund after registration."

The section provides for the refund of a registration fee to an applicant for

registration as a futures commission merchant or floor broker whose application is denied. Since the Act now generally requires registration of associated persons, commodity trading advisors and commodity pool operators as well, § 1.13 is being revised so as to provide that the registration fee of an unsuccessful applicant for such new types of registration will also be refunded.

e. Section 1.17—"Minimum financial requirements."

The words "regulated" and "nonregulated" in paragraphs (c) (2) (i) and (iii), (d) and (e), where they modify the term "commodity futures," are being deleted because all commodity futures are now regulated, as explained *supra* at paragraph 3.c.⁵ For the same reason, paragraphs (c) (2) (ii) and (iv), which apply to "any nonregulated commodity futures" account, are being revoked. In addition, paragraph (e) is being further amended so that the phrase "rules of a contract market which have been submitted to and not disapproved by the Secretary of Agriculture" (Emphasis added) reads "rules of a contract market which have been approved by the Commission." (Emphasis added.) The change reflects the fact that, as now provided in section 5a(12) of the Act, contract market rules generally must be approved by the Commission before they may become effective.

f. Section 1.19—"Prohibited trading in puts and calls in nonregulated commodities."

This section basically prohibited FCM's from making, underwriting, issuing or assuming any financial responsibility for any commodity option transaction, "regardless of whether such commodity is included in the term 'commodity' as such term is defined in § 1.3(e)." Since the Act's definition of the term commodity now includes all commodities, the quoted phrase is being deleted.

g. Section 1.38—"Execution of transactions."

The phrase "submitted to and not disapproved" in paragraph (a) has been changed to "approved" for the reason stated in paragraph 5.e. *supra*.

h. Section 1.39(a)—"Simultaneous buying and selling orders of different principals; execution of, for and between different principals."

The phrase "submitted to and not disapproved" has been changed to "approved" for the reason stated in paragraph 5.e. *supra*.

i. Section 1.43—"Information required concerning warehouses."

Since commodities that are not stored in warehouses (e.g., metals and currencies) are now subject to regulation as a result of the expanded definition of the term "commodity," § 1.43 is being amended so as to apply to "depositories and other similar entities" as well as warehouses. The same amendment is being made in § 1.44, which deals with recordkeeping, reporting and the visitation of premises.

⁵ The word "foreign" has also been deleted as being unnecessary because foreign commodities are clearly subject to regulation.

j. Section 1.45—"Delivery of commodities conforming to United States standards."

This section states basically that contract markets must require all futures contracts to provide for the delivery of commodities "of grades conforming to United States standards if such standards shall have been officially promulgated." Since the Act, in section 5a(6), now provides that the United States standards must also have been "adopted by the Commission" in order for the requirement to be in effect, the section is being revised to reflect this change.

6. The following provisions are being added to reflect changes in section 2(a) (1) of the Act brought about by adoption of the CFTCA.

a. Section 1.3(bb)—definition of "commodity trading advisor"; § 1.3(cc)—definition of "commodity pool operator"; § 1.3(dd)—definition of "Commission."

While definitions of these terms are contained in the Act (See sections 101 (a) (2) and 202 of the CFTCA), they are being made part of the regulations for convenience of reference. For the same reason, definitions in the rules that repeat the language of the Act are being retained.

b. Section 1.54—"Contract market rules submitted to and approved or not disapproved by the Secretary of Agriculture."

Sections 1.10(e), 1.17(b), 1.17(e), 1.38 (a) and 1.39(a) basically permitted contract market members to engage in certain acts and practices if done in accordance with contract market by-laws, rules, regulations or resolutions that had been submitted to the Secretary of Agriculture and approved or "not disapproved" by him. See 5. c., e., g., and h., *supra*. Since these regulations are being revised to substitute the word "Commission" for "Secretary of Agriculture", new rule 1.54 is being adopted to make clear that the contract market by-laws etc. that were approved or non-disapproved by the Secretary pursuant to §§ 1.10(e), 1.17(b), 1.17(e), 1.38(a) and 1.39(a) remain in full force and effect unless disapproved, altered or supplemented by the Commission.

7. The following provisions are being revoked because they are no longer necessary.

a. Section 1.5—"Disclosure of information."

This section basically prohibits employees from disclosing confidential agency information to members of the public. The section is being revoked because the Act, in section 9(e), now makes it a felony for employees to divulge confidential information about futures and because the Commission will be issuing conduct regulations dealing with this matter.

b. Section 1.10a—"Provisional registration of futures commission merchants and floor brokers."

This rule was an interim measure that provided for provisional registrations "not to extend beyond July 18, 1975." Since all provisional registrations have

expired, the rule is unnecessary and is therefore being revoked.

c. Section 1.52—"Provisional designation of a board of trade as a contract market."

Like § 1.10a, this section was an interim measure: it provided for the issuance of provisional designations that were "not to extend beyond July 18, 1975." It is no longer necessary and is being revoked.

In consideration of the foregoing, Chapter I of Title 17 of the Code of Federal Regulations, is revised as follows, such revision to become effective February 20, 1976. Part 146 became effective September 27, 1975. In view of the basically procedural nature of the revisions, as described above, the Commission finds that the notice and public procedure provided for in 5 U.S.C. 553 (b) and (c) are unnecessary.

Dated: December 5, 1975.

WILLIAM T. BAGLEY,
Chairman, *Commodity Futures*
Trading Commission.

Title 17 is amended by revoking Part 50 and by revising Parts 1 through 30, 100, 140 and 150 as follows (A republication of Part 146 is also included):

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

DEFINITIONS

- Sec.
1.1 Words in singular and plural form.
1.2 Liability of principal for act of agent.
1.3 Definitions.

REGISTRATION

- 1.7 Registration required of futures commission merchants.
1.8 Registration required of floor brokers.
1.9 Registration as one type of person not included in registration as any other type of person.
1.10 Applications for registration and financial reports.
1.10b Applications for registration of associated persons.
1.10c Applications for registration of commodity trading advisors.
1.10d Applications for registration of commodity pool operators.
1.11 Registration fees; form of remittance.
1.13 Deposit of registration fee; fee not subject to refund after registration.
1.14 Deficiencies, inaccuracies, and changes, to be reported by futures commission merchants and floor brokers.
1.15 Changes requiring new registration.
1.17 Minimum financial requirements.
1.18 Records for and relating to financial reporting and monthly computation.

PROHIBITED TRADING IN COMMODITY OPTIONS

- 1.19 Prohibited trading in "puts" and "calls" in commodities.

CUSTOMERS' MONEY, SECURITIES, AND PROPERTY

- 1.20 Customers' money, securities, and property to be segregated and separately accounted for.
1.21 Care of money and equities accruing to customer.
1.22 Use of money, securities, or property of customer restricted.
1.23 Interest of futures commission merchant in segregated funds, additions and withdrawals.

- Sec.
1.24 Segregated funds; exclusions therefrom.
1.25 Investment of customers' funds.
1.26 Deposit of obligations purchased with customers' funds.
1.27 Record of investments.
1.28 Appraisal of obligations purchased with customers' funds.
1.29 Increment or interest resulting from investment of customers' funds.
1.30 Loans by futures commission merchants; treatment of proceeds.

RECORD KEEPING

- 1.31 Books and records; keeping and inspection.
1.32 Segregated account; daily computation and record.
1.33 Monthly statement for customer and record of customer's position in each future.
1.33a Controlled accounts.
1.34 Monthly record, "point balance".
1.35 Records of cash commodity and futures transactions.
1.36 Record of securities and property received from customers.
1.37 Customer's name, address, and occupation recorded; record of guarantor or controller of account.
1.38 Execution of transactions.
1.39 Simultaneous buying and selling orders of different principals; execution of, for and between principals.

MISCELLANEOUS

- 1.40 Crop, market information letters, reports; copies required.
1.41 Contract market rules; filing of copies; emergency circumstances.
1.42 Delivery notice; filing of copy.
1.43 Information required concerning warehouses, depositories, and other similar entities.
1.44 Records and reports of warehouses, depositories, and other similar entities; visitation of premises.
1.45 Delivery of commodities conforming to United States standards.
1.46 Application and closing out of offsetting long and short positions.
1.48 Hedging anticipated requirements for processing or manufacturing or livestock and poultry production under 1.3(z)(4) of the regulations under the Act.
1.50 Filing of information by contract markets.
1.51 Contract market program for enforcement.
1.53 Enforcement of contract market bylaws, rules, regulations and resolutions.
1.54 Contract market rules submitted to and approved of not disapproved by the Secretary of Agriculture.

AUTHORITY: Sec. 8a, 49 Stat. 1500, as amended, 88 Stat. 1392; 7 U.S.C. 12a, unless otherwise noted. DEFINITIONS

§ 1.1 Words in singular and plural form.

Words used in the singular form in the rules and regulations in this part shall be deemed to import the plural, and vice versa, as the case may require.

§ 1.2 Liability of principal for act of agent.

The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust, within the scope of his employment or office, shall be deemed the act, omission, or failure of

such individual, association, partnership, corporation, or trust as well as of such official, agent, or other person.

(Sec. 2, 42 Stat. 998; 7 U.S.C. 4)

§ 1.3 Definitions.

The following terms, as used in the Commodity Exchange Act, or in the rules and regulations in this chapter, shall have the meanings hereby assigned to them, unless the context otherwise requires:

(a) *Board of Trade.* This term means any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling any commodity or receiving the same for sale on consignment.

(b) *Business day.* This term means any day other than a Sunday or holiday. In all notices required by the act or by the rules and regulations in this chapter to be given in terms of business days the rule for computing time shall be to exclude the day on which notice is given and include the day on which shall take place the act of which notice is given.

(c) *Clearing member.* This term means any person who is a member of, or enjoys the privilege of clearing trades in his own name through, the clearing organization of a contract market.

(d) *Clearing organization.* This term means the person or organization which acts as a medium for clearing transactions in commodities for future delivery, or for effecting settlements of contracts for future delivery, for and between members of any board of trade.

(e) *Commodity.* This term means and includes wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs, Irish potatoes, wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice, and all other goods and articles, except onions as provided in Pub. L. 85-839, and all services, rights and interests in which contracts for future delivery are presently or in the future dealt in.

(Sec. 2(a)(1), 88 Stat. 1395; 7 U.S.C. 2(1))

(f) *Commodity Exchange Act; the Act.* These terms mean the Commodity Exchange Act, as amended, 7 U.S.C. § 1 et seq.

(g) [Reserved]

(h) *Contract Market.* This term means a board of trade designated by the Commission as a contract market under the Commodity Exchange Act.

(i) *Contract of sale.* This term includes sales, purchases, agreements of sale or purchase and agreements to sell or purchase.

(j) *Controlled account.* An account shall be deemed to be controlled by a person if such person by power of attorney or otherwise actually directs trading for such account.

(k) *Customer; commodity customer.* These terms have the same meaning and

refer to a customer trading in any commodity named in the definition of commodity herein: Provided, however, An owner or holder of a proprietary account as defined in paragraph (y) of this section shall not be deemed to be a customer within the meaning of section 4d of the Act, the regulations that implement sections 4d and 4f of the Act and § 1.35, and such an owner or holder of such a proprietary account shall otherwise be deemed to be a customer within the meaning of the Act and §§ 1.37 and 1.46 and all other sections of these rules, regulations and orders which do not implement sections 4d and 4f.

(l) *Delivery month.* This term means the month of delivery specified in a contract of sale of any commodity for future delivery.

(m) [Reserved]

(n) *Floor broker.* This term means any person who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person any commodity for future delivery on or subject to the rules of any contract market.

(o) *Future delivery.* This term does not include any sale of a cash commodity for deferred shipment or delivery.

(p) *Futures commission merchant.* This term means individuals, associations, partnerships, corporations, and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

(q) *Member of a contract market.* This term means and includes individuals, associations, partnerships, corporations, and trusts owning or holding membership in, or admitted to membership representation on, a contract market or given members' trading privileges thereon.

(r) *Net equity.* This term means the credit balance which would be obtained by combining the commodity margin balance of any person with the net profit or loss, if any, accruing on the open trades or contracts of such person.

(s) *Net deficit.* This term means the debit balance which would be obtained by combining the commodity margin balance of any person with the net profit or loss, if any, accruing on the open trades or contracts of such person.

(t) *Open contracts.* This term means contracts of purchase or sale of any commodity made by or for any person on or subject to the rules of a board of trade for future delivery during a specified month or delivery period which have not been fulfilled by delivery nor offset by other contracts of sale or purchase in the same commodity and delivery month.

(u) *Person.* This term includes individuals, associations, partnerships, corporations, and trusts.

(v) [Reserved]

(w) *Secretary of Agriculture.* This term means the Secretary of Agriculture or any person to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(x) *Floor trader.* A member of a contract market who, on the exchange floor, executes a future trade for his own account or an account controlled by him, or has such a trade made for him.

(y) *Proprietary account.* This term shall mean a commodity futures trading account carried on the books and records of an individual, a partnership, corporation or other type association, (1) for one of the following persons, or (2) which is partially or jointly owned by one of the following persons:

(i) Such individual himself, or such partnership, corporation or association itself;

(ii) In the case of a partnership, a general partner in such partnership;

(iii) In the case of a limited partnership, a limited or special partner in such partnership whose duties include:

(A) The management of the partnership business or any part thereof,

(B) The handling of trades and/or funds of customers of such partnership,

(C) The keeping of records pertaining to trades and/or funds of customers of such partnership, or

(D) The signing or co-signing of checks or drafts on behalf of such partnership;

(iv) In the case of a corporation or association, an officer, director or owner of ten percent or more of the capital stock, of such organization;

(v) An employee of such individual, partnership, corporation or association whose duties include:

(A) The management of the business of such individual, partnership, corporation or association or any part thereof,

(B) The handling of trades and/or funds of customers of such individual, partnership, corporation or association.

(C) The keeping of records pertaining to trades and/or funds of customers of such individual, partnership, corporation or association, or

(D) The signing or co-signing of checks or drafts on behalf of such individual, partnership, corporation or association;

(vi) A spouse or minor dependent living in the same household of any of the foregoing persons;

(vii) A business affiliate that directly or indirectly controls such individual, partnership, corporation or association.

(viii) A business affiliate that, directly or indirectly is controlled by or is under common control with, such individual, partnership, corporation or association.

Provided, however, That an account owed by any shareholder or member of a cooperative association of producers, within the meaning of sections 5(e) and 6(a) of the Act, which association is registered as a futures commission merchant and carries such account on its records, shall be deemed to be a customer's account and not a proprietary

account of such association, unless the shareholder or member is an officer, director or manager of the association.

(z) *Bona fide hedging transactions or positions.* These shall mean sales of, or short positions in, any commodity for future delivery on or subject to the rules of any contract market made or held by any persons to the extent that such sales or short positions are offset in quantity by the ownership or fixed-price purchase of the same cash commodity by the same person or, conversely, purchases of, or long positions in, any commodity for future delivery on or subject to the rules of any contract market made or held by any person to the extent that such purchases or long positions are offset by fixed-price sales of the same cash commodity by the same person. In addition, there shall be included in the amount of any commodity which may be hedged by any person—

(1) With respect to agricultural commodities the amount of such commodity such person is raising, or in good faith intends or expects to raise, within the next twelve months (eighteen months for cane sugar) on land which such person owns or leases;

(2) Any amount of such commodity the sale of which for future delivery would be a reasonable hedge against any product or by-product of such commodity owned or purchased at a fixed-price by such person or the purchase of which for future delivery would be a reasonable hedge against the fixed-price sale of any product or by-product of such commodity by such person;

(3) If such commodity is a product or by-product of another commodity, an amount of such product or by-product the sale of which for future delivery would be a reasonable hedge against the ownership or fixed-price purchase by such person of such other commodity of which it is a product or by-product;

(4) An amount of such commodity the purchase of which for future delivery shall not exceed:

(i) Such person's unfilled anticipated requirements for processing or manufacturing;

(ii) The bushel value equivalent of corn reflecting such person's unfilled anticipated requirements for seed corn or sweet corn processing;

(iii) The wheat equivalent of such person's unfilled anticipated requirements of flour for baking;

(iv) The corn equivalent of such person's unfilled anticipated requirements of dry corn milling products for use in further processing or manufacturing;

(v) Such person's unfilled anticipated feeding requirements of corn, wheat, oats, barley, flaxseed, grain sorghum, rye, or soybean meal for the feeding of livestock or poultry or both;

during a specified operating period not in excess of one year. Transactions and positions shall not be classified as hedging unless their bona fide purpose is to offset price risks incidental to commercial cash or spot operations, and such positions are established and liquidated

in an orderly manner and in accordance with sound commercial practices in conformity with such regulations as may be prescribed pursuant to the Act, as amended.

(Secs. 2, 4a(3), 42 Stat. 998, 49 Stat. 1492, 82 Stat. 26, 27, 88 Stat. 1413; 7 U.S.C. 2, 6a(3).)

(aa) *Associated person.* This term means any person who (as provided in section 4k of the Act) is associated with any futures commission merchant or with any agent of a futures commission merchant as a partner, officer, or employee (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged.

(bb) *Commodity trading advisor.* This term means any person who, for compensation or profit, engages in the business of advising others, either directly or through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities; but does not include (i) any bank or trust company, (ii) any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation including their employees, (v) any contract market, and (vi) such other persons not within the intent of this definition as the Commission may specify by rule, regulation, or order: *Provided*, That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession.

(cc) *Commodity pool operator.* This term means any person engaged in a business which is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, but does not include such persons not within the intent of this definition as the Commission may specify by rule or regulation or by order.

(dd) *Commission.* This term means the Commodity Futures Trading Commission.

REGISTRATION

§ 1.7 Registration required of futures commission merchants.

No person shall engage as futures commission merchant in the solicitation or acceptance of orders for the purchase or sale of any commodity for future de-

livery, on or subject to the rules of any contract market, unless the Commission has registered such person as a futures commission merchant under the Act and such registration has not expired and is not under suspension or revocation: *Provided however*, That a person trading solely for proprietary accounts within the meaning of § 1.3(y) shall not be required to register as a futures commission merchant; such a person trading solely for proprietary accounts as defined, shall otherwise be subject to all provisions of the Act and of the rules, regulations and orders thereunder.

§ 1.8 Registration required of floor brokers.

No person shall act as floor broker in executing any orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have been registered as floor broker under the Commodity Exchange Act by the Commission and such registration shall not have expired, been suspended, or been revoked.

§ 1.9 Registration as one type of person not included in registration as any other type of person.

Registration as one type of person (e.g. futures commission merchant) subject to regulation under the Act shall not include registration as any other type of person subject to regulation under the Act (e.g., floor broker).

§ 1.10 Application for registration and financial reports.

(a) Application for registration as futures commission merchant shall be made on Form 1-R. Application for registration as floor broker shall be made on Form 2-R. Each application shall be executed and filed in accordance with the instructions accompanying the prescribed form.

(b) Except as provided in paragraph (c) of this section, each person who files an application for registration as a futures commission merchant, and who is not so registered at the time of such filing, shall, concurrently with the filing of such application, file on Form 1-FR a report of his financial condition as of a date not more than 45 days prior to the date on which such report is filed. Each such person shall include with such financial report a statement describing the source of his current assets and representing that his capital has been contributed for the purpose of operating his business and will continue to be used for such purpose. He shall also submit with the financial report a statement for the first year of operations which shall include, (1) source of income, both current and anticipated, (2) arrangements made for obtaining the necessary funds to operate his business, and (3) the estimated total expenses of his business for the year.

(c) The provisions of paragraph (b) of this section shall not apply to any person succeeding to and continuing the

business of another futures commission merchant. Each such person who files an application for registration as a futures commission merchant and who is not so registered at the time of such filing shall file on Form 1-FR a report of his financial condition as of the first month-end following the date on which his registration is approved. Such report shall be filed with the Commission not more than one month after the date as of which it reports such person's financial conditions.

(d) Except as provided in paragraph (e) of this section, each person registered as a futures commission merchant under the Act shall file on Form 1-FR a report of his financial condition as of each June 30 and each December 31, unless the registrant's fiscal year is other than a calendar year, in which case he shall file on Form 1-FR such financial reports as of the midpoint and the end of each fiscal year. Each such report shall be completed and filed not more than 45 days after the date as of which it reports the registrant's financial condition.

(e) The provisions of paragraph (d) of this section shall not apply to any person registered as a futures commission merchant who is a member of a contract market and conforms to minimum financial standards and related reporting requirements set by such contract market in its bylaws, rules, regulations or resolutions and approved by the Commission: *Provided, however*, That each such registrant shall promptly file with the Commission a true and exact copy of each financial report which he files with such contract market.

(f) Every report prepared on Form 1-FR shall be completed in accordance with the instructions accompanying the prescribed form and shall report financial condition as of the close of business on the date reported.

§ 1.10b Applications for registration of associated persons.

Application for registration as an associated person shall be filed on Form 4-R in accordance with the instructions contained therein, except that compliance with the request for the applicant's social security number is not mandatory; provided, however, that an associated person who confines his activities to areas outside the United States, its territories or possessions may file application for registration on Form 4-Ra in accordance with the instructions contained therein.

§ 1.10c Applications for registration of commodity trading advisors.

Application for registration as a commodity trading advisor shall be filed on Form 5-R in accordance with the instructions contained therein, except that compliance with the request in the accompanying Form 94 for social security number is not mandatory.

§ 1.10d Applications for registration of commodity pool operators.

Application for registration as a commodity pool operator shall be filed on Form 6-R in accordance with the instructions contained therein, except that

compliance with the request in the accompanying Form 94 for social security number is not mandatory. Such application shall be accompanied by a statement of the capital structure under which the applicant engages or intends to engage in business as a commodity pool operator.

§ 1.11 Registration fees; form of remittance.

Each application for registration, or renewal thereof, as a futures commission merchant shall be accompanied by a fee of \$200, plus a fee of \$6 for each domestic branch office and for each correspondent or agent, operating within the United States, authorized to solicit or accept orders for the purchase or sale of any commodity for future delivery on behalf of the applicant. Each application for registration, or renewal thereof, as a floor broker or as an associated person shall be accompanied by a fee of \$20, except that with respect to any application for registration, or renewal thereof, as an associated person filed on Form 4-Ra, no fee is required.

§ 1.13 Deposit of registration fee; fee not subject to refund after registration.

Upon receipt of an application for registration (or renewal thereof) the Commission will, if the application be approved, notify the registrant that he has been registered under the Act. If registration is refused, the fee shall be returned to the applicant, but if the applicant is registered, the fee will not be subject to refund.

§ 1.14 Deficiencies, inaccuracies, and changes, to be reported.

(a) Each registrant shall file promptly with the Commission a statement on Form 3-R to correct any deficiency or inaccuracy in the registrant's application for registration, or any supplemental statement thereto, and report any change which renders no longer accurate and current the information contained in any of the following items of such application or supplemental statement:

(1) *With respect to a futures commission merchant.* The following items of Form 1-R "Application for Registration as Futures Commission Merchant":

- Item 2—Address of principal office;
- Item 3—Location of books and records;
- Item 5—Partners, if a partnership, which as a matter of law does not create a new partnership; (see § 1.15)
- Item 6—Management, and ownership or control of registrants which are corporations;
- Item 8—Addresses of domestic branch offices and names of managers thereof;
- Item 9—Correspondents and agents (excluding employees), operating within the United States authorized to solicit or accept commodity futures orders on behalf of the registrant whether or not they maintain offices;
- Item 10—Memberships in designated contract markets;
- Item 11—Action by any commodity or securities exchange or related clearing organization, a national securities association, The United States Securities and Exchange Commission, the securities commission or equivalent authority of any State for the regulation of brokers and dealers in securities, involving the registrant or any general part-

ner of the registrant if it is a partnership, or any officer or holder of more than 10 percent of the stock of the registrant if it is a corporation, or any person who participates in managing the business of the registrant or of any office of the registrant, or any person authorized to solicit or accept orders on behalf of the registrant; conviction of the registrant or any such person of any felony in any Federal or State court; conviction of the registrant or any such person of any offense involving the handling of any commodity or securities account for any customer, in any Federal or State court; debarment of the registrant or any such person by any agency of the United States from contracting with the United States; or involvement by the registrant or any such person in either voluntary or involuntary bankruptcy proceedings.

New domestic branch offices and new correspondents and agents who are operating within the United States and are authorized to solicit or accept commodity futures orders on behalf of the registrant, shall be reported promptly and fees shall be remitted as provided in § 1.11.

(2) *With respect to a floor broker.* The following items of Form 2-R "Application for Registration as Floor Broker":

- Item 2—Business address;
- Item 4—Names of principal clearing members through whom registrant clears commodity futures transactions for accounts which he controls or in which he has a financial interest;
- Item 5—Name of each principal clearing member for whom the registrant is currently engaged as floor broker;
- Item 6—Action involving the registrant by any commodity or securities exchange or related clearing organization, a national securities association, The United States Securities and Exchange Commission, the securities commission or equivalent authority of any State for the regulation of brokers and dealers in securities; conviction of any felony in any Federal or State court; conviction of any offense involving the handling of any commodity or securities account for any customer, in any Federal or State court; or debarment by any agency of the United States from contracting with the United States.

(3) *With respect to an associated person.* The following items of Form 4-R "Application for Registration as an Associated Person":

- Item 4—Residence address (applicable only to an associated person whose current address is different from the address on file with the Commission and who is not associated with any futures commission merchant or agent thereof).
- Items 12, 12A—Refusal, suspension or revocation of registration as a commodity futures representative, customers' man or account executive or of membership privileges on any commodity or securities exchange or with a national securities association; and
- Item 15—Any action by the United States Securities and Exchange Commission, the securities commission, or equivalent authority, of any State for the regulation of brokers dealing in securities and commodities, any conviction of a felony or misdemeanor (other than minor traffic violations), any conviction involving the handling of any commodity or securities account for any customers, or debarment by any agency of the United States from contracting with the United States.

(4) *With respect to a commodity trading advisor.* The following items of Form

5-R "Application for Registration as a Commodity Trading Advisor":

- Item 2—Address of principal business office;
- Item 4—Names of partners, officers, directors and persons performing similar functions and owners of 10 percent or more of the capital stock of the registrant;
- Item 5—Addresses of branch offices;
- Item 6—Location of records;
- Item 7—Location of publications and other forms of written advice offered for sale to the public;
- Item 8—Manner of giving advice;
- Item 8B—Basis for compensation;
- Item 10—Investment organizations in which advisory service or any of its principals have any degree of ownership, control or management authority and receives reimbursement for trading plans and other forms of advice;
- Item 12—Denial, suspension or revocation of membership privileges on any commodity or securities exchange or with a national securities association; and
- Item 13—Any action by the United States Securities and Exchange Commission, the securities commission, or equivalent authority, of any State for the regulation of brokers dealing in securities and commodities, any conviction of a felony or misdemeanor (other than minor traffic violations), any conviction involving the handling of any commodity or securities account for any customers, or debarment by any agency of the United States from contracting with the United States.

(5) *With respect to a commodity pool operator.* The following items of Form 6-R "Application for Registration as a Commodity Pool Operator":

- Item 1A—Name under which business is conducted;
- Item 2—Address of principal office;
- Item 4—Names of partners, officers, directors and persons performing similar functions and owners of 10 percent or more of the capital stock of the registrant;
- Item 5—Addresses of branch offices and names of branch office managers;
- Item 6—Identity of each pool, including form or organization and amount of initial capitalization;
- Item 6A—Dividend policies in respect to clients and members of each pool;
- Item 6B—Basis of compensation for operating each pool;
- Item 6D—Location of records;
- Item 7—Advisory services and trading plans used;
- Item 8A—Ownership, control or management authority held directly or through principals of the pool operator over the advisory services used by the pool operator;
- Item 10—Denial, suspension or revocation of membership privileges on any commodity or securities exchange or with a national securities association; and
- Item 11—Any action by the United States Securities and Exchange Commission, the securities commission, or equivalent, of any State for the regulation of brokers dealing in securities and commodities, any conviction of a felony or misdemeanor (other than minor traffic violations), any conviction involving the handling of any commodity or securities account for any customers, or debarment by any agency of the United States from contracting with the United States.

(b) Each futures commission merchant shall promptly file with the Commission a report stating the name of each associated person newly employed in such capacity by it or its agents, and shall promptly file with the Commission

a report of the termination of employment, and the reasons therefor, of any person who acted as an associated person for the futures commission merchant or its agents.

(c) All statements on Form 3-R shall be prepared and filed in accordance with the instructions appearing thereon.

§ 1.15 Changes requiring new registration.

A new registration shall be required in the event of a change:

- (a) In the name of the registrant;
- (b) In the form of organization of the registrant;
- (c) In the ownership of the business of the registrant in the case of a sole proprietorship; and
- (d) In the personnel of a partnership resulting from the death, withdrawal, or addition of a partner: *Provided*, That if such change does not, as a matter of law, create a new partnership, it may be reported by the registrant to the Commission on Form 3-R within 10 days of the date of such change, and if so reported a new registration shall not be required.

§ 1.16 [Reserved]

§ 1.17 Minimum financial requirements.

(a) Except as provided in paragraph (b) of this section, no person applying for registration as futures commission merchant shall be so registered unless he has adjusted working capital equal to or in excess of whichever of the following is greater: (1) \$10,000 or (2) the sum of the safety factors hereinafter prescribed in this section with respect to both proprietary accounts and customers' accounts plus 5 percent of the applicant's aggregate indebtedness; and each person registered as a futures commission merchant shall at all times continue to meet such financial requirements.

(b) The requirements of paragraph (a) of this section shall not be applicable if the applicant for registration or registrant is a member of a contract market and conforms to minimum financial standards and related reporting requirements set by such contract market in its bylaws, rules, regulations or resolutions approved by the Commission.

(c) Definitions: For the purposes of this section:

(1) The term "working capital" means the amount by which current assets exceed current liabilities.

(2) The term "current assets" means cash and other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold during the next twelve months in the normal course of operation of the principal business of the applicant or registrant, and which are available for the intended for payment of current liabilities. The term "current assets" excludes:

(i) Any unsecured customer's commodity futures account containing a ledger balance and open trades, the combination of which liquidates to a deficit or containing a debit ledger balance only

and which account has been in such condition for more than 30 consecutive days;

(ii) [Reserved]

(iii) Any unsecured commodity futures account, which is a "proprietary account" as defined in § 1.3(y) and which account contains a ledger balance and open trades, the combination of which liquidates to a deficit or contains a debit ledger balance only;

(iv) [Reserved]

(v) Any unsecured loan or advance on the part of applicant or registrant to any person whose account is classifiable as a proprietary account under these regulations;

(vi) Crop loan (loans made to farmers for the purpose of financing their crops or farm operations) which are not (a) due and collectable within nine months after the respective dates of the making of such loans, and (b) evidenced by legally enforceable written instruments in the possession of the applicant or registrant;

(vii) All other unsecured receivables that are not due within six months from the respective dates of their inception;

(viii) All unsecured receivables that are not collectable within six months from the respective dates of their inception;

(ix) All past due unsecured receivables;

(x) Exchange memberships, clearing house stocks and guaranty funds;

(xi) Unrealized commissions on open futures contracts;

(xii) Cash and claims to cash which are restricted as to withdrawal;

(xiii) Fixed assets, such as land, building, furniture and fixtures, improvements to real property;

(xiv) Prepaid expenses and deferred charges;

(xv) Securities without a ready market; and

(xvi) Everything excluded from such term in accord with generally accepted accounting principles.

(3) A loan or advance or any other form of receivable shall not be considered secured unless the following conditions exist:

(i) The receivable is secured by collateral which can be readily converted into cash equal to or in excess of that part of the receivable which is shown in the creditor's records as secured; and

(ii) The collateral is in the possession and control of the creditor; or

(iii) The creditor has a legally enforceable, written security agreement, signed by the debtor, and has a perfected security interest in the collateral within the meaning of the laws of the state in which the collateral is located.

(4) The term "current liabilities" means obligations that are due and payable or will become due and payable in the next 12 months, or the liquidation of which is reasonably expected to require the use of existing resources classifiable as current assets or the creation of other current liabilities. It would include any long-term loan which is not evidenced by a legally enforceable written instrument and any long-term liability that can be

accelerated at the creditor's option to a term of a year or less. For the purpose of computing "working capital" within the meaning of this section, the following amounts may be excluded from current liabilities:

(i) The amount of indebtedness subordinated to the claims of all general creditors of the applicant or registrant pursuant to a satisfactory subordination agreement, as hereinafter defined; and

(ii) The amount of money, securities and property due to commodity customers, which is held in segregated accounts in compliance with the requirements of section 4d(2) of the Act and the regulations thereunder: *Provided, however*, That such exclusion may be taken only if such money, securities and property held in segregated accounts has also been excluded from current assets in computing working capital.

(5) The term "satisfactory subordination agreement" means an agreement which satisfies all the following conditions:

(i) It is a written agreement duly executed by the applicant or registrant and the lender or creditor, which agreement is legally binding and enforceable in accordance with its terms upon the lender or creditor and his creditors, heirs, executors, administrators, assigns and successors in interest;

(ii) It effectively subordinates any right of the lender or creditor to demand or receive payment or return of the cash, securities or property loaned or otherwise owed, to the claims of all present and future creditors of the registrant or applicant: *Provided, however*, With the consent of the borrower, prior to the maturity of the agreement, the lender may substitute cash or other assets, with a ready market at an equal or greater value, for the assets initially loaned, if the agreement provides for such substitution and is modified so that the substitute cash or assets are subordinated in accordance with this regulation;

(iii) The agreement shall be in effect for a period of not less than one year.

(iv) It provides that the agreement shall not be subject to cancellation by either party, and that the loan shall not be repaid and the agreement shall not be terminated, rescinded or modified by mutual consent or otherwise if the effect thereof would be to make the agreement inconsistent with the conditions of this regulation or to reduce the adjusted working capital of the applicant or registrant below the amount required by this regulation;

(v) Sole possession and control of the subordinated assets must be maintained by the borrower for the term of the agreement;

(vi) It provides that no default in the payment of interest or in the performance of any covenant or condition by the registrant or applicant shall have the effect of accelerating the maturity of the indebtedness;

(vii) It provides that any notes or other written instruments evidencing the indebtedness shall bear on their face an appropriate legend stating that such

notes or instruments are issued subject to the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference;

(viii) It provides that any securities or other property loaned to the registrant or applicant pursuant to its provisions may be used and dealt with by the registrant or applicant as part of his capital and shall be subject to the risks of the business; and

(ix) Copies of each such agreement and of any notes or written instruments, evidencing the indebtedness are filed, within 10 days after each such agreement is entered into, with the regional office of the Commission for the region in which the registrant or applicant maintains his principal place of business, together with a statement of the full name and address of the lender or creditor and the business relationship of the lender or creditor to the registrant or applicant.

(6) The term "adjusted working capital" means working capital less:

(i) Five percent of all unsecured receivables used by the applicant or registrant in computing his working capital;

(ii) The amount by which any advances paid by the applicant or registrant on cash commodity contracts and used in computing his working capital, exceeds 90 percent of the market value of the commodities covered by such contracts;

(iii) In the case of cash commodity inventories that are hedged by bona fide hedging positions in the futures markets (as defined in § 1.3(z) of these regulations), the amount by which the value of such inventories used by the applicant or registrant in computing his working capital, exceeds 95 percent of the market value of such inventories;

(iv) In the case of all inventories which are included as current assets and which are not hedged in futures markets, the amount by which the value of such inventories used by the applicant or registrant in computing his working capital exceeds 80 percent of the market value of such inventories; *Provided, however*, That with respect to those units of inventory that are committed to fixed price sales, there shall be no deduction from the value of such units of inventory used by the applicant or registrant in computing his working capital if the value so used does not exceed the committed sales price;

(v) The amount by which the value of securities and obligations used by the applicant or registrant in computing his working capital exceeds:

(A) In the case of preferred stocks, 80 percent of the market value thereof;

(B) In the case of common stocks, 70 percent of the market value thereof;

(C) In the case of commercial bonds and revenue bonds, 90 percent of the market value thereof;

(D) In the case of obligations of, or guaranteed by, the United States, and of general obligations of any State, or of any political subdivision thereof, 100 percent of the market value thereof;

(E) In the case of all other securities classifiable as current assets under this regulation, 70 percent of the market value thereof; and

(vi) That amount of subordinated borrowings and other forms of subordinated indebtedness which is in excess of 75 percent of the total of capital and subordinated liabilities.

(7) The term "aggregate indebtedness" means that portion of the total liabilities of an applicant or registrant which is not adequately collateralized, but excluding:

(i) Advances received by the applicant or registrant against bills of lading issued in connection with the shipment of commodities sold by the applicant or registrant;

(ii) Equities in partners' and officers' commodity futures accounts;

(iii) Equities in customers' commodity futures accounts segregated in accordance with the Act and regulations; and

(iv) The amount of indebtedness subordinated to the claims of all general creditors of the applicant or registrant pursuant to a satisfactory subordination agreement, as defined in this section.

(8) Liabilities shall be deemed to be "adequately collateralized" when, pursuant to a legally-enforceable written instrument, such liabilities are secured by identified assets that are otherwise unencumbered and the market value of which exceeds the amount of such liabilities by 10 percent or more.

(d) In the case of open futures contracts held in customers' accounts carried by the applicant or registrant, the safety factor shall be one-half of one percent of the market value of the greater of either the total long or total short futures contracts in each commodity in all such accounts: *Provided, however*, (1) That such safety factor shall not apply to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, and (2) that in the case of any intermarket or intercrop year spread or straddle, or any intermarket and intercrop year spread, held for the same account in the same commodity, the safety factor shall be one-fourth of one percent of the market value of that side of each such spread or straddle having the greater market value.

(e) In the case of open futures contracts held in proprietary accounts carried by the applicant or registrant, the safety factor shall be 10 percent of the market value of the greater of either the total long or total short futures contracts in each commodity in all such accounts: *Provided, however*, (1) That such safety factor shall not apply to any spread or straddle held for the same account in the same commodity, on the same market, in the same crop year, or to any contract representing a bona fide hedging transaction as defined in § 1.3(z) (however, such factor shall apply to contracts specified in paragraph (4) of § 1.3(z), representing hedges against unfilled anticipated requirements); nor shall it apply to any contract resulting from a "changer trade" made in accord-

ance with the rules of a contract market which have been submitted to and approved by the Commission, and (2) that in the case of any intermarket or intercrop year spread or straddle, or any intermarket and intercrop year spread or straddle, held for the same account in the same commodity, the safety factor shall be 5 percent of the market value of that side of each such spread or straddle having the greater market value.

§ 1.18 Records for and relating to financial reporting and monthly computation.

(a) No person shall be registered as a futures commission merchant under the Act unless, commencing on the date his application for such registration is filed, he prepares and keeps current, ledgers or other similar records which show or summarize with appropriate references to supporting documents, each transaction affecting his asset, liability, income, expense and capital accounts, and in which (except as otherwise permitted in writing by the Commission) all his asset, liability and capital accounts are classified into either the account classification subdivision specified on Form 1-FR or categories that are in accord with generally accepted accounting principles. Each person so registered shall prepare and keep current such records.

(b) No person shall be registered as a futures commission merchant under the Act unless he prepares, from his ledgers or other records, a trial balance as of the end of each of his month-end closing business days, commencing with the first month-end closing date after he files his application for such registration. Such trial balances shall be prepared no later than 15 days after each such closing date. Each person so registered shall continue to prepare such month-end trial balances no later than 15 days after each month-end closing date.

(c) No person shall be registered as a futures commission merchant under the Act unless he prepares, as of the end of each month-end closing date subsequent to the date of filing his application for such registration, a written computation of the total of his subordinated borrowings, the total of his long term liabilities and the total of his net worth. Such computation must be prepared no later than 15 days after the applicant's month-end closing date; and the applicant must promptly thereafter inform the Commission of the sum of such totals.

Each person registered as a futures commission merchant shall also prepare such written computation as of each month-end closing date, no later than 15 days after such day, and shall compare the sum of such totals with the sum total of the balances of such items as they appear in the report of financial condition most recently submitted to the Commission by such person in accord with paragraph (d) or (e) of § 1.10. Whenever such computation and comparison discloses that the sum total of subordinated borrowings, long term lia-

bilities and net worth has declined 20 percent or more from the sum total of such items as they appear on such report of financial condition, or whenever such registrant knows or has reason to believe that he is not in compliance with the requirements prescribed in § 1.17 of these regulations, such registrant shall immediately notify the Commission thereof. For purposes of this paragraph, net worth shall mean total liabilities (including long-term debt and subordinated borrowings) deducted from total assets.

PROHIBITED TRADING IN COMMODITY OPTIONS

§ 1.19 Prohibited trading in "puts" and "calls" in commodities.

No futures commission merchant shall make, underwrite, issue, or otherwise assume any financial responsibility for the fulfillment of, any transaction which is of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty" in any commodity.

(Secs. 4c(a), 4f, 5, 49 Stat. 1494, 1495, 82 Stat. 28, 88 Stat. 1392, 1412; 7 U.S.C. 6c(a), 6f, 7)

CUSTOMERS' MONEY, SECURITIES, AND PROPERTY

§ 1.20 Customers' money, securities, and property to be segregated and separately accounted for.

(a) All money, securities, and property received by a futures commission merchant to margin, guarantee, or secure the trades or contracts of commodity customers and all money accruing to such customers as the result of such trades or contracts shall be separately accounted for and be segregated as belonging to such customers. Such money, securities, and property, when deposited with any bank, trust company, clearing organization of a contract market, or another futures commission merchant, shall be deposited under an account name which will clearly show that they are customers' money, securities, and property, segregated as required by the Act. Each registrant shall obtain and retain in his files for the period provided in § 1.31, an acknowledgment from such bank, trust company, clearing organization of a contract market, or futures commission merchant, that it was informed that the money, securities, and property therein are those of commodity customers and are being held in accord with the provisions of the Act. Under no circumstances shall any portion of commodity customers' money, securities, or property be obligated to the clearing organization of a contract market, or to any member of a contract market, a futures commission merchant, or any depository except to margin, guarantee, secure, transfer, adjust, or settle trades and contracts made on behalf of such commodity customers. Nor shall any such money, securities, or property be held, disposed of, or used as belonging to the depositing futures commission merchant or any person other than the

customers of such futures commission merchant.

(b) All money, securities, and property received by a clearing organization of a contract market from a member of the clearing organization to margin, guarantee or secure the trades or contracts of his customers and all money accruing to such customers as the result of trades and contracts so carried shall be separately accounted for and segregated as belonging to such customers, and such clearing organization shall not hold, use or dispose of such money, securities, and property except as belonging to such customers. Such money, securities, and property when deposited in a bank or trust company shall be deposited under an account name which will clearly show that they are the money, securities, and property of the customers of members, segregated as required by the Act. The clearing organization shall obtain and retain in its files for the period provided by § 1.31, an acknowledgment from such bank or trust company that it was informed that the money, securities, and property deposited therein are those of customers of its members and are being held in accord with the provisions of the Act.

§ 1.21 Care of money and equities accruing to customer.

All money received directly or indirectly by, and all money and equities accruing to, a futures commission merchant from any clearing organization of any contract market, or from any member thereof or from any member of a contract market, incident to or resulting from any trade or contract in commodity futures made by or through such futures commission merchant in behalf of any customer shall be considered as accruing to such customer within the meaning of section 4d(2) of the Act. Such money and equities shall be treated and dealt with as belonging to such customer in accordance with the provisions of the Act. Money and equities accruing in connection with customers' open trades or contracts need not be separately credited to individual customers' accounts but may be treated and dealt with as belonging undivided to all customers having open trades or contracts which if closed would result in a credit to such customers.

(Sec. 4d, 49 Stat. 1494; 7 U.S.C. 6d)

§ 1.22 Use of money, securities, or property of customer restricted.

No futures commission merchant shall use, or permit the use of, the money, securities, or property of one customer to margin or settle the trades or contracts, or to secure or extend the credit, of any person other than such customer. The net equity of one customer shall not be used to carry the trades or contracts or to offset the net deficit of any other customer or person or to carry the trades or offset the net deficit of the same customer in goods or property not included in the term "commodity" as defined in § 1.3(e).

(Sec. 4d, 49 Stat. 1494; 7 U.S.C. 6d)

§ 1.23 Interest of futures commission merchant in segregated funds, additions and withdrawals.

The prohibition in section 4d(2) of the Act against commingling customers' funds with the funds of a futures commission merchant shall not be construed to prevent such futures commission merchant from having a residual financial interest in the funds segregated and set apart for the benefit of commodity customers, nor shall such prohibition be construed to prevent a futures commission merchant from adding to customers' segregated funds from his own funds such amount or amounts of money as he may deem necessary to insure any and all customers' accounts from becoming undermargined at any time: *Provided, however,* That the books and records of such futures commission merchant shall at all times accurately reflect his interest in customers' segregated funds. Such futures commission merchant may draw upon such segregated funds to his own order to the extent of his actual interest therein: *Provided,* That such withdrawal shall not result in the money, securities, property, or equity of one customer being used to margin or carry the trades or contracts, or extend the credit, of any other customer or person.

(Sec. 4d, 49 Stat. 1494; 7 U.S.C. 6d)

§ 1.24 Segregated funds; exclusions therefrom.

Money held in segregated account by a futures commission merchant shall not include: (a) Money invested in obligations or stocks of any clearing organization, or in memberships in or obligations of any contract market; or (b) money held by any clearing organization of any contract market which may be used by such clearing organization for any purpose other than to margin, guarantee, secure, transfer, adjust, or settle the contracts or trades of the commodity customers of such futures commission merchant.

(Sec. 4d, 49 Stat. 1494; 7 U.S.C. 6d)

§ 1.25 Investment of customers' funds.

No futures commission merchant and no clearing organization of a contract market shall invest funds belonging to commodity customers except in obligations of the United States, in general obligations of any State or of any political subdivision thereof, or in obligations fully guaranteed as to principal and interest by the United States. Such investments shall be made through an account or accounts used for the deposit of customers' funds and proceeds from any sale of such obligations shall be redeposited in such account or accounts.

§ 1.26 Deposit of obligations purchased with customers' funds.

(a) Each futures commission merchant who invests money belonging or accruing to commodity customers in obligations described in § 1.25, shall separately account for such obligations and segregate such obligations as belonging to such customers. Such obligations when

deposited with a bank, trust company, clearing organization of a contract market, or another futures commission merchant, shall be deposited under an account name which will clearly show that they belong to commodity customers and are segregated as required by the Act. Each futures commission merchant upon opening such an account, shall obtain and retain in his files an acknowledgment from such bank, trust company, clearing organization of a contract market, or other futures commission merchant that it was informed that the obligations belong to commodity customers and are being held in accordance with the provisions of the Act. Such acknowledgment shall be retained for the period of time specified in § 1.31. Such bank, trust company, clearing organization of a contract market, or other futures commission merchant shall allow inspection of such obligations at any reasonable time by representatives of the Commission.

(b) Each clearing organization of a contract market which invests money belonging or accruing to customers of its members in obligations described in § 1.25, shall separately account for such obligations and segregate such obligations as belonging to such customers. Such obligations when deposited with a bank or trust company, shall be deposited under an account name which will clearly show that they belong to commodity customers and are segregated as required by the Act. Each clearing organization upon opening such an account shall obtain and retain in its files an acknowledgment from such bank or trust company that it was informed that the obligations belong to commodity customers of members of the clearing organization and are being held in accordance with the provisions of the Act. Such acknowledgment shall be retained for the period of time specified in § 1.31. Such bank or trust company shall allow inspection of such obligations at any reasonable time by representatives of the Commission.

§ 1.27 Record of investments.

(a) Each futures commission merchant who invests money belonging or accruing to customers, and each clearing organization of a contract market which invests money belonging or accruing to customers of its members, shall keep a record showing the following:

- (1) The date on which such investments were made,
- (2) The name of the person through whom such investments were made,
- (3) The amount of money so invested,
- (4) A description of the obligations in which such investments were made,
- (5) The identity of the depositories or other places where such obligations are segregated,
- (6) The date on which such investments were liquidated or otherwise disposed of and the amount of money received on such disposition, if any, and
- (7) The name of the person to or through whom such investments were disposed of.

(b) Each clearing organization of a contract market which receives documents from its members representing investment of customers' funds shall keep a record showing separately for each member the following:

- (1) The date on which such documents were received from the member,
 - (2) A description of such documents, and
 - (3) The date on which such documents were returned to the member or the details of disposition by other means.
- (c) Such records shall be retained in accordance with § 1.31. No such investments shall be made except in obligations described in § 1.25.

§ 1.28 Appraisal of obligations purchased with customers' funds.

Futures commission merchants who invest customers' money in obligations described in § 1.25, shall include such obligations in segregated account at values which at no time shall be greater than current market value, determined as of the close of the market on the last preceding market day.

§ 1.29 Increment or interest resulting investment of customers' funds.

The investment of customers' funds in obligations described in § 1.25, shall not operate to prevent the futures commission merchant or clearing organization so investing such funds from receiving and retaining as its own any increment or interest resulting therefrom.

§ 1.30 Loans by futures commission merchants; treatment of proceeds.

Nothing contained in these rules and regulations shall be construed to prevent a futures commission merchant from lending his own funds to commodity customers on securities and property pledged by such customers, or from repurchasing or selling such securities and property pursuant to specific written agreement with such customers: *Provided, however,* That the proceeds of such loans used to margin, guarantee, or secure the trades of contracts of such customers in any commodity for future delivery shall be treated and dealt with by such futures commission merchant as belonging to such customers, in accordance with and subject to the provisions of section 4d(2) of the Act.

(Sec. 4d, 49 Stat. 1494; 7 U.S.C. 6d)

RECORD KEEPING

§ 1.31 Books and records; keeping and inspection.

(a) All books and records required to be kept by the Act or by these regulations shall be kept for a period of five years from the date thereof and shall be readily accessible during the first two years of the five-year period. All such books and records shall be open to inspection by any representative of the Commission or the United States Department of Justice.

(b) Reproductions on microfilm may be substituted for hard copy as follows:

- (1) Computer, accounting machine or business machine generated records may

be immediately produced or reproduced on microfilm and kept in that form; other records may be immediately produced or reproduced on microfilm and kept in that form if prepared by any means from source documents which are retained in hard copy form for two years as provided in paragraph (b)(2) of this section;

(2) For all other books and records, microfilm reproductions thereof may be substituted for the hard copy for the final three years of the five-year period.

(c) If such microfilm substitution for hard copy is made, the person required to keep such records shall:

(1) At all times have available for examination of his records facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements;

(2) Arrange, index and file the films in such a manner as to permit the immediate location of any particular record; and

(3) Be ready at all times to provide, and immediately provide, at the expense of the person required to keep such records, any facsimile enlargement of such records which any representative of the Commission or United States Department of Justice may request.

(Secs. 4, 4g, 4i, 5, 5a, as amended, 42 Stat. 999 et seq., 49 Stat. 1491 et seq., 69 Stat. 535, 82 Stat. 28 et seq., 7 U.S.C. 6, 6g, 6i, 7, 7a, 12a)

NOTE.—The recordkeeping requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 (44 U.S.C. Ch. 12).

§ 1.32 Segregated account; daily computation and record.

The amount of money, securities, and property which must be in segregated account in order to comply with the requirements of section 4d(2) of the Act shall be computed by each futures commission merchant as of the close of the market each business day, based upon his accounting records. A record of such computation shall be made and kept, together with all supporting data, in accordance with the requirements of § 1.31.

§ 1.33 Monthly statement for customer and record of customer's position in each future.

Each futures commission merchant shall promptly furnish in writing directly to each customer, as of the close of the last business day of each calendar month or as of any regular monthly date selected: (a) A statement which clearly shows the open contracts with prices at which acquired, and the ledger balance carried for the customer's account; (b) a statement which clearly shows the net unrealized profit or loss in all open contracts figured to the market: *Provided, however,* That this requirement shall not apply to the following: (1) Any account carried for a person who is a member of any contract market; (2) any omnibus account carried for another futures commission merchant, and (3) any account containing only hedge positions; and (c) a state-

ment which clearly shows any securities or other property which the customer has deposited with the futures commission merchant to margin, guarantee, or secure the account. Copies of the statements prepared for customers shall be retained by the futures commission merchant in accordance with the requirements of § 1.31.

§ 1.33a Controlled accounts.

(a) With respect to any account controlled by any person other than the customer for whom such account is carried, each futures commission merchant shall (1) promptly confirm in writing directly to the customer for whom such account is carried the execution of any trade originated by the controller of the account and retain a copy of such confirmation in accordance with the requirements of § 1.31, and (2) clearly show on each monthly statement furnished as required by § 1.33, or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement: *Provided, however,* That the provisions of this paragraph shall not apply to an account controlled by the spouse, parent, or child of the customer for whom such account is carried (7 U.S.C. 6g, 12a).

(b) With respect to any account carried for or in the name of a pool or combination of persons trading in commodities, each futures commission merchant shall furnish promptly to each individual participating in such pool or combination a copy of the monthly statement provided for by § 1.33, and clearly show on such statement, or on an accompanying supplemental statement, the further information specified in paragraph (a) (2) of this section. It is not required that the confirmation provided for by paragraph (a) (1) of this section be sent to the several individuals participating in such pool or combination.

§ 1.34 Monthly record, "point balance."

Each futures commission merchant shall prepare, and keep in accordance with the requirements of § 1.31, a statement commonly known as a "point balance", which accrues or brings to the official closing price, or settlement price fixed by the clearing organization, all open contracts of customers as of the last business day of each calendar month or of any regular monthly date selected: *Provided, however,* That a futures commission merchant who carries part or all of customers' open contracts with other futures commission merchants on an "instruct basis" will be deemed to have met the requirements of this section as to open contracts so carried if a monthly statement is prepared which shows that the prices and amounts of such contracts long and short in the customers' accounts are in balance with those in the carrying commission merchants' accounts, and such statements are retained in accordance with the requirements of § 1.31.

§ 1.35 Records of cash commodity and futures transactions.

(a) *Futures commission merchants and members of contract markets:* Each futures commission merchant and each member of a contract market shall keep full, complete, and systematic records, together with all pertinent data and memoranda, of all transactions relating to his business of dealing in commodity futures and cash commodities. He shall retain the required records, data and memoranda in accordance with the requirements of § 1.31, and shall produce them for inspection and shall furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the Commission or the United States Department of Justice. Included among such records shall be all orders (filled, unfilled, or cancelled), trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, copies of statements of purchase and sale and all other records, data and memoranda which have been prepared in the course of his business of dealing in commodity futures and cash commodities.

(a-1) *Futures commission merchants and members of contract markets: Recording of customers' orders.*

(1) Each futures commission merchant receiving a customer's order shall immediately upon receipt thereof prepare a written record of such order, including the account identification and order number, and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received.

(2) Except as provided in paragraph (a) (3) of this section, each member of a contract market who on the floor of such contract market receives a customer's order which is not in the form of a written record including the account identification, order number and the date and time, to the nearest minute, such order was transmitted or received on the floor of such contract market, shall immediately upon receipt thereof prepare a written record of such order, including the account identification and order number and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received.

(3) The requirements of paragraph (a) (2) of this section shall not apply if such customer is another member of such contract market present on the floor thereof at the time the order is received, and the member receiving and executing such order immediately upon the execution thereof, notes on his trading card or other record maintained in accordance with the requirements of paragraph (d) of this section, the time of execution, to the nearest minute.

(4) Each member of a contract market reporting the execution of a customer's order from the floor of a contract market shall record on a written record

of such order, including the account identification and order number, by time-stamp or other timing device, the date and time, to the nearest minute, such report of execution is made.

(b) *Futures commission merchants and clearing members of contract markets:* Each futures commission merchant and each clearing member of a contract market shall, as a minimum requirement, prepare regularly and promptly, and keep systematically and in permanent form, the following:

(1) A financial ledger record which will show separately for each customer all charges against and credits to such customer's account, including but not limited to funds or securities deposited, withdrawn, or transferred, and charges or credits resulting from losses or gain on closed transactions;

(2) A record of transactions which will show separately for each account (including proprietary accounts) all commodity futures transactions executed for such account, including the date, price, quantity, market, commodity and future; and

(3) A record or journal which will show separately for each business day complete details of all commodity futures transactions executed on that day, including the date, price, quantity, market, commodity, future, and the person for whom such transaction was made.

Provided, however, That where reproductions on microfilm are substituted for hard copy in accordance with the provisions of § 1.31(b) of the regulations, the requirements of paragraphs (b) (1) and (b) (2) of this § 1.35 will be considered met if the person required to keep such records is ready at all times to provide, and immediately provides in the same city as that in which such person's regulated commodity books and records are maintained, at the expense of such person, reproduced copies which show the records as specified in paragraphs (b) (1) and (b) (2) of this section, on request by any representative of the Commission or the U.S. Department of Justice.

(c) *Clearing members of contract markets:* In the daily record or journal required to be kept under paragraph (b) (3) of this section, each clearing member of a contract market shall also show the floor broker or floor trader executing each transaction, the opposite floor broker or floor trader, and the opposite clearing member with whom it was made.

(d) *Members of contract markets:* Each member of a contract market who, in the place provided by the contract market for the meeting of persons similarly engaged, executes purchases or sales of any commodity for future delivery on or subject to the rules of such contract market, shall prepare regularly and promptly a trading card or other record showing such purchases and sales. Such trading card or record shall show his own name, the name of the member firm clearing the trade, the date, price, quan-

tity, commodity and future, and shall clearly identify the opposite floor broker or floor trader with whom such transaction was executed, and the opposite clearing member (if, in accordance with the rules or practice of the contract market such opposite clearing member is made known to him).

(e) *Contract markets.* Each contract market shall maintain or cause to be maintained by its clearing organization a record which shall show for each futures trade: the date, commodity, future, quantity, price, floor broker or floor trader buying, clearing member buying, floor broker or floor trader selling, clearing member selling, and a symbol indicating the customer type. The customer type indicator shall show whether the person executing the trade:

- (1) Was trading for his own account or an account which he controlled;
- (2) Was trading for his clearing member's house account;
- (3) Was trading for another member present on the exchange floor, or an account controlled by such other member; or
- (4) Was trading for any other type of customer.

The record required by this paragraph (e) of this section shall show, by appropriate and uniform symbols, exchanges of futures for cash, transfer trades, and trades cleared on dates other than the date of execution.

(f) Each contract market shall provide for the identification of floor brokers, floor traders, and clearing members, in the records required to be kept under paragraphs (c), (d), and (e) of this section, by the use of a distinctive, nonvariable designation for each such floor broker, floor trader, and clearing member.

(Sec. 4g, 49 Stat. 1496, sec. 5, 42 Stat. 1000, as amended; 7 U.S.C. 6g, 7; sec. 4f, as added by sec. 5, 49 Stat. 1495, and amended by sec. 7, 82 Stat. 28; sec. 8a, as added by sec. 10, 49 Stat. 1500, and amended, 69 Stat. 535, sec. 18, 82 Stat. 31; 7 U.S.C. 6f, 12a)

§ 1.36 Record of securities and property received from customers.

(a) Each futures commission merchant shall maintain, as provided in § 1.31, a record of all securities and property received from customers in lieu of money to margin, guarantee, or secure the commodity trades and contracts of such customers. Such record shall show separately for each customer, a description of the securities or property received, the name and address of such customer, the dates when the securities or property were received, the identity of the depositories or other places where such securities or property are segregated, the dates of deposits and withdrawals from such depositories, and the dates of return of such securities or property to such customer, or other disposition thereof, together with the facts and circumstances of such other disposition. In the event any futures commission merchant deposits with the clearing organization of a contract market, directly or

with a bank or trust company acting as custodian for such clearing organization, securities and/or property which belong to a particular customer, such futures commission merchant shall obtain written acknowledgment from such clearing organization that it was informed that such securities or property belong to a particular customer. Such acknowledgment shall be retained as provided in § 1.31.

(b) Each clearing organization of a contract market which receives from members securities or property belonging to particular customers of such members, in lieu of money to margin, guarantee, or secure the commodity trades and contracts of such customers, or receives notice that any such securities or property have been received by a bank or trust company acting as custodian for such clearing organizations, shall maintain, as provided in § 1.31, a record which will show separately for each member, the dates when such securities or property were received, the identity of the depositories or other places where such securities or property are segregated, the dates such securities or property were returned to the member, or otherwise disposed of, together with the facts and circumstances of such other disposition including the authorization therefor.

§ 1.37 Customer's name, address, and occupation recorded; record of guarantor or controller of account.

Each futures commission merchant and each member of a contract market shall keep a record in permanent form which shall show for each commodity futures account carried by him the true name and address of the person for whom such account is carried and the principal occupation or business of such person as well as the name of any other person guaranteeing such account or exercising any trading control with respect to such account. Such record shall be open to inspection by any authorized representative of the Commission.

(Secs. 4, 4g, 5, 42 Stat. 999, 1000, 49 Stat. 1496; 7 U.S.C. 6, 6g, 7)

§ 1.38 Execution of transactions.

(a) *Competitive execution required; exceptions.* All purchases and sales of any commodity for future delivery on or subject to the rules of a contract market shall be executed openly and competitively by open outcry or posting of bids and offers or by other equally open and competitive methods, in the trading pit or ring or similar place provided by the contract market, during the regular hours prescribed by the contract market for trading in such commodity: *Provided, however,* That this requirement shall not apply to such transactions as are executed noncompetitively in accordance with written rules of the contract market which have been submitted to and approved by the Commission, specifically providing for the noncompetitive execution of such transactions.

(b) *Noncompetitive trades; exchange of futures, etc.; requirements.* Every per-

son handling, executing, clearing, or carrying trades or contracts which are not competitively executed, including transfer trades or office trades, or trades involving the exchange of futures for cash commodities or the exchange of futures in connection with cash commodity transactions, shall identify and mark by appropriate symbol or designation all such transactions or contracts and all orders, records, and memoranda pertaining thereto.

(Secs. 4b, 5a(12), 49 Stat. 1493, 82 Stat. 27, 88 Stat. 1392, 1401, 1402, 1413; 7 U.S.C. 6b, 7a(12))

§ 1.39 Simultaneous buying and selling orders of different principals; execution of, for and between principals.

(a) *Conditions and requirements.* A member of a contract market who shall have in hand at the same time both buying and selling orders of different principals for the same commodity for future delivery in the same delivery month may execute such orders for and directly between such principals at the market price, if, in conformity with written rules of such contract market which have been submitted to the Commission.

(1) When trading is conducted in a trading pit or ring, such orders are first offered openly and competitively by open outcry in such trading pit or ring (i) by both bidding and offering at the same price, and neither such bid nor offer is accepted, or (ii) by bidding and offering to a point where such offer is higher than such bid by not more than the minimum permissible price fluctuation applicable to such commodity on such contract market, and neither such bid nor offer is accepted; or

(2) When in nonpit trading; bids and offers are posted on a board, such member (i) pursuant to such buying order posts a bid on the board and, incident to the execution of such selling order, accepts such bid and all other bids posted at prices equal to or higher than the bid posted by him, or (ii) pursuant to such selling order posts an offer on the board and, incident to the execution of such buying order, accepts such offer and all other offers posted at prices equal to or lower than the offer posted by him;

(3) Such member executes such orders in the presence of an official representative of such contract market designated to observe such transactions and, by appropriate descriptive words or symbol, clearly identifies all such transactions on his trading card or other similar record, made at the time of execution, and notes thereon the exact time of execution and promptly presents said record to such official representative for verification and initialing;

(4) Such contract market keeps a record in permanent form of each such transaction showing the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution; and

(5) Neither the futures commission merchant receiving nor the member executing such orders has any interest therein, directly or indirectly, except as a fiduciary.

(b) *Not deemed filling orders by offset nor cross trades.* The execution of orders in compliance with the conditions herein set forth will not be deemed to constitute the filling of orders by offset within the meaning of paragraph (D) of section 4b, nor to constitute cross trades within the meaning of paragraph (A) of section 4c, of the Act.

(Secs. 4b, 4c, 5a(12), 49 Stat. 1493, 1494, 82 Stat. 27, 88 Stat. 1392, 1401, 1402; 7 U.S.C. 6b, 6c, 7a(12))

MISCELLANEOUS

§ 1.40 Crop, market information letters, reports; copies required.

Each futures commission merchant and each member of a contract market shall, upon request, furnish or cause to be furnished to the Commission a true copy of any letter, circular, telegram, or report published or given general circulation by such futures commission merchant or member which concerns crop or market information or conditions that affect or tend to affect the price of any commodity, and the true source of or authority for the information contained therein.

§ 1.41 Contract market rules; filing of copies; emergency circumstances.

(a) For purposes of this section, the term "rule" of a contract market, or any governing board thereof, or any committee or clearing organization thereof, shall mean the constitution, articles of incorporation, bylaws, rules, regulations, resolutions, interpretations or instruments corresponding thereto, whatever the name, incorporating the stated policies of such contract market, or governing board thereof, or any committee or clearing organization thereof, specifically including, without limitation, any proposed change, amendment, repeal or addition thereto.

(b) Copies of any proposed rule, other than those specified in paragraphs (c) and (d) of this section, shall be filed with the Commission by delivery to its principal office in Washington, D.C. not less than 30 days prior to the proposed effective date thereof or within such shorter period of time as the Commission shall permit. If any change is made in a proposed rule after copies have been filed with the Commission, then the effective date of the proposed rule shall be postponed to take effect within such shorter period of time as the Commission shall permit or, absent such Commission permission, on a date which shall not be less than 30 days after the date when the Commission is notified of such change (unless the change does not alter the substance of the proposed rule or the change is made in conformity with a decision of the Commission). The Commission shall approve the rule if it determines that the rule is not in violation of the provisions of the Act or the regulations of the Commission. Such approval shall be made within 30 days after receipt of the rule, unless the Commission notifies the contract market of the Commission's inability to make such determination within such period of time. In the

event the Commission is unable to approve a rule within 30 days, the rule shall not become effective, except upon such conditions as the Commission may provide.

(c) Notwithstanding the foregoing, under emergency circumstances, as hereinafter defined, a proposed rule dealing with trading requirements need not be filed as provided in paragraph (b) of this section, and, by a two-thirds vote of the contract market's governing board, may be placed into immediate effect as a temporary rule of the contract market without prior Commission approval. In such circumstances, the contract market shall immediately notify the Commission of its action, and of the rule adopted, by the fastest available means of communication and shall submit in writing a copy of the rule adopted and a complete explanation of the emergency circumstances. For the purposes of this rule, the term "emergency circumstances" shall mean any threatened or actual market manipulation or corner, any act of the United States or a foreign government affecting a commodity, or any other major market disturbance, any of which prevents the market from accurately reflecting the forces of supply and demand for the commodity affected. The adoption of a temporary rule by a contract market in an emergency circumstance shall require the affirmative vote of at least two-thirds of the governing board of a contract market to the effect that the event which has occurred materially interferes with the ability of the contract market to conduct trading in an orderly manner.

(d) Copies of any proposed rule relating to margin requirements need not be submitted to the Commission in accordance with the provisions of paragraph (b) of this section, but shall be filed promptly with the Commission after adoption thereof. In addition, each contract market shall notify the Commission promptly of any changes in its membership.

(e) Two copies of all material required to be filed by this Section shall be furnished to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW, Washington, D.C. 20036, or such other address as shall then house the Washington, D.C., headquarters of the Commission, and two copies shall be furnished to the Administrator of the Regional Office of the Commission having local jurisdiction with respect to such contract market.

(7 U.S.C. 7a, 12a)

§ 1.42 Delivery notice; filing of copy.

Each contract market shall furnish or cause to be furnished promptly to the Commission a copy of each notice of delivery issued by any member thereof covering the delivery of any commodity on a futures contract made on or subject to the rules of such contract market, and shall also furnish or cause to be furnished promptly to the Commission a record of all endorsements of the original notice of delivery shown in the order in which such endorsements were made.

§ 1.43 Information required concerning warehouses, depositories, and other similar entities.

Each contract market shall file with the Commission a list of all warehouses, depositories and other similar entities in which or out of which commodities are deliverable in satisfaction of futures contracts made on or subject to the rules of such contract market, which list shall show the name, location, and storage capacity of each such warehouse, depository or other similar entity, together with the name and business address of the operator thereof. The Commission shall be kept currently advised of all changes affecting such information. Each contract market shall require the operator of each such warehouse, depository or other similar entity to furnish, upon call by the Commission, a schedule of storage charges, handling charges, and the annual fire insurance rate applicable to such warehouse, depository or other similar entity.

(Sec. 5a, 49 Stat. 1497; 7 U.S.C. 7a)

§ 1.44 Records and reports of warehouses, depositories, and other similar entities; visitation of premises.

Each contract market shall require the operators of warehouses, depositories and other similar entities whose receipts are deliverable in satisfaction of commodity futures contracts made on or subject to the rules of such contract market:

(a) To keep records showing the stocks of each commodity traded in for future delivery on such contract market, in store in such warehouses, depositories and other similar entities by kinds, by classes, and by grades, if stored under conditions requiring such designation or identification, and including also lots and parcels stored specially or separately or in specially leased space of the warehouse, depository or other similar entity;

(b) Upon call from the Commission, to report the stocks of commodities in such warehouses, depositories and other similar entities and to furnish information concerning stocks of each commodity traded in for future delivery on such contract market about to be transferred or in process of being transferred, or otherwise moved into or out of such warehouses, depositories and other similar entities, as well as any other information concerning commodities stored in such warehouse, depositories and other similar entities and which are or may be available for delivery on futures contracts; and

(c) To permit visitation of the premises and inspection of the books and records of such warehouses, depositories and other similar entities by duly authorized representatives of the Commission or the Department of Justice, and to keep all books, records, papers, and memoranda relating to the storage and warehousing of commodities in such warehouse, depository or other similar entity for a period of 5 years from the date thereof.

(Sec. 5a, 49 Stat. 1497; 7 U.S.C. 7a)

§ 1.45 Delivery of commodities conforming to United States standards.

Each contract market shall require that all contracts of sale of any commodity for future delivery on or subject to the rules of such contract market shall provide for the delivery thereunder of commodities of grades conforming to United States standards if such standards shall have been officially promulgated and adopted by the Commission. In the event of a change in United States standards, all contracts made on and after the effective date of the adoption of the revised standard by the Commission shall be made on the basis of the standards as changed: Provided, That this shall not be construed to prevent the closing of trades made prior to the effective date of such adoption by the Commission.

(Sec. 5a, 49 Stat. 1498; 7 U.S.C. 7a)

§ 1.46 Application and closing out of offsetting long and short positions.

(a) *Application of purchases and sales.* Any futures commission merchant who, on or subject to the rules of a contract market:

(1) Shall purchase any commodity for future delivery for the account of any customer (other than the "Customers' Account" of another futures commission merchant) when the account of such customer at the time of such purchase has a short position in the same future of the same commodity on the same market, or

(2) Shall sell any commodity for future delivery for the account of any customer (other than the "Customers' Account" of another futures commission merchant) when the account of such customer at the time of such sale has a long position in the same future of the same commodity on the same market,

shall on the same day apply such purchase or sale against such previously held short or long position, as the case may be, and shall promptly furnish such customer a purchase and sale statement, or account sale, showing the financial result of the transactions involved.

(b) *Close-out against oldest open position.* In all instances wherein the short or long position in such customers' account immediately prior to such offsetting purchase or sale is greater than the quantity purchased or sold, the futures commission merchant shall apply such offsetting purchase or sale to the oldest portion of the previously held short or long position: Except, that upon specific instructions from the customer the offsetting transaction shall be applied as specified by the customer without regard to the date of acquisition of the previously held position. Such instructions may also be accepted from any person who, by power of attorney or otherwise, actually directs trading in the customer's account unless the person directing the trading is the futures commission merchant (including any partner thereof), or is an officer, employee, or agent of the futures commission mer-

chant. With respect to every such offsetting transaction that, in accordance with such specific instructions, is not applied to the oldest portion of the previously held position, the futures commission merchant shall clearly show on the purchase and sale statement issued to the customer in connection with the transaction, that because of the specific instructions given or by on behalf of the customer the transaction was not applied in the usual manner, i.e., against the oldest portion of the previously held position. However, no such showing need be made if the futures commission merchant has received such specific instructions in writing from the customer for whom such an account is carried.

(c) *In-and-out trades; day trades.* Notwithstanding the provisions of paragraphs (a) and (b) above, this section shall not be deemed to require the application of purchases or sales closed out during the same day (commonly known as "in-and-out trades" or "day trades") against short or long positions carried forward from a prior date.

(d) *Exceptions.* The provisions of this section shall not apply to:

(1) [Reserved]

(2) Purchases or sales constituting "bona fide hedging transactions" as defined in § 1.3(z); nor

(3) Sales during a delivery period for the purpose of making delivery during such delivery period if such sales are accompanied by instructions to make delivery thereon, together with warehouse receipts or other documents necessary to effectuate such delivery.

(Secs. 4g, 5, 42 Stat. 1000, 49 Stat. 1496; 7 U.S.C. 6g, 7)

§ 1.48 Hedging anticipated requirements for processing or manufacturing or livestock and poultry production under § 1.3(z)(4) of the regulations under the Act.

(a) *Form and manner of reporting.* Any person who desires to avail himself of the provisions of § 1.3(z)(4) of the regulations under the Act, and to acquire a long futures position in any commodity with respect to which trading and position limits established by the Commission, pursuant to section 4a of the Act, shall be then in effect, shall, at least ten days prior to acquiring any position in excess of any such limit, file with the Commission, a statement showing such person's unfilled anticipated requirements for processing or manufacturing or feeding for a specified operating period not in excess of one year. Such statement shall set forth in detail person's unfilled anticipated requirements and explain the method or determination thereof, and shall include but not be limited to the following information:

(1) Annual requirements of such commodity for processing or manufacturing or feeding for the three fiscal years next preceding;

(2) Anticipated requirements of such commodity for processing or manufacturing or feeding for a specified operating period not in excess of one year;

(3) Inventory and forward purchases of such commodity, including any quantity in process of manufacture and finished goods and by-products of manufacture or processing (in terms of such commodity);

(4) Anticipated unfilled requirements of such commodity for processing or manufacturing or feeding for a specified period not in excess of one year.

Persons hedging unfilled anticipated requirements of flour, dry corn milling products, seed corn, or sweet corn, shall furnish this information both in terms of the actual commodity used for manufacturing or processing and in terms of the commodity to be purchased for future delivery, and provide the ratio of conversion from the amount of the actual commodity used for manufacturing or processing, to the amount of the commodity to be purchased for future delivery. In addition, seed corn and sweet corn processors shall report their cash positions in terms of bushel value equivalents. Persons feeding livestock and poultry shall provide the number of cattle, hogs, sheep, or poultry expected to be fed during the specified period, not to exceed one year, and the derivation of their annual requirements based upon these numbers.

(b) *Supplemental reports.* Whenever such person's anticipated requirements as set forth in item two of such statement or any statement supplemental thereto shall change, such person shall immediately file with the Commission a supplemental statement reporting and explaining such change. Such person shall also file with the Commission, at least once each year, a statement setting forth the information described in paragraph (a) of this section.

(c) *Purchases and liquidation.* All purchases of any commodity for future delivery pursuant to the provisions of § 1.3(z)(4) of these regulations shall be made and liquidated in an orderly manner and in accordance with sound commercial practice. No such purchases shall be made or liquidated in a manner which could be expected to cause sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity.

§ 1.50 Filing of information by contract markets.

(a) Each contract market shall file with the Commission, at least once every 5 years, a statement with supporting data showing the provisions that it has made to continue to comply with the conditions and requirements for designation as a contract market for a specified commodity. Such statement shall be responsive to the provisions of sections 5 and 5a of the Act. The supporting data shall include any information which will assist the Commission in evaluating the effectiveness of the provisions described in the statement.

(b) The contract market shall file the required information for each commodity at least once every 5 years but not less than 90 days after the effective date of this regulation, in accordance with a

schedule showing dates of required filing established by the Commission and which will be provided by him to each contract market, and every 5 years after the date of the first filing: *Provided*, That a contract market need not file earlier than 5 years after the effective date of its designation, unless so requested upon special call by the Commission.

(c) The information required in paragraph (a) of this section also shall be filed within 90 days after a special call by the Commission.

(d) Any failure by a contract market to continue to comply with the conditions and requirements for designation as a contract market as set forth in sections 5 and 5a of the Act, and any failure or refusal to file the information required by this regulation shall be cause for action by the Commission under sections 5b, 6 (a), 6b, 6c or 8a(7) of the Act (7 U.S.C. 7b, 8(a), 13a, 13a-1, and 12a(7)).

(e) Upon showing of good cause by a contract market, the Commission may extend for a reasonable time the filing date for, or may amend the schedule or sequence of, any report under this regulation.

(Secs. 5, 6, 8, 42 Stat. 1000, 1001, 1003, 7 U.S.C. 7, 8, 12)

§ 1.51 Contract Market Program for Enforcement.

(a) Each contract market shall use due diligence in maintaining a continuing affirmative action program to secure compliance with all of the provisions of Sections 5, 5a, 5b, 6(a), 6b, 8a(7), 8a(9) and 8c of the Act (7 U.S.C. 7, 7a, 7b, 8, 13a, 12a(7), 12a(9), and 12c) and with all of the contract market's bylaws, rules, regulations and resolutions which such contract market is required by the Act to enforce. Such program shall include:

(1) Surveillance of market activity for indication of possible congestion or other market situation conducive to possible price distortion;

(2) Surveillance of trading practices on the floor of such contract market;

(3) Examination of the books and records kept by contract market members relating to their business of dealing in commodity futures and cash commodities, insofar as such business relates to their dealing on such contract markets;

(4) Investigation of complaints received from customers concerning the handling of their accounts or orders;

(5) Investigation of all other alleged or apparent violation of such bylaws, rules, regulations and resolutions;

(6) Such other surveillance, record examination and investigation as is necessary to enforce such bylaws, rules, regulations and resolutions; and

(7) A procedure which results in the taking of prompt, effective disciplinary action for any violation which is found to have been committed.

(b) Each contract market shall keep full, complete, and systematic records

which will clearly set forth all action taken as a part of, and as a result of, its program required under paragraph (a) of this section.

(Sec. 5a, 49 Stat. 1497; 7 U.S.C. 7a)

NOTE.—The reporting requirements of this regulation have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

§ 1.52 [Reserved]

§ 1.53 Enforcement of contract market bylaws, rules, regulations, and resolutions.

Each contract market shall enforce each bylaw, rule, regulation, and resolution, made or issued by it or by the governing board thereof or any committee thereof, which is in effect as of July 18, 1975, and which relates to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relate to other trading requirements, unless such bylaw, rule, regulation, or resolution has been disapproved by the Commission pursuant to section 5a(12) of the Act, or the amendment or revocation of such bylaw, rule, regulation or resolution has been approved by the Commission pursuant to section 5a(12) of the Act.

(Secs. 5, 5a, 6, 6b; 42 Stat. 1000, 1001, 49 Stat. 1497, 1498, 82 Stat. 29, 30, 31, 88 Stat. 1392, 1400, 1401, 1402; 7 U.S.C. 7, 7a, 8, 13a)

§ 1.54 Contract market rules submitted to and approved or not disapproved by the Secretary of Agriculture.

Notwithstanding any provision of these rules, any bylaw, rule, regulation, or resolution of a contract market that was submitted to the Secretary of Agriculture pursuant to §§ 1.10(e), 1.17(b), 1.17(e), 1.38(a) or 1.39(a) of these rules, and was either approved by the Secretary or not disapproved by him, as of April 21, 1975, shall continue in full force and effect unless and until disapproved, altered or supplemented by or with the approval of the Commission. The adoption of this rule does not constitute approval by the Commission of any contract market bylaw, rule, regulation or resolution.

(Sec. 411, Pub. L. 93-463, 88 Stat. 1414; 7 U.S.C. 4a note)

PART 15—REPORTS—GENERAL PROVISIONS

Sec.	
15.00	Definitions.
15.01	Persons required to report.
15.02	Reporting forms.
15.03	Quantities fixed for reporting.
15.04	Different types of futures contracts in the same commodity.

AUTHORITY: Secs. 41, 8a, 49 Stat. 1500, 82 Stat. 28, 88 Stat. 1392; 7 U.S.C. 61, 12a, unless otherwise noted.

§ 15.00 Definitions.

As used in parts 15 to 20 of this Chapter:

(a) "Foreign broker" means any person located outside of the United States

or its territories who carries an account in commodity futures on any contract market for any other person.

(b) "Reportable position" means any open contract position in any one future of any commodity on any one contract market, which, at the close of the market on any business day, equals or exceeds the quantity fixed in § 15.03 for reporting purposes for the particular commodity.

(c) "Special Account" means any commodity futures account in which there is a reportable position.

(d) "Cash" or "Spot", when used in connection with any commodity, they refer to the actual commodity as distinguished from a futures contract in such commodity on a contract market.

(e) "Trader" means a person who, for his own account or for an account which he controls, makes transactions in commodity futures or has such transactions made.

§ 15.01 Persons required to report.

Pursuant to the provisions of the Act, the following persons shall file reports with the Commission with respect to such commodities, on such form, at such time, and in accordance with such directions as are hereinafter set forth:

(a) Contract Markets—as specified in Part 16 of this chapter.

(b) Futures commission merchants and foreign brokers—as specified in Part 17 of this chapter.

(c) Traders who hold or control open contracts which equal or exceed the quantity fixed for reporting in § 15.03, as specified in Part 18 of these regulations.

(d) Merchants, processors, and dealers in certain commodities who hold or control open contracts in such commodities which equal or exceed the quantity fixed for reporting in § 15.03, as specified in Part 19 of this Chapter. A merchant, processor, or dealer who is also a trader is, in addition, subject to Part 18 of this Chapter.

(e) Members of contract markets—as specified in Part 20 of this Chapter.

(Secs. 4g, 5, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 6g, 7)

§ 15.02 Reporting forms.

Forms on which to report may be obtained from any office of the Commission. Reporting forms are identified by number as to the commodity and class of person reporting. The initial digit or digits of the form number identify the commodity or commodities, and the two final digits or series identify the class of person reporting. All reporting shall be prepared in accordance with instructions supplied with the applicable form. Forms to be used for the filing of reports are as follows:

Commodity	Futures commission merchants and foreign brokers (series 01 forms)	Traders who hold or control reportable positions (series 03 forms)	Merchants, processors, and dealers (series 04 forms)
Grains (including soybeans).....	201	203	204
Cotton.....	301	303	304
Butter.....	401	403	None
Eggs.....	501	503	504
Potatoes.....	601	603	604
Wool.....	801	803	None
Edible oil.....	1,001	1,003	None
Meal.....	1,101	1,103	None
Cattle.....	1,201	1,203	None
Cattle products.....	1,301	1,303	None
Hogs.....	1,401	1,403	None
Hog products.....	1,401	1,403	None
Frozen concentrated orange juice.....	1,601	1,603	None
Poultry.....	1,701	1,703	None
Petroleum and petroleum products.....	1,801	1,803	None
Lumber and lumber products.....	1,901	1,903	None
Metals.....	2,001	2,003	None
Coffee and sugar.....	2,101	2,103	None
Cocoa and rubber.....	2,201	2,203	None
Foreign currency.....	2,301	2,303	None
Silver coins.....	2,401	2,403	None
Not otherwise specified.....	2,501	2,503	None

§ 15.03 Quantities fixed for reporting.

The quantities fixed for the purpose of reports filed under Parts 17, 18, and 19 of these regulations are as follows:

Commodity:	Quantity
Wheat..... bushels.....	200,000
Corn..... do.....	200,000
Oats..... do.....	200,000
Rye..... do.....	200,000
Barley..... do.....	200,000
Flaxseed..... do.....	200,000
Soybeans..... do.....	200,000
Cotton..... bales.....	5,000
Silver bullion..... contract units.....	50
All other commodities..... do.....	25

§ 15.04 Different types of futures contracts in the same commodity.

Where there is trading in more than one type of futures contract in the same commodity for the same delivery month, the quantity of all such types of contracts for such month shall be combined for reporting purposes unless the Commission determines otherwise.

(Secs. 4g, 5, 42 Stat. 1000, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 6g, 7)

PART 16—REPORTS BY CONTRACT MARKETS

- Sec.
16.00 Information to be furnished by contract markets.
16.01 Time and place of filing reports.
16.02 Publication of volume of trading and open contracts.
16.03 Errors or omissions.

AUTHORITY: Sec. 5, 8a, 42 Stat. 1000, 49 Stat. 1500, 88, Stat. 1392; 7 U.S.C. 7, 12a.

§ 16.00 Information to be furnished by Contract Markets.

Each contract market shall report for each business day the following information,

by commodity, by future, and by clearing member within each such future, in a form and manner approved by the Commission Regional Director having local jurisdiction with respect to such contract market:

(a) The total of all long open contracts and the total of all short open contracts carried at the end of the day covered by the report;

(b) The quantity of such contracts bought and the quantity sold during the day covered by the report;

(c) The quantity of purchase transfer trades or office trades and the quantity of sale transfer trades or office trades, which are included in the total quantity of contracts bought and sold during the day covered by the report, and the names of the clearing members who made the transfers;

(d) The quantity of purchases of futures in connection with cash commodity transactions or of futures for cash commodities and the quantity of sales of futures in connection with cash commodity transactions or of futures for cash commodities, which are included in the total quantity of contracts bought and sold during the day covered by the report, and the names of the clearing members who made the exchanges; and

(e) The quantity of the commodity delivered and the quantity received in fulfillment of such contracts during the day covered by the report.

§ 16.01 Time and place of filing reports.

Such reports shall be submitted the business day following the day for which the reports are filed and shall be filed in accordance with the instructions of the Commission's Regional Director having local jurisdiction with respect to such contract market.

§ 16.02 Publication of volume of trading and open contracts.

Each contract market shall publish for each business day the following information by commodity and by future within each such commodity:

(a) The total volume of trading, excluding transfer trades or office trades;

(b) The total quantity of futures for cash transactions which are included in the total volume of trading;

(c) The total gross open contracts; and

(d) The total quantity of the commodity delivered in fulfillment of such contracts.

Such information shall be made readily available to the news media and the general public in printed form and without charge at the office and trading floor of the contract market not later than the business day following the day for which publication is made.

§ 16.03 Errors or omissions.

Any contract market discovering any errors or omissions in any report which has been filed shall promptly inform the Commission with respect thereto.

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

- Sec.
17.00 Information to be furnished by futures commission merchants and foreign brokers.
17.01 Special account designation and identification.
17.02 Place and time of filing reports.
17.03 Use of data-processing media.

AUTHORITY: Sec. 8a, 49 Stat. 1500, 88 Stat. 1392; 7 U.S.C. 12a, unless otherwise noted.

§ 17.00 Information to be furnished by futures commission merchants and foreign brokers.

(a) *Special Accounts—reportable positions.* (1) Each futures commission merchant and each foreign broker, except a foreign broker who carries all accounts on a fully disclosed basis with a registered futures commission merchant, shall submit a report to the Commission for each business day with respect to all Special Accounts, including house accounts, carried by such futures commission merchant or foreign broker. Such report shall be made on the appropriate series 01 form and shall show each reportable position, separately for each contract market and for each future, in such account as of the close of the market on the day covered by the report.

(2) A report covering the first day upon which a Special Account shows a reportable position shall also show the position in such future in such account on the preceding business day. A report showing the position in the particular future shall also be filed covering the first day when any account theretofore in Special Account status is no longer in such status.

(b) *Interest in or control of several accounts.* If any person holds or has a financial interest in or controls more than one account, all such accounts shall be considered by the futures commission merchant or foreign broker as a single account for the purpose of determining Special Account status and for reporting purposes, and the report shall separately show the combined long positions in each future on each contract market in all such accounts, and the combined short positions in each such future in all such accounts.

(Secs. 4g, 5, 42 Stat. 1000, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 6g, 7)

§ 17.01 Special Account designation and identification.

(a) *Designation of Special Account.* For the purpose of reporting, each futures commission merchant and each foreign broker shall assign a number to each Special Account and shall report such account only by such number. An account number shall not be changed nor assigned to another account without the prior approval of the Commission.

(b) *Identification of Special Account.* When a Special Account is reported for the first time, the futures commission merchant or foreign broker shall

identify the account to the Commission on Form 102, showing the information requested thereon, including:

(1) The name and address of the account and the name of the person responsible for the direction of futures trading of that account;

(2) The number assigned to that account for purposes of reporting the account on series 01 forms;

(3) The commodity in which the account is being reported for the first time;

(4) The business or occupation of the account;

(5) The kind of futures trading account;

(6) The name and address of any other person(s), if any, whose futures trading is controlled by the account; and

(7) The name and address of any other person(s), if any, who has a financial interest in or guarantees this account or controls the trading of this account.

(c) *Transmittal of Form 102.* The report on Form 102 shall be submitted in a separate sealed envelope marked "Confidential" and must accompany the series 01 report on which the account is reported for the first time.

§ 17.02 Place and time of filing reports.

(a) *Futures Commission merchants—*

(1) *Place of filing reports.* The reports required to be filed by futures commission merchants under §§ 17.00 and 17.01 on series 01 forms and Form 102, respectively, must be filed at the Commission office in the city in which is located the contract market involved in the reported transactions; except that if there is no Commission office in such city, the reports shall be filed in accordance with instructions from the Commission.

(2) *Time of filing reports.* Except as otherwise provided in this paragraph, the reports on series 01 forms and Form 102 shall be filed by futures commission merchants with the appropriate Commission office on the business day following the day for which the reports are filed and not later than 30 minutes before the official opening of the contract market involved in the reported transactions. If the futures commission merchant does not have an office in the city in which the appropriate Commission office is located, such reports may be transmitted to such Commission office by mail. Each report transmitted by mail must be postmarked not later than midnight of the day covered by the report.

(b) *Foreign brokers.* The reports required to be filed by foreign brokers under §§ 17.00 and 17.01 on series 01 forms shall be prepared for each business day on which there are reportable transactions, and on Form 102 for each new Special Account, and shall be transmitted at least once each week to the Commission office in the city in which the contract market involved in the reported transactions is located. If there is no Commission office in such city, the reports shall be transmitted in accordance with instructions from the Commission.

§ 17.03 Use of data-processing media.

Any futures commission merchant may provide the required series 01 information on compatible data-processing punched cards, magnetic tapes, or magnetic discs, provided that the format and coding structure used thereon have been approved in writing by the Commission.

PART 18—REPORTS BY TRADERS

Sec.	
18.00	Information to be furnished by traders.
18.01	Interest in or control of several accounts.
18.02	Designation and identification of accounts.
18.03	Time and place of filing reports.
18.04	Statement of reporting trader.
18.05	Maintenance of books and records.
18.06	Use of data-processing media.
18.07	Reports by foreign traders.

AUTHORITY: Sec. 8a, 49 Stat. 1500, 88 Stat. 1392; 7 U.S.C. 12a, unless otherwise noted.

§ 18.00 Information to be furnished by traders.

Every trader who holds or controls a reportable position shall submit reports to the Commission. A report shall be filed for the first day on which such trader acquires a reportable position, for each day thereafter on which he has transactions in any future of such commodity on any contract market or delivers or receives delivery of such commodity, and for the first day on which he no longer holds or controls a reportable position. Each such report shall be prepared on the appropriate series 03 form, on a separate sheet for each commodity, and shall show for the day covered by the report the following information, separately for each future and for each contract market:

(a) *Open contracts.* The quantity of all open contracts, regardless of size, in each future of such commodity on all contract markets, broken down to show the quantity classified as hedging (as defined in § 1.3(z)) and the quantity classified as speculative (including spreading or straddling);

(b) *Purchases and sales.* The quantity of each future of such commodity bought and the quantity sold on all contract markets;

(c) *Deliveries and receipts.* The quantity of the commodity delivered and the quantity received, in fulfillment of such futures contracts on all contract markets;

(d) *Intermarket spreads.* To the extent that any futures position or transaction on any foreign market, in wheat, oats, barley, flaxseed, or cotton, is claimed to represent one leg of an intermarket spread or straddle, or the closing of an intermarket spread or straddle, against any position on a contract market, or against any purchase or sale of futures on a contract market during any one business day, in excess of 2,000,000 bushels of wheat, oats, barley, or flaxseed futures or 30,000 bales of cotton futures (§§ 150.1 and 150.2), such trader shall also show on the report the quan-

tity and future involved in such foreign position or transaction and the name of the foreign market;

(e) *Wool and wool top futures.* If such trader holds or controls a reportable position in any one wool future or in any one wool top future, the report shall include all transactions and positions in wool futures and in wool top futures on all contract markets;

(f) *Shell eggs and frozen eggs.* Any trader who holds a reportable position in any one future of shell eggs, frozen whole eggs, frozen plain egg whites, or frozen plain egg yolks shall include all transactions and positions in all futures in shell eggs, frozen whole eggs, frozen plain egg whites, and frozen plain egg yolks; and

(g) *Live cattle futures.* Any trader who holds or controls a reportable position in any one future of any one type of live cattle contract shall include all transactions and positions in all futures of all types of live cattle contracts on all contract markets.

(Secs. 4a(3) and 41, 49 Stat. 1493, 1496, 88 Stat. 1392, 1413; 7 U.S.C. 6a(3), 6i)

§ 18.01 Interest in or control of several accounts.

(a) *Multiple accounts.* If any trader holds or has a financial interest in or controls more than one account, whether carried with the same or with different futures commission merchants or foreign brokers, all such accounts shall be considered as a single account for the purpose of determining whether such trader has a reportable position and for the purpose of reporting.

(b) *Net positions.* The reporting trader shall report the net open contracts, long or short, in each future of such commodity in all such accounts, except as specified in paragraph (c) of this section.

(c) *Gross positions.* In the following cases, the reporting trader shall report the gross open contracts, i.e., total long open contracts and total short open contracts in each future of such commodity in all such accounts:

(1) Positions on the New York Mercantile Exchange;

(2) Positions on the Chicago Mercantile Exchange;

(3) Positions on any exchange carried through different futures commission merchants or foreign brokers;

(4) Positions which represent spreads between different types of contracts in the same commodity;

(5) Positions against which notices have been stopped or issued, but upon which actual delivery has not been made;

(6) Positions in accounts owned or held jointly with another person or persons; and

(7) Positions in accounts subject to trading control by the reporting trader, but in which he has no interest as an owner.

(d) *Reporting of controlled accounts.* The trader shall show, at the bottom of the appropriate series 03 report or on a continuation sheet a breakdown or listing of the names of all such accounts, including joint accounts, and their respective positions on his first report after

acquiring a reportable position, and once a month thereafter, as of the last business day of the month, unless the Commission approves a different date for such reporting. On this report, regardless of whether he has any transactions for that day, the trader shall show a complete listing of all such accounts and their individual positions on that day. During the month, the trader shall show at the bottom of each report he files, any new such account and any such account that is no longer participating, at the time any change occurs in his group of such participating or controlled accounts.

(Sec. 41, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 61)

§ 18.02 Designation and identification of accounts.

The Commission will assign a code number by means of which the reporting trader may identify the account in all reports.

(Sec. 41, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 61)

§ 18.03 Time and place of filing reports.

Unless otherwise specifically instructed by the Commission, if the reporting trader is located in a city in which the Commission maintains an office, reports shall be filed with such office not later than 9 a.m., local time, of the business day following the day covered by the report. If the reporting trader is located elsewhere, reports shall be transmitted by mail, postmarked not later than midnight of the day covered by the report, as follows:

(a) Reports with respect to transactions in the following commodities shall be mailed to the Commission office in Chicago, Illinois:

Grains—including wheat, corn, oats, rye, barley, flaxseed, grain sorghums, and soybeans.

Edible oils—including soybean oil, coconut oil, and palm oil.

Meal—including soybean meal.

Cattle—including live cattle, western cattle and feeder cattle.

Hogs and hog products—including live hogs, frozen pork bellies and frozen skinned hams.

Poultry and poultry products—including broilers and turkeys.

Lumber and lumber products—including plywood and lumber.

Butter and eggs—including nest run eggs, shell eggs and frozen eggs.

Foreign currencies—including British pounds, Canadian dollars, Deutschmarks, Dutch guilders, Japanese yen, Mexican pesos, Swiss francs, French francs, and Belgian francs.

(b) Reports with respect to transactions in the following commodities shall be mailed to the Commission office in New York, New York:

Cattle products—including frozen boneless beef.

Cotton, wool and frozen concentrated orange juice.

Petroleum and petroleum products—including crude oil, propane, home heating oil, and industrial fuel oil.

Cocoa and rubber.

Coffee and sugar.

Metals—including silver, gold, copper, palladium, platinum and mercury.

Silver coins—including U.S. silver coins and Canadian silver coins.

Potatoes—including Maine Round White and Idaho Russet Burbank potatoes.

(Sec. 41, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 61)

§ 18.04 Statement of reporting trader.

Every trader who holds or controls a reportable position shall furnish to the Commission a "Statement of Reporting Trader" on Form 40, including the following information:

(a) The name, address, and telephone number of the reporting trader;

(b) The principal business or occupation of the reporting trader;

(c) The name and address of each person whose commodity futures account is controlled by the reporting trader;

(d) The name and address of each person who controls, or has a financial interest in, or guarantees the account of the reporting trader;

(e) The kind of commodity futures account, i.e., individual, joint, partnership, corporation, or other;

(f) If the reporting trader is an individual or participant in a joint account, the name, address, and type of any organization in which he participates in the management or in which he has a financial interest, if that organization holds another futures trading account;

(g) If the reporting trader is a partnership, the name and address of each partner, and the name of the partner who ordinarily places orders and files the required reports;

(h) If the reporting trader is a corporation, the names and addresses of the person or persons who direct trading activities, and the names of all affiliate corporations (parent and subsidiaries) that trade in commodity futures; and

(i) Signature by the trader personally. If the account is in the name of an organization, signature should be that of a partner, officer, or trustee of that organization.

§ 18.05 Maintenance of books and records.

Every trader who holds or controls a reportable position, shall keep books and records showing all details concerning all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts, and shall upon request furnish to the Commission any pertinent information concerning such positions and transactions.

(Sec. 41, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 61)

§ 18.06 Use of data-processing media.

Any trader may provide the required series 03 information on compatible data-processing punched cards, magnetic tapes, or magnetic discs, provided that the format and coding structure used thereon have been approved in writing by the Commission.

§ 18.07 Reports by foreign traders.

Any trader located outside of the United States or its territories shall not be required, until such date as the Commission upon 20 days notice provides, to file the reports required by § 18.00 of this Part 18 of these regulations for any commodity regulated under the Act but not specifically set forth in section 2(a) of the Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974; except that any such trader is required to file such reports within one business day after a special call upon such trader by the Commission.

(Sec. 41, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 61)

PART 19—REPORTS BY MERCHANTS, PROCESSORS, AND DEALERS

- Sec.
- 19.00 Information to be furnished by merchants, processors, and dealers.
 - 19.01 Merchants, processors, and dealers in certain grains and grain products.
 - 19.02 Merchants, processors, and dealers in cotton and cotton products.
 - 19.03 Merchants, processors, and dealers in eggs and egg products.
 - 19.04 Merchants, processors, and dealers in potatoes and potato products.
 - 19.05-19.09 [Reserved].
 - 19.10 Time and place of filing reports.

AUTHORITY: Sec. 8a, 49 Stat. 1500, 88 Stat. 1392; 7 U.S.C. 12a, unless otherwise noted.

§ 19.00 Information to be furnished by merchants, processors, and dealers.

Every person engaged in merchandising, processing, or dealing in any of the commodities or products listed in §§ 19.01, 19.02, 19.03, or 19.04, who holds or controls a reportable position in such commodity or commodities, shall submit a report to the Commission on the appropriate series 04 form, which shall show the information hereinafter specified. All such reports shall show such information as of the close of business on Friday of each week, unless a different reporting period is authorized in writing by the Commission.

§ 19.01 Merchants, processors, and dealers in certain grains and grain products.

(a) *Details of cash commodity position.* Merchants, processors, and dealers in wheat, corn, oats, rye, barley, flaxseed, soybeans, or grain sorghums, or the products or byproducts thereof, shall include the following information in each report:

(1) The makeup of the fixed-price cash grain position, including (i) the stocks of such commodities and their products or byproducts owned; (ii) the quantity of fixed-price purchase commitments open in such commodities and their products and byproducts; and (iii) the quantity of fixed-price sales commitments open in such commodities and their products and byproducts; and

(2) The unfixed-price purchase and unfixed-price sales commitments in such commodities and their products and byproducts.

(b) *Standards and conversion factors.* Every such merchant, processor, or

dealer shall, in computing his cash position, use such standards and conversion factors with respect to products or by-products as are usual in the particular grain trade. If it is the regular business practice of such merchant, processor, or dealer to exclude certain products or by-products in determining his cash position for hedging (as defined in § 1.3(z)), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commission upon request detailed information concerning the kind and quantity of each product or byproduct so excluded.

(Sec. 41, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 61)

§ 19.02 Merchants, processors, and dealers in cotton and cotton products.

(a) *Details of cotton position.* Merchants, processors, and dealers in cotton and cotton products or byproducts shall include the following information in each report:

(1) The quantity of open fixed-price spot positions (long and short) in cotton and cotton products, including open fixed-price purchase commitments of raw cotton, stocks of raw cotton on hand (owned and at fixed prices), cotton in process of manufacture, and finished products; and unfilled fixed-price sale commitments of raw cotton and of finished products;

(2) The quantity of call cotton bought or sold on which the price has not been fixed, together with the respective futures on which based. As used herein, call cotton refers to spot cotton bought or sold, or contracted for purchase or sale, at a price to be fixed later based upon a specified future; and

(3) The quantity of certificated cotton owned.

(b) *Standards and conversion factors.* Every such merchant, processor, or dealer, in computing his spot position, shall use such standards and conversion factors with respect to cotton products or byproducts as are usual in the cotton trade. If it is the regular business practice of such merchant, processor, or dealer to exclude certain products or byproducts in determining his spot position for hedging (as defined in § 1.3(z)), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commission upon request detailed information concerning the kind and quantity of each product or byproduct so excluded.

§ 19.03 Merchants, processors, and dealers in eggs and egg products.

(a) *Details of cash egg position.* Merchants, processors, and dealers in eggs and egg products shall show in each report the makeup of the cash egg position, as determined by stocks owned, unfilled fixed-price purchase commitments, and unfilled fixed-price sales commitments, with respect to: (1) Shell eggs (in cold storage and elsewhere); (2) frozen whole eggs; (3) frozen plain egg whites; (4)

frozen plain egg yolks; and (5) egg products.

(b) *Exclusions in determining cash egg position.* If it is the regular business practice of such merchant, processor, or dealer to exclude certain eggs not in cold storage or certain egg products in determining his cash position for hedging (as defined in § 1.3(z)), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commission upon request detailed information concerning the eggs or egg products so excluded.

(Sec. 41, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 61)

§ 19.04 Merchants, processors, and dealers in potatoes and potato products.

(a) *Details of cash (spot) potato position.* Merchants, processors, and dealers in potatoes and potato products shall show in each report the amount of:

(1) Potatoes being raised or expected to be raised by such persons in the ensuing 12 months, including the potato acreage in each State;

(2) Stocks of potatoes owned;

(3) Open fixed-price purchase commitments of potatoes;

(4) Unfilled fixed-price sales commitments of potatoes; and

(5) Stocks of potato products owned or potatoes in process of manufacture, open fixed-price purchase commitments, and unfilled fixed-price sales commitments of potato products, identified as to kind of product.

(b) *Standards and conversion factors.* Every such merchant, processor, or dealer shall, in computing his cash (spot) position, use such standards and conversion factors with respect to potato products as are usual in the potato trade. If it is the regular business practice of such merchant, processor, or dealer to exclude certain potato products in determining his cash (spot) position for hedging (as defined in § 1.3(z) of these Rules), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commission upon request detailed information concerning the potato products so excluded.

§§ 19.05-19.09 [Reserved]

§ 19.10 Time and place of filing reports.

If the reporting merchant, processor, or dealer is located in a city in which the Commission has an office, reports shall be filed with such office not later than the first business day following the week or other period covered by the report. If the reporting merchant, processor, or dealer is located elsewhere, reports shall be transmitted by mail, postmarked not later than midnight of the first business day following the week or other period covered by the report, as follows:

(a) Reports with respect to transactions in wheat, corn, oats, rye, barley, flaxseed, soybeans, grain sorghums, and eggs—to the Commission office in Chi-

cago, Illinois, unless otherwise specifically authorized by the Commission;

(b) Reports with respect to transactions in cotton and potatoes—to the Commission office in New York, New York.

(Sec. 41, 49 Stat. 1496, 88 Stat. 1392; 7 U.S.C. 61)

PART 20—REPORTS BY MEMBERS OF CONTRACT MARKETS

§ 20.00 Uncleared transactions.

(a) Each member of a contract market who executes uncleared transactions in any commodity future on any contract market, commonly called "pass-outs", shall report such transactions to the Commission in accordance with its instructions, showing whether the transaction is a purchase or sale; the date, market, commodity, future, quantity, and price; the name of the opposite party to the transaction; and such other information as may be required.

(b) The requirements of this section shall not apply to any member of a contract market whose uncleared transactions are recorded on the books of a clearing member or members of such contract market and are included in the reports furnished to the Commission by such clearing member or members.

(Secs. 5 and 8a, 42 Stat. 1000, 1500, 88 Stat. 1392; 7 U.S.C. 7, 12a)

PART 21—SPECIAL CALLS FOR INFORMATION FROM FUTURES COMMISSION MERCHANTS, FOREIGN BROKERS, AND MEMBERS OF CONTRACT MARKETS

Sec.

21.00 Preparation and transmission of information upon special call.

21.01 Special calls for information on controlled accounts from futures commission merchants.

21.02 Special calls for information on open contracts in accounts carried by futures commission merchants, members of contract markets, and foreign brokers.

AUTHORITY: Sec. 8a, 49 Stat. 1500, 88 Stat. 1392; 7 U.S.C. 12a, unless otherwise noted.

§ 21.00 Preparation and transmission of information upon special call.

All information required upon special call shall be prepared in such form and manner and in accordance with such instructions, and shall be transmitted at such time and to such office of the Commission, as may be specified in the call.

(Sec. 5, 42 Stat. 1000; 7 U.S.C. 7)

§ 21.01 Special calls for information on controlled accounts from futures commission merchants.

Upon call by the Commission, each futures commission merchant shall file with the Commission the names and addresses of all persons who, by power of attorney or otherwise, exercise trading control over any customer's account or accounts in commodity futures on contract markets.

(Sec. 4f, 49 Stat. 1495, as amended; 7 U.S.C. 6f)

§ 21.02 Special calls for information on open contracts in accounts carried by futures commission merchants, members of contract markets, and foreign brokers.

Upon special call by the Commission, each futures commission merchant, member of a contract market, or foreign broker, shall furnish to the Commission the following information for the commodity, contract market, and date specified in such call:

(a) The name, address, and principal occupation of all traders, including house accounts, holding open contracts on the records of such futures commission merchant, member of a contract market, or foreign broker;

(b) The open contracts held or controlled by such traders in each future; and

(c) The classification of such traders' open contracts as speculative, spreading (straddling), or hedging, or as "futures commission merchant" or "foreign broker," if such trader is another futures commission merchant or foreign broker.

PART 30—FRAUD IN CONNECTION WITH COMMODITY TRANSACTIONS

Sec.

30.01 Fraud in connection with commodity options.

30.02 Fraud in connection with transaction in futures contracts other than on domestic contract markets.

30.03 Fraud in connection with certain transactions in silver or gold bullion or bulk coins.

AUTHORITY: Secs. 2(a), 4c and 8a, 42 Stat. 998, 49 Stat. 1494, 1500, as amended by 49 Stat. 1401, 52 Stat. 205, 54 Stat. 1059, 68 Stat. 913, 69 Stat. 375, 82 Stat. 26, 413 and 88 Stat. 1392, 1395, 1412 and Sec. 217 of Pub. L. 93-463 (88 Stat. 1405); 7 U.S.C. 2, 6c, 12a, 15a.

§ 30.01 Fraud in connection with commodity options.

It shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly:

(a) To cheat or defraud or attempt to cheat or defraud any other person;

(b) To make or cause to be made to any other person any false report or statement thereof or cause to be entered for any person any false record thereof;

(c) To deceive or attempt to deceive any other person by any means whatsoever;

in or in connection with an offer to enter into, the entry into or the confirmation of the execution of, any transaction involving any commodity regulated under the Act, as amended, but not specifically set forth in Section 2(a) of the Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974, which is or is held out to be of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty."

§ 30.02 Fraud in connection with transaction in futures contracts other than on domestic contract markets.

It shall be unlawful for any person, by use of the mails or by any means or instrumentality of interstate commerce, directly or indirectly, in or in connection with any account, agreement or transaction involving any contract of sale of a commodity for future delivery, traded or executed on any board of trade, exchange or market other than a contract market designated pursuant to Section 5 of the Act, as amended:

(a) To cheat or defraud or attempt to cheat or defraud any other person;

(b) To make or cause to be made to any other person any false report or statement thereof or to enter or cause to be entered for any person any false record thereof;

(c) To deceive or attempt to deceive any other person by any means whatsoever in regard to any such account, agreement or transaction or the disposition or execution of any such account, agreement or transaction or in regard to any act of agency performed with respect to such account, agreement or transaction; or

(d) To bucket any order, or to fill any order by offset against the order or orders of any other person or without the prior consent of any person to become the buyer in respect to any selling order of such person, or become the seller in respect to any buying order of such person.

§ 30.03 Fraud in connection with certain transactions in silver or gold bullion or bulk coins.

It shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly:

(a) To employ any device, scheme, or artifice to defraud,

(b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made in the light of the circumstances under which they were made, not misleading, or

(c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person,

in, or in connection with (1) an offer to make, or the making of, any transaction for the purchase, sale or delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins pursuant to a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract or (2) the maintenance or carrying of any such contract.

Part 50—[Revoked]

Part 50 of title 17 is revoked.

PART 100—DELIVERY PERIOD REQUIRED

§ 100.1 Delivery period required with respect to certain grains.

A period of seven business days is required during which contracts for future delivery in the current delivery month

of wheat, corn, oats, barley, rye, or flaxseed may be settled by delivery of the actual cash commodity after trading in such contracts has ceased, for each delivery month after May 1938, on all contract markets on which there is trading in futures in any of such commodities, and such contract markets, and each of them, are directed to provide therefor.

(Secs. 5a(4), 8a, 49 Stat. 1497, 1500; 7 U.S.C. 7a(4), 12a)

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

Subpart A—Organization

140.1 Headquarters Office

140.2 Regional Offices—Regional Directors.

AUTHORITY: 5 U.S.C. 552, 559.

Subpart A—Organization

§ 140.1 Headquarters Office.

(a) General. The Headquarters Office of the Commission is located at 1120 Connecticut Avenue NW., Washington, D.C. 20036.

§ 140.2 Regional Offices—Regional Directors.

Each of the Region offices described herein functions as set forth below under the direction of a Regional Director, who is delegated authority and responsibility for the enforcement of the Act and administration of the programs of the Commission in the particular Region.

(a) The Central Region office is located at Room A-1, Board of Trade Building, 141 West Jackson Boulevard, Chicago, Ill. 60604, with a sub-office at Room 510, Grain Exchange Building, Fourth Street and Fourth Avenue, South, Minneapolis, MN 55415, and is responsible for enforcement of the Act and administration of the programs of the Agency in the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin. The office is responsible for the supervision of trading on the Chicago Board of Trade, the Chicago Mercantile Exchange, the Mid-America Commodity Exchange, the Minneapolis Grain Exchange and the International Monetary Market of the Chicago Mercantile Exchange.

(b) The Western Region Office is located at Room 356, Board of Trade Building, 4800 Main Street, Kansas City, MO 64112, with a sub-office at Room 400, 550 Kearny Street, San Francisco, CA 94108, and is responsible for enforcement of the Act and administration of programs of the Agency in the States of Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The office is responsible for the supervision of trading on the Board of Trade of Kansas City, Mo., Inc., and the Pacific Commodities Exchange, Inc.

(c) The Eastern Region office is located at Room 2101, 61 Broadway, New

York, N.Y. 10006, and is responsible for enforcement of the Act and administration of the program of the Agency in the States of Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The office is responsible for the supervision of trading on the Citrus Associates of the New York Cotton Exchange, Inc., the New York Cotton Exchange, The New York Mercantile Exchange, the Wool Associates of the New York Cotton Exchange, Inc., The New York Cocoa Exchange, Inc., The Commodity Exchange, Inc., The New York Coffee and Sugar Exchange, and The Petroleum Association of the New York Cotton Exchange, Inc.

(NOTE: Part 146 is republished as follows.)

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

- Sec.
146.1 Purpose and Scope.
146.2 Definitions.
146.3 Requests by an individual for information or access.
146.4 Procedures for identifying the individual making the request.
146.5 Disclosure of requested information to individuals; fees for copies of records.
146.6 Disclosure to third parties.
146.7 Content of Systems of Records.
146.8 Amendment of a record.
146.9 Appeals to the Commission.
146.10 Information supplied by the Commission when collecting information from an individual.
146.11 Public notice of records systems.
146.12 Exemptions.

AUTHORITY: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a); Sec. 101(a), Pub. L. 93-463, 88 Stat. 1389 (7 U.S.C. 4a(j)).

§ 146.1 Purpose and scope.

(a) This part contains the rules of the Commodity Futures Trading Commission implementing the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a). These rules apply to all records maintained by this Commission which are not excepted or exempted as set forth in § 146.12, insofar as they contain personal information concerning an individual, identify that individual by name or other symbol and are contained in a system of records from which information is retrieved by the individual's name or identifying symbol. Among the primary purposes of these rules are to permit individuals to determine whether information about them is contained in Commission files and, if so, to obtain access to that information; to establish procedures whereby individuals may have inaccurate and incomplete information corrected; and, to restrict access by unauthorized persons to that information.

(b) In this part the Commission is also exempting certain Commission systems of records from some of the provisions of the Privacy Act of 1974 that would otherwise

be applicable to those systems. These exemptions are authorized under the Privacy Act, 5 U.S.C. 552a(k).

§ 146.2 Definitions.

For purposes of this Part 146—

(a) The term "Commission" means the Commodity Futures Trading Commission;

(b) The term "Executive Director" refers to the executive level staff official appointed pursuant to § 2(a)(5) of the Commodity Exchange Act;

(c) The term "Privacy Unit" refers to a staff subdivision established in the Commission's Office of Public Information in Washington, D.C. to process requests and handle various other matters relating to the Commission's implementation of the Privacy Act of 1974;

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

(e) The term "maintain" includes maintain, collect, use, or disseminate;

(f) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission, including but not limited to, his education, financial transactions, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual;

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

(h) The term "system notice" means a notice of the existence and character of the Commission's system of records published in the Federal Register pursuant to § 146.11(a) of these rules;

(i) 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;

(j) The term "Freedom of Information Act" encompasses both the Freedom of Information Act, as amended, 5 U.S.C. 552, and the Commission's rules contained in Part 145 of this Title.

(k) The term "agency" means any executive department, military department, Government corporation, Government controlled corporation or other establishment in the Executive branch of the Government or any independent regulatory agency.

§ 146.3 Requests by an individual for information or access.

(a) Any individual may request information on whether a system of records maintained by the Commission contains any information pertaining to him, or may request access to his record or to any information pertaining to him which is contained in a system of records. All requests shall be directed to the Privacy Unit, Commodity Futures Trading Commission,

1120 Connecticut Avenue, NW., Washington, D.C. 20036.

(b) A request for information or for access to records under this Part may be made by mail or in person. The request shall (1) be in writing and signed by the individual making the request; (2) include the full name (including the middle name) of the individual seeking the information or record, his home address and telephone number, his business address and telephone number; and (3) if he is or ever has been registered with the Commission or its predecessor agency, or associated with a firm so registered as a partner, officer or director or 10% shareholder, state in what capacity he is or was registered.

(c) For each system of records from which information is sought, the request shall (1) specify the title and identifying number for that system as it appears in the system notice published by the Commission; (2) provide additional identifying information, if any, specified in the system notice; (3) describe the specific information or kind of information sought within that system of records; and (4) set forth any special arrangements sought concerning the time, place, or form of access. A description of the information contained in a system notice and instructions on how to obtain copies of the Commission's system notices appear in § 146.11(b).

(d) The Commission will respond in writing to a request made under this section within ten days (excluding Saturdays, Sundays and legal public holidays) after receipt of the request. If a definitive reply cannot be given within ten days, the request will be acknowledged and an explanation will be given of the status of the request.

(e) When an individual has requested access to records, available to him under these rules, he will either be notified in writing of where and when he may obtain access to the records requested or be given the name, address and telephone number of the member of the Commission staff with whom he should communicate to make further arrangements for access.

§ 146.4 Procedures for identifying the individual making the request.

When a request for information or for access to records has been made pursuant to § 146.3, before information is given or access is granted pursuant to § 146.5 of these rules the Commission shall require reasonable identification of the person making the request to insure that information is given and records are disclosed only to the proper person.

(a) An individual may establish his identity by—

(1) Submitting with his request for information or for access a photocopy of two pieces of identification bearing his name and signature, one of which shall bear his current home or business address; or

(2) Appearing at any office of the Commission (located at the addresses set forth in § 145.6 of these rules) during the

regular working hours for that office and presenting either—

(i) One piece of identification containing a photograph and signature, such as a drivers license or passport or

(ii) Two pieces of identification bearing his name and signature, one of which shall bear his current home or business address; or

(3) Providing such other proof of identity as the Commission deems satisfactory in the circumstances of a particular request.

(b) If the Executive Director or other designated Commission official determines that the data in a requested record is so sensitive that unauthorized access could cause harm or embarrassment to the person whose record is involved, or if the person making the request is unable to produce satisfactory evidence of identity under paragraph (a) of this section, the individual making the request may be required to submit a notarized statement attesting to his identity and that he is familiar with and understands the criminal penalties provided under Section 1001 of Title 18 of the United States Code for making false statements to a Government agency and under the Privacy Act, Section 552a(i)(3) of Title 5 of the United States Code, for obtaining records under false pretenses. Copies of these statutory provisions and forms for such notarized statements may be obtained upon request from the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

(c) The parent or guardian of a minor or a person judicially determined to be incompetent, in addition to establishing the identity of the person he represents as described in the previous paragraphs of this subsection, shall establish his own identity and his parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(d) Nothing in this section shall preclude the Commission from requiring additional identification before granting access to the records if there is reason to believe that the person making the request may not be the individual to whom the record pertains, or where the sensitivity of the data warrants it.

(e) The requirements of this § 146.4 shall not apply if the records involved would be available to any person pursuant to the Commission's rules under the Freedom of Information Act as set forth in Part 145 of this chapter.

§ 146.5 Disclosure of requested information to individuals; fees for copies of records.

(a) Any individual who has requested access to his record or to any information pertaining to him in the manner prescribed in § 146.3, and has identified himself as prescribed in § 146.4, shall be permitted to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, subject to fees for copying services set forth in Appendix A to this Part. Upon his request persons of his own choosing may accompany him, but the individual shall first furnish a written statement authorizing discussion of that individual's record in the accompany persons' presence.

(b) Access will generally be granted in the office of the Commission where the records are maintained during normal business hours, but for good cause shown the Commission may grant access at another office of the Commission or at different times for the convenience of the individual making the request.

(c) Where a document containing information about an individual also contains information not pertaining to him, the portion not pertaining to the individual shall not be disclosed to him except to the extent the information is available to any person under the Freedom of Information Act. If the records sought cannot be provided for review and copying in a meaningful form, the Commission shall provide to the individual a report of the information concerning the individual contained in the record or records which shall be complete and accurate in all material aspects.

(d) Where the disclosure involves medical records, the records may be provided only to a physician designated in writing by the individual.

(e) Requests for copies of documents may be directed to the Privacy Unit or to the member of the Commission's staff through whom arrangements for access were made.

(f) Fees for copies of records shall be charged as set forth in the schedule of fees contained in Appendix A to this Part. Copies of the schedule may be obtained upon request from the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036. Payment should be made by check or money order payable to the Treasury of the United States. Advance payment of all or part of the fee may be required at the discretion of the Commission, but generally this will not be required for requests where the anticipated fee is less than \$25.

(g) Nothing in this § 146.5 or in § 146.3 shall:

(1) Require the disclosure of investigative records exempted under § 146.12 of these rules;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action, administrative proceeding or a criminal proceeding;

(3) Require the furnishing of information or records which cannot be retrieved by the name or other identifier of the individual making the request.

§ 146.6 Disclosure to third parties.

(a) The Commission shall not disclose to any agency or to any person by any means of communication a record pertaining to an individual which is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written consent to the disclosure;

(2) The disclosure is to officers and employees of the Commission who need it in the performance of their duties;

(3) Disclosure is required under the Freedom of Information Act (5 U.S.C. 552);

(4) Disclosure is for a routine use as defined in § 146.2(g) and described in the system notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity;

(6) The disclosure is made 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, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to another agency or to an instrumentality of any Governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought.

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

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

(10) The disclosure is made 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

(11) The disclosure is pursuant to the order of a court of competent jurisdiction.

(b) The Commission will make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record.

(c) The Commission, with respect to each system of records under its control, shall keep an accurate accounting of certain disclosures.

(1) A record shall be kept of all disclosures made under paragraph (a) of this § 146.6, except disclosures made with the consent of the individual to whom the record pertains [subparagraph (a)(1)], disclosures to authorized employees [subparagraph (a)(2)] and disclosures required under the Freedom of Information Act [subparagraph (a)(3)].

(2) The record shall include:

(i) The date, nature, and purpose of each disclosure of a record made to any person or to another agency;

(ii) The name and address of the person or agency to whom the disclosure was made.

(3) The accounting will be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) The accounting described in paragraph (c) of this section will be made available to the individual named in the record upon his written request, directed to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, except that the accounting will not be revealed with respect to disclosures made under paragraph (a)(7) of this § 146.6, pertaining to law enforcement activity, and to disclosures involving systems of investigative records exempted under § 146.12 of these rules.

(e) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the Commission in accordance with §§ 146.8 and 146.9 of these rules, the Commission will inform any person or other agency to whom the record was previously disclosed, if an accounting of the disclosure was made pursuant to the requirements of paragraph (c) of this section.

§ 146.7 Content of Systems of Records.

(a) The Commission will maintain in its records only such information about an individual as is relevant and necessary to accomplish the purposes of the Commodity Exchange Act and other purposes required to be accomplished by statute or by executive order of the President.

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

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

(d) The Commission will maintain all records which are used by the Commission in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

§ 146.8 Amendment of a record.

(a) Any individual may request amendment of information pertaining to him which is contained in a system of records maintained by the Commission and which is filed under his name or other individual identifier if he believes the information is not accurate, relevant, timely or complete. A request for amendment shall be directed to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

(b) A request for amendment may be made by mail or in person and shall (1) be in writing and signed by the person making the request; (2) describe the particular record to be amended with sufficient specificity to permit the record to be located among those maintained by the Commission; and (3) specify the nature of the amendment sought and the justification for the requested change. The person making the request may be required to provide the information specified in § 146.3 and § 146.4 of these rules in order to simplify identification of the record and permit verification of the identity of the person making the request for amendment.

(c) Receipt of a request for amendment will be acknowledged in writing within ten days (excluding Saturdays, Sundays and legal public holidays) except that, if the individual is given notice within the ten day period that his request will or will not be complied with, no acknowledgement is required.

(d) Assistance in preparing a request to amend a record may be obtained from the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036; Telephone: (202) 254-8630.

(e) Upon receipt of a request for amendment the Executive Director of the Commission or a person designated by the Executive Director shall promptly determine whether the record is materially inaccurate, incomplete, misleading, or is irrelevant or not timely, as claimed by the individual, and, if so, shall cause the record to be amended in accordance with the individual's request.

(f) If the Executive Director or designee grants the request to amend the record, the individual shall promptly be advised of the decision and of the action taken, and notice shall be given of the correction and its substance to each person or agency to whom the record had previously been disclosed, as shown on the record of disclosures maintained in accordance with § 146.6(c).

(g) If the Executive Director or designee disagrees in whole or in part with a request for amendment of a record, the individual shall promptly be notified of the complete or partial denial of his request and the reasons for the refusal. The individual shall also be notified of the procedures for administrative review by the Commission of any complete or partial denial of a request for amendment, which are set forth in § 146.9.

(h) If a request is received for amendment of a record prepared by another agency which is in the possession or control of the Commission, the request for amendment will be forwarded to that agency. If that agency determines that the correction should be made, the Commission will amend its records accordingly and notify the individual making the request for amendment of the change. If the other agency declines to make the amendment, the Executive Director or designee will independently determine whether the amendment will be made to the record in the Commission's

possession or control, considering any explanation given by the other agency for its decision.

§ 146.9 Appeals to the Commission.

(a) Any individual may petition the Commission:

(1) To review a refusal to comply with an individual request for access to records pursuant to the Privacy Act, 5 U.S.C. 552a(d)(1), and §§ 146.3 and 146.5 of the rules in this part;

(2) To review denial of a request for amendment made pursuant to § 146.8;

(3) To correct any determination that may have been made adverse to the individual based in whole or in part upon inaccurate, irrelevant, untimely or incomplete information;

(4) To correct a failure to comply with any other provision of the Privacy Act, 5 U.S.C. 552a, and the rules of this Part 146, which has had an adverse effect on the individual.

(b) The petition to the Commission shall be in writing and shall (1) state in what manner it is claimed the Commission or any Commission employee has failed or refused to comply with provisions of the Privacy Act or of the rules contained in this Part 146, and (2) set forth the corrective action the petitioner wishes the Commission to take. The petitioner may, if he wishes, state such facts and cite such legal or other authorities as he considers appropriate.

(c) The petition should be directed to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

(d) The Commission will make a determination of any petition filed pursuant to this § 146.9 within thirty days (excluding Saturdays, Sundays and legal public holidays) after receipt by the Privacy Unit of the petition, unless for good cause shown, the Commission extends the 30-day period. If a petition is denied, the Commission will notify the petitioner in writing and state the reasons therefor.

(e) Where the petition is made for review of a denial of a request for amendment made pursuant to § 146.8, the following additional procedures shall apply:

(1) If upon review the Commission grants the petition to amend the record, notice of the correction and its substance shall be given to each person or agency to whom the record had previously been disclosed, as shown on the record of disclosures maintained in accordance with § 146.6(c) of these rules.

(2) If upon review the initial denial of the request for amendment is upheld in whole or in part, the individual shall be notified of the provisions for judicial review of that determination which are set forth in Section 552a(g)(1)(A) and (2)(A), of Title 5 of the United States Code and the provisions for disputed records set forth in subparagraph (e)(3) of this § 146.7.

(3) If after review the Commission has declined to amend the records as the individual has requested, the individual may file with the Privacy Unit

a concise statement setting forth why he disagrees with the Commission's denial of his request. Any subsequent disclosure containing information about which a statement of disagreement has been filed shall clearly note the portion which is disputed, and include a copy of the individual's statement. The Commission may also include a copy of a concise statement explaining its reasons for not making the amendments requested.

§ 146.10 Information supplied by the Commission when collecting information from an individual.

The Commission will inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual of—

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

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

(c) The routine uses which may be made of the information, as published in the FEDERAL REGISTER; and

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

§ 146.11 Public notice of records systems.

(a) The Commission will publish in the FEDERAL REGISTER at least annually a notice of existence and character of each of its systems of records, which notice shall include—

(1) The name and location of the system;

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

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

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

(5) The policies and practices of the Commission regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the Commission official who is responsible for the system of records;

(7) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(8) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its contents; and

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

(b) Copies of the notices as printed in the FEDERAL REGISTER will be available in each office of the Commission. Locations of Commission offices are listed in

§ 145.6. Mail requests should be directed to the Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036. The first copy will be furnished free of charge. A charge will be made for each additional copy.

§ 146.12 Exemptions.

(a) Investigatory materials compiled for law enforcement purposes are exempt from portions of the Privacy Act of 1974 and of these rules as set forth in paragraph (c) of this section, on the basis and to the extent that individual access to these files could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program. Materials exempted under this paragraph are contained in the system of records entitled "Exempted Investigatory Records." Notwithstanding the foregoing, however, no record which has served as a basis for denying an individual a right, privilege, or benefit to which he would otherwise be eligible, shall be maintained in this system, unless 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. For records of this type, if practicable, material identifying the confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be maintained in a comparable non-exempted system of records.

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for employment with the Commission are exempt from portions of the Privacy Act of 1974 and of these rules as set forth in paragraph (c) of this section, to the extent that it identifies a confidential source. This is done in order to encourage persons from whom information is sought to provide information to the Commission which, absent assurances of confidentiality, they would be unwilling to give. However, if practicable, material identifying a confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be maintained in a non-exempt system containing the same category of record. Materials exempted under this paragraph are included in the system of records entitled "Exempted Employee Background Investigation Material."

(c) The systems set forth in paragraphs (a) and (b) of this section are hereby exempted from the provisions of Sections 552a (c), (3) (d), (e) (1), (e) (4) (G), (e) (4) (H), (e) (4) (I) and (f) of Title 5 of the United States Code (the Privacy Act of 1974), and are also exempted from the following Sections of these rules: § 146.3 [requests for information and for access]; § 146.5 [access to records]; § 146.6(d) [accounting of disclosures to be made available to the

individual]; § 146.11(a) (7), (8), (9) [content of the system notice]; and § 146.7(a) [relevancy of records].

APPENDIX A—FEES FOR COPIES OF RECORDS REQUESTED UNDER THE PRIVACY ACT OF 1974

a. The following schedule of fees shall apply to copies of records requested by individuals pursuant to the Privacy Act of 1974, 5 U.S.C. 552a and § 146.5(f).

(1) No fee shall be charged for copies of documents if the number of pages requested by that individual totals less than 10. This limit applies to the total requests under this section during any 180-day period.

(2) For requests for copies of documents in excess of 10 pages the charge will be \$0.10 per page.

(3) For materials other than paper records, the direct cost of the materials shall be charged, but person making the request shall be notified of the amount of the charge and shall give specific approval prior to the preparation of copies.

(4) The Commission may, upon application by the individual, furnish any records without charge or at a reduced rate, if it determines that such waiver or reduction of fee is in the public interest.

b. Requests for copies of documents should be addressed to Privacy Unit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, or may be made to the member of the Commission's staff through whom arrangements for access were made.

c. Payment must be made by check or money order payable to the Treasury of the United States. No employee of the Commission is authorized to accept payment of fees in cash.

d. Advance payment of all or part of the fee may be required at the discretion of the Commission. Generally, advance payment will not be required where the anticipated fee is less than \$25.

PART 150—LIMITS ON POSITIONS AND TRADING

Sec.

- 150.1 Limits on position and daily trading in grain for future delivery.
- 150.2 Limits on position and daily trading in cotton for future delivery.
- 150.3 Limits on position and daily trading in rye for future delivery.
- 150.4 Limits on position and daily trading in soybeans for future delivery.
- 150.5 Limits on position and daily trading in eggs for future delivery.
- 150.10 Limits on position and daily trading in potatoes for future delivery.
- 150.11 Limits on position and daily trading in corn for future delivery.

AUTHORITY: Sec. 4a, 49 Stat. 1492; 88 Stat. 1392, 1413; 7 U.S.C. 6a.

§ 150.1 Limits on position and daily trading in grain for future delivery.

The following limits on the amount of trading under contracts of sale of grain for future delivery on or subject to the rules of contract markets which may be done by any person are hereby proclaimed and fixed, to be in full force and effect on and after December 31, 1938:

(a) *Position limits.* (1) The limit on the maximum net long or net short position which any person may hold or control in any one grain on any one contract market, except as specifically authorized by paragraph (a) (2) of this section, is: 2,000,000 bushels in any one future or in all futures combined.

(2) To the extent that the net position held or controlled by any person in all futures combined in any one grain on any one contract market is shown to represent spreading in the same grain between markets, the limit on net position in all futures combined set forth in paragraph (a) (1) of this section may be exceeded on such contract market, but in no case shall the excess result in a net position of more than 3,000,000 bushels in all futures combined nor more than 2,000,000 bushels in any one future.

(b) *Daily trading limits.* (1) The limit on the maximum amount which any person may buy, and on the maximum amount which any person may sell, of any one grain on any one contract market during any one business day, except as specifically authorized by paragraph (b) (2) of this section, is: 2,000,000 bushels in any one future or in all futures combined.

(2) To the extent that purchases or sales of any one grain on any one contract market during any one business day made by any person are shown to represent spreading, or the closing of spreads, in the same grain between markets, the limit set forth in paragraph (b) (1) of this section may be exceeded on such contract market, but in no case shall the excess result in total purchases of more than 3,000,000 bushels, or total sales of more than 3,000,000 bushels, and in no event shall such person's total purchases or total sales, during any one business day, in any one future exceed 2,000,000 bushels.

(c) *Exemptions.* The foregoing limits upon position and upon daily trading shall not apply to:

(1) Bona fide hedging transactions as defined in § 1.3(z).

(2) Purchase transactions or net long positions in commodities covered by this order, if such transactions or positions are made or held by a producer of livestock or poultry or both, to the extent that the bona fide purpose of such transactions or positions is to offset the price risk incident to filling anticipated feed requirements of such producer for a specified operating period not in excess of one year: *Provided*, The producer availing himself of this exemption files with the Commission at least 10 days prior to making any transaction or acquiring any position in excess of any limit established by this order, a statement showing his unfilled anticipated requirements for feeding for a specified operating period not in excess of one year. Such statement shall set forth in detail such producer's anticipated requirements and explain the method of determination thereof, and shall include but not be limited to the following information:

(i) Annual requirements of feed for the three calendar years next preceding.

(ii) Anticipated feed requirements for a specified operating period not in excess of one year.

(iii) Inventory of feed on hand and/or purchases not yet delivered.

(iv) Unfilled anticipated feed requirements for a specified period not in excess of one year.

(v) Number of cattle, hogs, sheep, or poultry expected to be fed during a specified period not in excess of one year: *And provided further*, That whenever such producer's anticipated feed requirements shall change, he immediately files with the Commission a supplementary statement explaining such change and such producer also files with the Commission at least once each year, a statement setting forth the information described above.

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market, or its governing board, from responsibility to prevent manipulation and corners under section 5(d) of the Act.

(e) *Definitions.* As used in this part, the word "grain" includes wheat, oats, barley, and flaxseed, and the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

§ 150.2 Limits on position and daily trading in cotton for future delivery.

The following limits on the amount of speculative trading under contracts of sale of cotton for future delivery, on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after September 5, 1940:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in cotton on any one contract market is 30,000 bales in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of cotton which any person may buy, and on the maximum amount which any person may sell, on any one contract market during any one business day is 30,000 bales in any one future.

(c) *Bona fide hedging; straddles.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in § 1.3(z), nor, except during the delivery month, to (1) net positions in any one future to the extent that they are shown to represent straddles between cotton futures or markets, or (2) purchases and sales of cotton which are shown to represent straddles or the

closing of straddles between futures or markets.

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under paragraph (d) of section 5 of the Act (7 U.S.C., Sup. V, sec. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

§ 150.3 Limits on position and daily trading in rye for future delivery.

The following limits on the amount of trading under contracts of sale of rye for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after December 3, 1945:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in rye on or subject to the rules of any one contract market is 500,000 bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of rye which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 500,000 bushels in any one future or in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in § 1.3(z).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under paragraph (d) of section 5 of the Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons

acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

§ 150.4 Limits on position and daily trading in soybeans for future delivery.

The following limits on the amount of trading under contracts of sale of soybeans for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after June 26, 1971:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in soybeans on or subject to the rules of any one contract market is 3,000,000 bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of soybeans which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 3,000,000 bushels in any one future or in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in § 1.3(z).

(d) *Manipulations; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

§ 150.5 Limits on position and daily trading in eggs for future delivery.

The following limits on the amount of trading under contracts of sale of eggs for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after October 1, 1951:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in eggs on or subject to the rules of any one contract market is 150 carlots in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of eggs which any

person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 150 carlots in any one future or in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in § 1.3(z).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

§ 150.10 Limits on position and daily trading in potatoes for future delivery.

The following limits on the amount of trading under contracts of sale of Round White potatoes originating in Maine, and under contracts of sale of Russet Burbank potatoes originating in Idaho, for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after January 22, 1970.

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in any one type of potato contract specified in the first paragraph of this section, on or subject to the rules of any one contract market, is 300 carlots in any one future and 350 carlots in all futures combined: *Provided,* That no person may hold or control a net long or net short position in any one such type of contract in excess of (1) 150 carlots in the March potato future, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

(b) *Daily trading limit.* The limit on the maximum amount of potatoes under any one type of contract specified in the first paragraph of this section, which any person may buy, and on the maximum amount of potatoes under any one such type of contract which any person may sell, on or subject to the rules of any one contract market during any one business day is 300 carlots in any one future and 350 carlots in all futures combined: *Provided,* That no person may buy or sell during any one business day in any one such type of contract more than (1) 150 carlots in the March potato fu-

ture, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in § 1.3(z).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

§ 150.11 Limits on position and daily trading in corn for future delivery.

The following limits on the amount of trading under contracts of sale of corn for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after June 26, 1971.

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in corn on or subject to the rules of any one contract market is 3,000,000 bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount which any person may buy, and on the maximum amount which any person may sell, of corn, on or subject to the rules of any one contract market during any one business day is 3,000,000 bushels in any one future or in all futures combined.

(c) *Exemptions.* The foregoing limits upon position and upon daily trading shall not apply to:

(1) Bona fide hedging transactions as defined in § 1.3(z);

(2) Purchase transactions or net long positions in corn covered by this order, if such transactions or positions are made or held by a producer of livestock or poultry or both, to the extent that the bona fide purposes of such transactions or positions is to offset the price risk incident to filling anticipated feed requirements of such producer for a specified operating period, not in excess of one year: *Provided,* The producer availing himself of this exemption files with the Commission, at least 10 days prior to making any transaction or acquiring any position in excess of any limit established by this order, a statement show-

ing his unfilled anticipated requirements for feeding for a specified operating period not in excess of one year. Such statement shall set forth in detail such producer's anticipated requirements and explain the method of determination thereof, and shall include but not be limited to the following information:

(i) Annual requirements of feed for the three calendar years next preceding,

(ii) Anticipated feed requirements for a specified operating period not in excess of one year,

(iii) Inventory of feed on hand and/or purchases not yet delivered,

(iv) Unfilled anticipated feed requirements for a specified period not in excess of one year,

(v) Number of cattle, hogs, sheep, or poultry expected to be fed during a specified period not in excess of one year: *And provided further*, That whenever such producer's anticipated feed requirements shall change, he immediately files with the Commission a supplementary statement explaining such change and such producer also files with the Commission at least once each year, a statement setting forth the information described above.

(d) *Manipulations; corners; responsibility of contract market*. Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its gov-

erning board from responsibility under section 5(d) of the Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition*. As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits*. The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

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PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary
for Administration



PROCUREMENT REGULATIONS

Proposed Rulemaking

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Administration

[41 CFR Parts 24-1, 24-2, 24-3, 24-4, 24-7, 24-11, 24-13, 24-16, 24-30 and 24-50]

[Docket No. R-76-388]

PROCUREMENT REGULATIONS

Proposed Rulemaking

The Department proposes to revise 41 CFR Chapter 24, HUD Procurement Regulations. This revision, undertaken pursuant to the authority set forth in section 7(d) of the HUD Act, 42 U.S.C. 3535 (d), represents extensive changes in the existing provisions of Chapter 24, deleting various outdated parts, subparts and sections, revising other various parts, subparts and sections and adding still other parts, subparts and sections.

Existing Part 24-1, General, has been revised by deleting §§ 24-1.004-1 and 2, 24-1.006-2 and 4; by making both substantive and editorial changes to §§ 24-1.001, 2, 3, 4, 5, 6, 7, 7-1, 7-2, 7-3, 9, 9-1, 9-2; and by adding a new Section 24-1.107. Existing Part 24-2, Procurement by Formal Advertising, has been revised by making both substantive and editorial changes to §§ 24-2.000, 24-2.202-1, 3-3, 24-2.401, 2, 6-3, 6-4, 7-1, 7-7 and 7-8; and by adding new §§ 24-2.150, 50-1, 24-2.202-2, 2-3, 2-4, 2-51, 2-52, 2-53, 2-54, 24-2.205, 5-1, 5-2, 5-3, 24-2.301, 3, 3-1, 3-7, 34-2.402-50, 4, 4-50 and 7-50.

Existing Part 24-51, Contract Management Procedures is being deleted in its entirety; however, §§ 24-51.400, 401, 24-51.500 and 501 have been redesignated §§ 24-50.100, 101, 300 and 301, respectively, and certain of the substance in the remaining §§ 24-51.402 through 412 and 502, 503 and 504 have been incorporated in the new Part 24-50. In addition, there have been added the following new Parts 24-3, Procurement by Negotiation; 24-4, Special Types and Methods of Procurement; 24-7, Contract Clauses; 24-11, Federal, State and Local Taxes; 24-13, Government Property; 24-16, Procurement Forms; 24-30, Contract Financing; 24-50, Contract Administration. Section 24-2.406-3 reflects language which results from a Departmental request for a deviation from 41 CFR 1-2.406-3(b). If the deviation is approved, the language set forth herein will remain. However, if the deviation is not approved, a change to this section will be initiated to reflect the Director, Office of Procurement and Contracts as the only location within HUD who is delegated the authority to make a determination under 41 CFR 1-2.406(3)(b).

The purpose of these changes is to facilitate use of these regulations by HUD contractors and other concerned persons. The proposed regulations, like the existing regulations, supplement the Federal Procurement Regulations (FPR) in those areas intended to be implemented by individual agencies by elaborating in detail, the general requirements of the FPR and by including provisions with respect to matters on which the FPR is

silent. At this juncture, no deviation from FPR is proposed.

Interested persons are invited to submit written comments or suggestions regarding the proposed regulations to the Rules Docket Clerk, Room 10245, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, on or before March 22, 1976. All communications timely received will be considered before taking action on the proposed regulations. The proposals contained in this notice may be changed in light of comments received. A copy of each submittal will be available for public inspection during business hours, both before and after the closing date set out above, at the above address.

Under the proposed revision, 41 CFR Parts 24-1, 24-2, 24-3, 24-4, 24-7, 24-11, 24-13, 24-16, 24-30 and 24-50 would read as follows:

Part	General.
24-1	Procurement by formal advertising.
24-2	Procurement by negotiation.
24-3	Special types and methods of procurement.
24-4	Contract clauses.
24-7	Federal, State and local taxes.
24-11	Government property.
24-13	Procurement forms.
24-16	Contract financing.
24-30	Contract administration.
24-50	

PART 24-1—GENERAL

Sec.	Scope of part.
24-1.000	

Subpart 24-1.1—Regulation System

24-1.101	Scope of subpart.
24-1.102	Purpose.
24-1.103	Authority.
24-1.104	Applicability.
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24-1.106	Arrangement.
24-1.106-1	General plan.
24-1.106-2	Numbering.
24-1.106-3	Citation.
24-1.107	Implementation.
24-1.108	Deviation.
24-1.108-1	Description.
24-1.108-2	Procedure.

Subpart 24-1.2—Definition of Terms

24-1.201	Scope of subpart.
24-1.202	Definitions.
24-1.202-1	Department.
24-1.202-2	Secretary.
24-1.202-3	Chief officer responsible for procurement.
24-1.202-4	Procuring activity.
24-1.202-5	Head of procuring activity.
24-1.202-6	Contractor.
24-1.202-7	Subcontractor.
24-1.202-8	Supplies and property.
24-1.202-9	Personal Services.
24-1.202-10	Nonpersonal services.
24-1.202-11	Ratification.
24-1.202-12	Primary organization heads.

Subpart 24-1.3—General Policies

24-1.301	Scope of subpart.
24-1.302	Procurement sources.
24-1.302-1	General.
24-1.302-3	Contracts between the department and Government employees.
24-1.313	Records of contract actions.
24-1.318	Disputes.
24-1.318-1	Disputes clause.
24-1.318-2	Contracting officer's decision under a disputes clause.
24-1.318-3	HUD Board of Contract Appeals.

Subpart 24-1.4—Procurement Responsibility and Authority

Sec.	Scope of subpart.
24-1.400	Responsibility of the chief officer responsible for procurement.
24-1.402	Selection, designation and termination of designation of contracting officers.
24-1.404	Selection.
24-1.404-1	Designation.
24-1.404-2	Termination of designation.
24-1.404-3	Ratification of unauthorized contract awards.
24-1.405	Contracting officers representatives.
24-1.450	HUD procuring activities.
24-1.451	Office of Procurement and Contracts.
24-1.451-1	Office of Housing Management.
24-1.451-2	General services divisions.
24-1.451-3	Disaster field offices.
24-1.451-4	Unauthorized actions in the administration of contracts.
24-1.452	Contracting officers' responsibilities to examine validity of procurement request.
24-1.453	

Subpart 24-1.5—Debarred, Ineligible and Suspended Bidders

24-1.600	Scope of subpart.
Subpart 24-1.7—Small Business and Minority Business Concerns	
24-1.700	General.
24-1.702	Small business policies.
24-1.705	Small business advisor.
24-1.706	Small business specialist.
24-1.707	Procedures for initiating set-asides by the small business specialist(s).
24-1.708	Review of set-asides recommendations by the small business specialist(s).
24-1.709	Withdrawal or modification of set-asides.
24-1.709-50	Small business class set-aside for construction, including repair and reconditioning.
24-1.709-51	Review of class set-aside program for construction, including repair and reconditioning.
24-1.713	HUD contracts with the Small Business Administration.
24-1.714	HUD responsibilities and functions pursuant to section 8(a) of the Small Business Act.
24-1.715	HUD contracts with minority business firms.
24-1.715-1	Applicability and scope.
24-1.715-2	Authority.
24-1.715-3	Policy.
24-1.715-4	Certification of status as a minority business.

Subpart 24-1.50—Criteria for Establishing the Use of Grants or Contracts for Research

24-1.5000	Scope of Subpart.
24-1.5001	Policy.
24-1.5002	Criteria of use of grants and contracts.

AUTHORITY: Sec. 7(d), Housing and Urban Development Act (42 U.S.C. 3535(d))

§ 24-1.000 Scope of part.

This part describes the method by which the Department of Housing and Urban Development (HUD) implements, supplements and deviates from the Federal Procurement Regulations (FPR) through the establishment of the HUD Procurement Regulations (HUDPR), which prescribes the Department's procurement policies and procedures under the FPR System in terms of authority, applicability, issuance and arrangement.

Subpart 24-1.1—Regulation System**§ 24-1.101 Scope of subpart.**

This subpart describes the Department of Housing and Urban Development Procurement Regulations (HUDPR) and states their relationship to the FPR System. It also provides the explanation of their purpose and the authorities under which they are issued.

§ 24-1.102 Purpose.

The Department of Housing and Urban Development Procurement Regulations (HUDPR) are hereby established as Chapter 24 of the Federal Procurement Regulations System (41 CFR Chapter 24) and are issued to provide uniform Departmental policies and procedures for the procurement of supplies, personal property and non-personal services as defined in HUDPR § 24-1.202 by the Department's procuring activities and to make these policies and procedures readily available to Departmental personnel and to the public.

§ 24-1.103 Authority.

The HUDPR are prescribed by the Assistant Secretary for Administration under section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)), section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)) and under the Secretary's delegation effective May 13, 1974.

§ 24-1.104 Applicability.

All procurement of personal property and non-personal services (including construction) on behalf of the Secretary, except as may be otherwise authorized by law, must be accomplished in accordance with the HUDPR and the FPR:

(a) HUDPR implement, supplement, and in some instances may deviate from the FPR. Except as necessary to assure continuity or understanding, FPR material will not be repeated, paraphrased, or otherwise restated in HUDPR.

(b) Where HUDPR contain no material implementing the FPR, the FPR will govern.

(c) Except as specifically provided for herein, the HUDPR does not apply to the placement and administration of grants.

§ 24-1.105 Exclusions.

Certain HUD policies and procedures which come within the scope of this chapter nevertheless may be excluded from HUD Procurement Regulations. The exclusions are categorized as follows:

(a) Policy or procedure which is expected to be effective for a period of less than six (6) months.

(b) Policy or procedure of an internal nature which shall be issued as either a HUD notice or a HUD handbook.

§ 24-1.106 Arrangement.**§ 24-1.106-1 General plan.**

Chapter 24 is divided in Parts, Subparts, Sections, Subsections and further subdivisions as necessary.

§ 24-1.106-2 Numbering.

Generally, the numbering system and part, subpart, and section titles used in HUDPR conform with those used in FPR or as follows:

(a) When HUDPR implement or deviate from a part, subpart, section, or subsection of the FPR, that implementation or deviation will be numbered and captioned where possible to correspond to the FPR part, subpart, section or paragraph.

(b) Supplementary material published in the HUDPR will be assigned numbers from the number 50 onward which shall be used to denote the new appropriate part, subpart, section or paragraph of the HUDPR.

(c) Where material in the FPR required no implementation or deviation, there is no corresponding numbering in the HUDPR. Therefore, there may be gaps in the HUDPR sequence of numbers where the FPR, as written, are applicable to HUDPR and require no further implementation.

§ 24-1.106-3 Citation.

HUDPR will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. Thus, this section when referred to in HUDPR should be cited as "Sec. 24-1.106-3 of this Chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 24-1.106-3." Any section of the HUDPR may be informally identified by the section number, e.g., "HUDPR 24-1.106-3."

§ 24-1.107 Implementation.

HUDPR implement and supplement the FPR. Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

§ 24-1.108 Deviation.**§ 24-1.108-1 Description.**

The term deviation, which includes deviations from FPR as well as HUDPR, means:

(a) When a prescribed contract clause is set forth verbatim, use of a contract clause covering the same subject matter which varies from that set forth;

(b) When a standard or other form is prescribed, use of any other form for the same purpose;

(c) Alteration of a prescribed standard or other form, except as may be authorized in the Regulations;

(d) The imposition of lesser or, where the regulations expressly prohibits greater limitations than are imposed upon the use of a contract clause, form, procedure, type of contract, or upon any other procurement action, including but not limited to, the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration, or settlement of contracts; and

(e) When a policy or procedure is prescribed, use of any inconsistent policy or procedure.

§ 24-1.108-2 Procedure.

In the interests of establishing and maintaining uniformity to the greatest extent feasible, deviations from the FPR or HUDPR shall be kept to a minimum and controlled as follows:

(a) In individual cases, deviations from the FPR or HUDPR may be submitted to the Assistant Secretary for Administration or the Director, Office of Procurement and Contracts for approval or other necessary or appropriate action. A supporting statement shall be submitted with the proposed deviation indicating briefly the nature of the deviation and the reason the deviation is necessary and in the best interest of the Government. The contract file shall include a copy of the request submitted and the approval. In emergency situations involving individual cases, deviation approvals may be processed by telephone and later confirmed in writing.

(b) In classes of cases, deviations from the FPR or HUDPR shall be submitted to the Assistant Secretary for Administration for his approval or other necessary or appropriate action. Requests for deviations shall be supported by statements adequate to disclose fully the nature of the deviation and the need therefor. The Assistant Secretary for Administration will consider on an expedited basis jointly with GSA requests involving the FPR unless he determines, after due consideration of the objective of uniformity and the proper responsibilities of HUD, circumstances preclude such joint effort. In such cases, the Assistant Secretary for Administration will approve such class deviations as he determines necessary and GSA will be notified. Authorized class deviations will be reflected in HUDPR.

Subpart 24-1.2—Definition of Terms**§ 24-1.201 Scope of Subpart.**

This subpart contains definitions of terms used generally throughout HUDPR, in addition to those set forth in 41 CFR Part 1-1.2. Additional definitions will be found in individual subparts of the FPR and HUDPR covering terms used in the subparts only.

§ 24-1.202 Definitions.**§ 24-1.202-1 Department.**

"Department" means the Department of Housing and Urban Development, which may also be designated as "HUD."

§ 24-1.202-2 Secretary.

"Secretary" means the Secretary of Housing and Urban Development.

§ 24-1.203-3 Chief officer responsible for procurement.

The Director, Office of Procurement and Contracts is the Chief Officer responsible for procurement within the Department.

§ 24-1.202-4 Procuring activity.

"Procuring Activity" means those offices identified under Sec. 24-1.451 which have authority delegated by the Secretary and redelegated by the cognizant

official to purchase or contract for supplies, services and/or construction.

§ 24-1.202-5 Head of procuring activity.

"Head of Procuring Activity" as used in the HUDPR has the following meaning:

(a) *Director, Office of Procurement and Contracts* for HUD headquarters procurement;

(b) *The Assistant Regional Administrators for Administration* for regional office procurement;

(c) *The Director, Office of Property Disposition* for national contracts on acquired properties;

(d) *The Directors, Area and Insuring Offices* for decentralized procurement on acquired properties;

(e) *The Directors, Strategic Storage Centers* for procurement in support of the requirements for disaster temporary housing, storage, maintenance, repair and transport;

(f) *The Directors, Disaster Field Offices* for procurement of supplies and services in support of temporary housing for Presidentially-declared disaster areas; and

(g) *The Director, Office of Housing Programs* for contracts for the Consolidated Supply Program.

§ 24-1.202-6 Contractor.

"Contractor" means any person, firm, association, or corporation entering into a contract with the Government.

§ 24-1.202-7 Subcontractor.

"Subcontractor" means any person, firm, association, or corporation entering into a subcontract with a contractor or higher-tier subcontractor.

§ 24-1.202-8 Supplies and property.

"Supplies and property" means materials and goods to be delivered to the Department under contracts or purchase orders.

§ 24-1.202-9 Personal services.

"Personal services" means the services of an officially appointed or employed individual engaged in the performance of authorized Federal functions under the supervision and direction of a Federal officer and paid for on a time or contract price basis. Personal services are acquired by HUD through consulting agreements which may only be executed by the HUD Headquarters Office of Personnel.

§ 24-1.202-10 Nonpersonal services.

"Nonpersonal services" means those services rendered by non-Government firms, institutions or persons through contract or agreement with the Department of Housing and Urban Development wherein no employee-employer relationship exists.

§ 24-1.202-11 Ratification.

"Ratification" means a subsequent confirmation in writing by an authorized HUD official of the placement of the type of order referred to in HUDPR 24-1.202-11 by a HUD official not authorized to do so.

§ 24-1.202-12 Primary organization heads.

"Primary Organization Heads" are those officials of the Department who are responsible for the major organizational components of HUD and who report directly to the Secretary or Under Secretary. The Primary Organization Heads of HUD are: Assistant Secretary(ies), the General Counsel, the Deputy Under Secretary(ies), Federal Insurance Administrator, Interstate Land Sales Administrator, New Communities Administrator, Federal Disaster Assistance Administrator, Inspector General and Regional Administrator(s).

Subpart 24-1.3—General Policies

§ 24-1.301 Scope of subpart.

This subpart sets forth Departmental policies which are applicable to all procurements and which provides general guidance on matters which include but are not limited to sources public information and disputes procedures.

§ 24-1.302 Procurement sources.

§ 24-1.302-1 General.

The procurement of supplies and services may be obtained from the following:

(a) *Government sources.* Procurement of certain supplies and services may be effected by orders on Government sources referred to in 41 CFR 1-1.302-1. It is the policy of the Department that such methods of procurement be utilized to the maximum extent practicable, in accordance with applicable laws and regulations and these include:

(1) Excess and surplus stocks in the hands of any Government agency;

(2) Federal Supply Schedules;

(3) General Services Administration Stores Stock;

(4) Federal Supply Service Consolidated Purchase Programs;

(5) Federal Prison Industries, Inc.; and

(6) National Industries for the Blind.

(b) *Sources outside the Government.* Irrespective of whether the procurement of supplies or services from sources outside the Government is to be effected by formal advertising or by negotiation, competitive proposals ("bids" in the case of procurement by formal advertising, "proposals" in the case of procurement by negotiation) shall be solicited from all such qualified sources as are deemed necessary by the Contracting Officer to assure such full and free competition as is consistent with the procurement of the types of supplies and services necessary to meet the Department's requirements.

(c) *Other Federal Agencies as sources.* The Department may enter into agreements (called Interagency Agreements) with other Departments or Agencies of the Federal Government to acquire supplies or services that are available from such other Agencies.

§ 24-1.302-3 Contracts between the department and government employees.

Both prime contracts between the Government and its employees or business organizations substantially owned or controlled by Government employees, as well as any and all subcontracts there-

under, will not knowingly be entered into, except in those cases in which the needs of the Government cannot reasonably be otherwise supplied. The specific approval of the Assistant Secretary for Administration must be obtained for any such contract or subcontract.

§ 24-1.313 Records of contract actions.

Each procuring activity within HUD shall maintain an official record for each contract and purchase order issued. Each official procurement record shall constitute an independent history, documented to provide a complete chronology of all actions taken and shall contain all preaward and postaward actions in sufficient detail to explain and support the judgments of the Contracting Officer. In addition, official procurement records shall contain written documentation of all understandings, oral agreements and any other information pertinent to the transaction in the manner prescribed by each procuring activity.

§ 24-1.318 Disputes.

§ 24-1.318-1 Disputes clause.

Every contract awarded by the Department shall contain a Disputes Clause, as set forth in 41 CFR 1-7.102-12.

§ 24-1.318-2 Contracting officer's decision under a disputes clause.

When a disagreement of fact arising under the contract cannot be settled by agreement between the contractor and the Contracting Officer, the Contracting Officer shall then review all pertinent facts and issue a written final decision under the Disputes Clause. Such final decision must represent the independent judgment of the Contracting Officer and shall contain language substantially in accord with that set forth in 41 CFR 1-1.318-1. A copy of each Contracting Officer's decision under the Disputes Clause shall be furnished to the contractor by certified mail, return receipt requested, or in person, obtaining a receipt therefor.

§ 24-1.318-3 HUD Board of Contract Appeals.

The HUD Board of Contract Appeals has been established to hear, consider, and determine appeals from decisions of Contracting Officers pursuant to the clause entitled, "Disputes" of the contract. The HUD contract appeal procedure is set forth in 24 CFR Part 20.

Subpart 24-1.4—Procurement Responsibility and Authority

§ 24-1.400 Scope of subpart.

This subpart deals with the placement of procurement authorities and responsibilities within the Department, the selection and designation of Contracting Officers and the authorization of procurement activities.

§ 24-1.402 Responsibility of the Chief Officer Responsible for Procurement.

The chief officer responsible for procurement shall establish procurement policy throughout the Department and monitor the overall effectiveness and effi-

ciency of the Department's procurement activities. The person exercising this authority shall establish adequate controls to assure compliance with applicable laws, regulations and procedures.

§ 24-1.404 Selection, designation and termination of designation of contracting officers.

§ 24-1.404-1 Selection.

In addition to the requirements set forth in 41 CFR 1-1.404-1, the appropriate delegating or redelegating authority shall assure that the delegation of Contracting Officer's authority include clear statements of such authority, responsibilities and limitations.

§ 24-1.404-2 Designation.

Except for Disaster related activities and unusual circumstances as determined by the appropriate Assistant Secretary, it is the Department's policy to delegate Contracting Officer authority from the Assistant Secretary(ies) and to redelegate to each Contracting Officer by position rather than on an individual basis. For those delegations of Contracting Officer authority issued by name under the unusual circumstances mentioned in the exception above, a time limitation of one hundred eighty days (180) shall be made a part of the delegation of authority. All designations of Contracting Officers shall be made in writing and published in the FEDERAL REGISTER. Except in those instances where the re-delegation of authority specifically includes the authority for further re-delegation to subordinate positions, no other delegations or re-delegations may be made.

§ 24-1.404-3 Termination of designation.

The established Contracting Officer authority exists as follows:

(a) *Automatic termination.* Unless the delegation of authority of a Contracting Officer contains provision for automatic termination, the delegation shall remain effective, unless revoked by the appropriate Assistant Secretary. The authority of individuals designated as Contracting Officers by virtue of their position will be terminated upon their reassignment to another position in the Department or upon termination of their employment.

(b) *Revocation.* The delegation of authority for a Contracting Officer may be revoked in writing at any time by the delegating authority but no such revocation shall operate retroactively. Revocation of the delegation shall be published in the FEDERAL REGISTER.

(c) *Succession of authority.* Persons who succeed to a position designated as a Contracting Officer shall assume responsibility for the administration of all contracts entered into by their predecessors.

§ 24-1.405 Ratification of Unauthorized Contract Awards.

Except as provided for under 41 CFR 1-1.405, no liability shall be incurred by the Government as a result of the actions of Departmental employees (other than Contracting Officers) which lead to

unauthorized arrangements for the reimbursement of a contractor's pre-contract costs. Contracting Officers shall not ratify contractual commitments made by other personnel of HUD without the prior approval of the Head of the Procuring Activity.

§ 24-1.450 Contracting officer's representatives.

Contracting Officers may designate other Government employees to act as their authorized representatives for certain specific purposes of contract administration. Such designation shall be in writing and shall contain specific instructions as to the extent to which the representative has been given authority to take action for the Contracting Officer. A designation to act as a Contracting Officer may contain authority to sign contractual documents and approve invoices or vouchers. It may not include functions related to the procurement which are of a technical nature including review and approval of work or research plans, techniques, and reports and which would normally be performed by the Government Technical Representative. Designations shall be effective only on a contract-by-contract basis. Designations which may be construed to apply to more than one contract shall be approved by the head of the procuring activity.

§ 24-1.451 HUD procuring activities.

HUD procures supplies and services (including construction) through the organizational elements specified in §§ 24-1.451-1—24-1.451-4.

§ 24-1.451-1 Office of Procurement and Contracts.

The Office of Procurement and Contracts, Assistant Secretary for Administration, is responsible for all Departmental procurement except as specified below.

§ 24-1.451-2 Office of Housing Management.

The Assistant Secretary for Housing Management has overall responsibility for the following procuring activities:

(a) *Property Disposition Program.* Through its Property Disposition program, Housing Management is responsible for entering into and administering all procurement contracts with respect to all contracts for goods and services for the management, repair, improvement, alteration, demolition, maintenance, operation, rental, and sale or other disposition of all real and related property conveyed to or otherwise in the custody of the Secretary, including properties held by HUD as mortgagee-in-possession, and the publication of notices and advertisements in newspapers, magazines, and periodicals. This procurement operation is decentralized to specific positions at the Area and Insuring Office level. In addition, the Office of Property Disposition performs contracting functions through its Central Office Staff on all requirements having national applicability such as the acquisition of lock boxes and "for sale" signs.

(b) *Emergency Preparedness—Disaster Relief Program.* Through the Disaster Relief Program and mission assignment through the Administrator, Federal Disaster Assistance Administration, Housing Management is responsible for entering into and administering contracts within disaster areas relating to disaster temporary housing including the sale of emergency housing acquired pursuant thereto to occupants.

(c) *Emergency Preparedness—Strategic Storage Centers.* The procurement of supplies and services in support of the requirements to store, maintain, repair and transport disaster temporary housing (mobile homes and travel trailers) is conducted through the Strategic Storage Centers.

(d) *Consolidated Supply Program.* Through its consolidated supply program, Housing Management is responsible for entering into and administering contracts for voluntary use by public housing agencies in their purchase of certain supplies and equipment necessary in the operation and maintenance of low-income housing.

§ 24-1.451-3 General services divisions.

Procurement of supplies and services not exceeding \$10,000 for HUD Regional requirements including support of the Federal Disaster Assistance Administrator, Regional Office, is accomplished at each Regional Office in the General Services Division, Assistant Regional Administrator for Administration. In addition, the Regional Directors of General Services may delegate authority to the Administrative Officers of the Area and Insuring Offices to execute Fed Strip and Imprest Fund transactions.

§ 24-1.451-4 Disaster field offices.

Procurement of supplies and services to assist disaster areas through mission assignments by the Administrator, Federal Disaster Assistance Administration.

§ 24-1.452 Unauthorized actions in the administration of contracts.

Only Contracting Officers or duly authorized Contracting Officers' representatives acting within the scope of their authority may impose on a contractor any requirement which will affect price, period of performance or any other provisions of the contract. All contract changes must be directed in writing by a Contracting Officer or such Contracting Officer's representative.

§ 24-1.453 Contracting officers' responsibilities to examine validity of procurement request.

Contracting Officers are charged with the responsibility of ascertaining that procurement actions do not violate any statutes, regulations or Department policies.

Subpart 24-1.6—Debarred, Ineligible and Suspended Bidders

§ 24-1.600 Scope of subpart.

Contractors and Grantees who have been debarred, suspended or made ineligible pursuant to 24 CFR Part 24 shall

not be eligible for HUD contracts and will not receive solicitations therefor, subject to the requirements of 41 CFR 1-1.605-5.

Subpart 24-1.7—Small Business and Minority Business Concerns

§ 24-1.700 General.

This subpart implements and supplements general policies and procedures set forth in 41 CFR 1-1.7.

§ 24-1.702 Small business policies.

In addition to the policies prescribed in 41 CFR 1-1.702, HUD procuring activities shall cooperate with the Small Business Administration through the Department's small business advisor in the implementation of policies and procedures in 41 CFR 1-1.7 and this subpart.

§ 24-1.705 Small Business Advisor.

The Director, Office of Procurement and Contracts is hereby designated as the Department's Small Business Advisor for all procurement matters. The Small Business Advisor is responsible for the establishment, implementation, and execution of the Small Business program. He is the central point of contact for inquiries concerning the Small Business program from industry, the Small Business Administration (SBA), the Congress, the Office of the Secretary, and others. His duties include developing a plan of operation to increase the share of contracts awarded to small business by the Department.

§ 24-1.706 Small business specialist.

The Director, Office of Procurement and Contracts, Director, Office of Property Disposition, Director, Office of Housing Programs, Directors, Strategic Storage Centers and each Assistant Regional Administrator for Administration, Regional General Services Procurement shall each designate by name and in writing a Supervisory Small Business Specialist who shall either perform and/or supervise, and coordinate the duties of the Small Business Specialist(s) and act as the focal point for contact with the Small Business Advisor within their appropriate areas of assignment. Each head of a procuring activity shall designate by name or title and in writing a Small Business Specialist or Specialists for each procuring activity over which he exercises control to perform the duties set forth in this section. The Small Business Specialist appointed pursuant to HUDPR 24-1.706 shall perform such of the following duties as are appropriate for his procuring activity:

(a) Maintain a program designed to locate capable small business sources for current and future procurements;

(b) Coordinate inquiries and requests for advice from small business concerns on procurement matters;

(c) Review proposed solicitations for supplies and services, assure that small business concerns will be afforded an equitable opportunity to compete, and, as appropriate, initiate recommendations for small business set-asides;

(d) Take action to assure the availability of adequate specifications and

drawings, when necessary, to obtain small business participation in a procurement;

(e) Review proposed procurements for possible breakout of items suitable for procurement from small business concerns;

(f) Advise small business concerns with respect to the financial assistance available under existing laws and regulations and assist such concerns in applying for financial assistance;

(g) Participate in determinations concerning the responsibility of a prospective small business contractor;

(h) Participate in the evaluation of a prime contractor's small business subcontracting programs;

(i) Assure that adequate records are maintained, and accurate reports prepared, concerning small business participation in the procurement program;

(j) Make available to SBA copies of solicitations, when so requested; and

(k) Act as liaison between the Contracting Officer and the appropriate SBA office in connection with set-asides, certificates of competency, size classification, and any other matter in which the small business program may be involved.

§ 24-1.707 Procedures for initiating set-asides by the small business specialist(s).

All proposed procurements estimated to exceed \$2,500 shall be reviewed by a Small Business Specialist for purposes of identifying those procurements which should be set aside in part or in total to small business, unless the Head of the Procuring Activity determines in accordance with 41 CFR 1-1.705-3(a) that such review would unduly delay the procurement process. The Small Business Specialist shall initiate recommendations to the Contracting Officer for small business set-asides with respect to identifying individual procurements or classes of procurements or portions thereof.

§ 24-1.708 Review of set-aside recommendations initiated by small business specialist(s).

The Small Business Specialist may recommend that all, or a portion, of an individual procurement or class of procurements be set aside for small business and the contracting officer shall promptly either (a) concur in the recommendation, or (b) disapprove the recommendation, stating in writing his reasons for disapproval. If the contracting officer disapproves the recommendation of a Small Business Specialist, the Small Business Specialist may appeal to the head of the procuring activity whose decision shall be final.

§ 24-1.709 Withdrawal or modification of set-asides.

A withdrawal or modification of an individual or class set-aside which was originally established upon the recommendation of the Small Business Specialist may be proposed by the contracting officer by giving notice, containing the reason for the proposed withdrawal or modification, to the Small Business Specialist. If the Small Business Spe-

cialist does not agree to a withdrawal or modification, he may appeal to the Head of the Procuring Activity whose decision shall be final.

§ 24-1.709-50 Small business class set-aside for construction, including repair and reconditioning.

A class set-aside is hereby made for each proposed procurement for construction, in an amount ranging from estimates of \$10,000 to \$500,000. Accordingly, Contracting Officers shall set aside for small business each such proposed procurement. If a Contracting Officer determines that any individual procurement falling within the class set-aside requirements of this Section is unsuitable for such a test-aside in part or in total, the set-aside may be withdrawn as modified in accordance with HUDPR 24-1.709. Proposed procurements for construction which exceed an estimate of \$500,000 shall be considered for set-aside on a case-by-case basis.

§ 24-1.709-51 Review of class set-aside program for construction, including repair and reconditioning.

The head of each procuring activity shall forward a semi-annual report on class set-aside withdrawals to the Director, Office of Procurement and Contracts (OPC) as a part of the required Standard Form 37, Report on Procurement by Civilian Executive Agencies. The Director, OPC, acting as the small business advisor, through the Supervisory Small Business Specialist, shall direct actions to be taken to improve small business participation under the class set-aside in 24-1.709-50.

§ 24-1.713 HUD contracts with the Small Business Administration.

It is the policy of the Department to increase small business participation in its procurement program by awarding procurement contracts, whenever feasible, to the Small Business Administration (SBA) as authorized by section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

§ 24-1.714 HUD responsibilities and functions pursuant to section 8(a) of the Small Business Act.

The HUD responsibilities and functions pursuant to section 8(a) of the Small Business Act are as follows:

(a) *8(a) program responsibility.* The HUD Assistant Secretary for Fair Housing and Equal Opportunity is responsible for development and review of goals to be achieved under the 8(a) program and shall coordinate with each Primary Organization Head in establishing the level of HUD's participation in the 8(a) program and coordination with the Small Business Advisor to definitize HUD's plan for implementation of the 8(a) established goal(s). In conjunction with this responsibility for establishing 8(a) goals, the Assistant Secretary for Fair Housing and Equal Opportunity shall make available to the Small Business Advisor 8(a) program guides for use by the Small Business Specialist and Contracting Officers in making determinations on individual

procurements that should be processed as an 8(a) contract to be awarded to SBA.

(b) *8(a) procurement responsibility.* The procurement and contracting aspects of this program shall be the responsibility of the Small Business Advisor who shall assure that 8(a) procurement requirements are implemented through the Supervisory Small Business Specialist in each of their appropriate area of assignment.

(c) *8(a) functions of the small business specialist.* The Small Business Specialist and/or Supervisory Small Business Specialists, acting on behalf of the Small Business Advisor, shall screen proposed solicitations to determine the feasibility of placement under the 8(a) program as part of the performance of those duties set forth under HUDPR 24-1.706(b). The Small Business Specialist, after consideration of the goals and guidance established pursuant to paragraph (a) of this section, shall make recommendations for 8(a) procurement to the Contracting Officer, who may, in his discretion, contract with the Small Business Administration in accordance with 41 CFR 1-1.705-7 and 1-1.713.

(d) *8(a) reporting requirements.* The Small Business Advisor shall report to the Assistant Secretary for Fair Housing and Equal Opportunity on a semiannual basis covering the activities of the 8(a) program which shall include the following:

(1) A narrative statement regarding the operation of the program during the 6-month period; and

(2) The number and dollar amount of awards made to small business under the 8(a) program.

In addition to the semiannual report to the Assistant Secretary for Fair Housing and Equal Opportunity, the Small Business Advisor shall also report annually to the General Services Administration on the current Standard Form 37 (SF-37), the number and dollar amount of awards made to small business under the 8(a) program. The SF-37 may be obtained from the Government Printing Office, Washington, D.C. or local Government supply outlets.

§ 24-1.715 HUD contracts with minority business firms.

§ 24-1.715-1 Applicability and scope.

This section sets forth the policy and procedures for contracting with minority business enterprises. A "minority business enterprise" is defined under 41 CFR 1-1.1310-2(a) as "a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-orientals, American-Indians, American Eskimos, and American Aleuts."

§ 24-1.715-2 Authority.

Executive Order 11625 dated October 13, 1971, clarifies the authority of the

Secretary of Commerce with respect to the development and coordination of a national program for minority business enterprise. In addition, the Executive Order requires each Federal department or agency to cooperate with the Secretary of Commerce in achieving the goals of the minority business program including the collection and furnishing of data and reports as required.

§ 24-1.715-3 Policy.

It is the policy of HUD to foster and promote the participation of minority business firms in the Department's procurement program and to offer guidance to such firms to the maximum extent practicable in order to enhance their ability to compete for the placement of HUD procurement contracts.

§ 24-1.715-4 Certification of status as a minority business enterprise.

All procuring activities shall request all interested Contractors, bidders or offerors and sources utilized through small purchase procedures to complete on a voluntary basis a certification as to whether they are a minority business enterprise as defined under 41 CFR 1-1.715-1. Completion of this certification is not a condition of eligibility for contract award.

RFQ/IFB/RFP No. _____
Purchase Order /Contract No. _____
U.S. Department of Housing and Urban Development additional certification of status as a minority business enterprise.

Offerors, bidders or suppliers are requested to complete, sign and attach this page, in single copy, to any bid, proposal or quote submitted under the Solicitation identified above. Completion of this certification is not a condition of eligibility for contract award.

The Bidder/Officer/Supplier certified that he-is,—is not a minority business enterprise which is defined as a business, at least 50 percent of which is owned by minority group members or, in the case of publicly owned business, at least 51 percent of the stock of which is owned by minority group members. For the purpose of this definition, minority group members are Negroes, Spanish-speaking American persons, American-orientals, American-Indians, American Eskimos, and American Aleuts.

(Name and Title of Person Signing) _____
Signature _____
Date _____

Subpart 24-1.50—Criteria for the Use of Grants or Contracts for Research

§ 24-1.5000 Scope of subpart.

This subpart established policies relating to the basic difference for using either a grant or contract in Departmental research efforts.

§ 24-1.5001 Policy.

Research grants may be made to support research at non-profit organizations and educational institutions and when it is advantageous to the Government. Grants are not intended to support research efforts solely as a means of expediency or to replace the required constraints of procurement contracting. FPR and HUDPR provisions relating to contract award are not applicable to awards of grants.

§ 24-1.5002 Criteria for use of grants and contracts.

The criteria set forth below shall be used to determine which type of instrument shall be used.

(a) *Use of grants.* The factors that indicate the use of grants rather than contracts are:

(1) The primary purpose is to aid or support the acquisition of knowledge or understanding of the subject under study;

(2) The exact course of the work and its outcome are not defined precisely and specific points in time for achievement of significant results are not specified; and

(3) The nature of the proposed investigation is such that the grantee will bear prime responsibility for the conduct of the research, and exercise judgment and original thought toward attaining the goals within broad parameters of the research areas proposed and the related resources provided.

(b) *Use of contracts.* The factors that indicate the use of contracts rather than grants are:

(1) The primary purpose is to buy or procure well-defined research or development in direct support of a HUD program;

(2) The end product is a specific service, piece of hardware of improved performance of a specific device;

(3) HUD considers it necessary to exercise a more stringent control over the objectives, direction, specifications, costs or methods of the research, and such control is desirable and feasible; and

(4) The end result is clearly defined and "specifications" are prepared in advance of the work.

PART 24-2—PROCUREMENT BY FORMAL ADVERTISEMENT

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Subpart 24-2.4—Opening of Bids and Award of Contract

- 24-2.401 Receipt and safeguarding of bids.
- 24-2.402 Opening of bids.
- 24-2.402-50 Marking of bids.
- 24-2.402-51 Timing of acceptance and withdrawal.
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- 24-2.407-8 Protest against award.
- 24-2.407-50 Award when only one bid is received.
- 24-2.408 Information to bidders.

AUTHORITY: Sec. 7(d), Housing and Urban Development Act, 42 U.S.C. 3535(d).

§ 24-2.000 Scope of part.

This part implements and supplements the basic requirements for procurement of personal property and non-personal services (including construction) by formal advertisement, and establishes policies with respect to solicitation of bids, submission of bids and opening and evaluation of bids and, the awarding of contracts as set forth in 41 CFR Part 1-2.

Subpart 24-2.1—Use of Formal Advertising

§ 24-2.150 Specification requirements.

§ 24-2.150-1 General.

In addition to the requirement stipulated in 41 CFR 1-1.305, the specification shall be specific as to the objectives and the tasks to be performed, time of performance, Government-furnished materials and information, reporting requirements, measurements of progress, publications and time periods for Government review. Generally the specifications shall be stated in detail and contain the following elements but shall always be written to meet the minimum that will also be acceptable:

- (a) Objective.
- (b) Scope of work.
- (c) Specific tasks.
- (d) Performance.
- (e) Products/deliverables and schedules.
- (f) Reports.
- (g) Government obligations.

The adequacy of specifications is a critical factor in the use of formal advertising procedures. They must be defined well enough to permit all bidders to bid on the same basis. The Contracting Officer is responsible for determining when formal advertising is impractical or otherwise unsuitable and for documenting the file accordingly in the form of a determination and finding.

Subpart 24-2.2—Solicitation of Bids

§ 24-2.201 Preparation of invitations for bids.

Forms used in the preparation of invitations for bids are prescribed in 41 CFR Subpart 1-16.1 and 1-16.4 and in 41 CFR Subpart 24-16 of this Chapter.

§ 24-2.202 Miscellaneous rules for solicitation of bids.

§ 24-2.202-1 Bidding time.

In the procurement of supplies and services, the following shall be observed:

(a) Procurement action which does not provide for the minimum bidding time required by 41 CFR 1-2.202-1(c) shall be justified by the Contracting Officer prior to releasing the invitation for bids. This justification shall take the form of a finding of fact which establishes the Contracting Officer's basis for the exception to the minimum bidding time.

(b) The minimum bidding time stipulated in 41 CFR 1-2.202-1(c) shall not be construed as a maximum. Each prospective procurement shall be examined on its own merits to determine the bidding time that will facilitate competition on reasonable and equal terms. As a general rule, procurement of a less complicated nature for which no extensive bid preparation by the prospective bidder is required in development of his bid may contain a bidding time of 20 calendar days. Where the specification may require prospective bidders to develop drawings or samples, or to do extensive preparation in developing a meaningful bid, 30 calendar days or more of bidding time may be required. When similar types of requirements necessitate a quick turn-around time, the appropriate Procuring Activity may request a class exception to the minimum bidding time relating to the urgency for the supplies or services. If this situation exists, the Contracting Officer will make a request to the Head of the Procuring Activity for approval of the class exception or where internal Departmental regulations exist regarding exception to the minimum bidding time these regulations are construed as exception under this Section.

§ 24-2.202-2 Telegraphic bids.

Telegraphic bids will be authorized only by the Contracting Officer who shall document the official procurement file as to the necessity of telegraphic bids. Conditions under which telegraphic bids may be authorized are set forth in 41 CFR 1-2.202-2. When telegraphic bids are authorized by the Contracting Officer, the following clause shall be incorporated in the Invitation for Bids:

Telegraphic bids may be submitted in response to this Invitation for Bids (IFB). Telegraphic bids must be received in this Office prior to the time specified for opening of bids. Such bids must specifically refer to this IFB; must include the items or sub-items, quantities and unit prices for which the bid is submitted and the time and place of delivery; and must contain all the representations and other information required by the IFB together with a statement that the bidder agrees to all the terms, conditions and provisions of the invitation. Failure to furnish, in the telegraphic bid, the representations and information required by the IFBs may necessitate rejection of the bid. Signed copies of the IFBs must be furnished in confirmation of the telegraphic bids. The bidder shall confirm the telegraphic bid on the required forms contained in the IFB and shall submit it to the Contracting Officer within five (5) calendar days after the time and date set forth in the IFB for receipt of all bid responses.

§ 24-2.202-3 Place and method of delivery of supplies.

To the maximum extent practical, invitations for bids issued by HUD shall stipulate "f.o.b. destination." Only where the Contracting Officer determines it to be in the Government's best interest may he deviate from this policy.

§ 24-2.202-4 Bid samples.

Bid samples submitted by bidders as required by an invitation for bids or as unsolicited samples, if not returned in accordance with 41 CFR 1-2.202-4(h), shall be disposed of by the Contracting Officer who shall document the contract file as to the method of disposition.

§ 24-2.202-50 Extension of time for bid opening.

Whenever such action is determined by the Contracting Officer to be in the best interest of the Government, bid openings may be rescheduled for a later date by issuance and distribution of an amendment (see 41 CFR 1-2.207) to the invitation for bids. Notices of change in bid opening date shall specify the exact time and date for the new opening and will be issued by mail or telegram as soon as possible, but in any event prior to the time specified for the opening of bids.

§ 24-2.202-51 Incorporation by reference.

There shall be shown on the face of the invitation for bids or, if that sheet is not the primary one provided for the bidder's signature, on the primary sheet that is so provided, a listing of attachments which are to form a part of the bid invitation and resulting contract, as follows:

The following attachments hereto form a part of this Invitation for Bids and any resulting contract:

§ 24-2.202-52 Prebid conference.

Whenever a prebid conference is proposed for a procurement the following will be applicable:

(a) General. One of the essential elements of formal advertising is that all bidders are afforded an equal opportunity to compete. For this reason, discussions with prospective bidders will only be conducted by or with the knowledge and approval of the Contracting Officer. It is incumbent upon the Contracting Officer to afford to all prospective bidders the same information so as not to give advantage over the others if issued to only one potential bidder. The need for prebid conferences in advertised procurements should be infrequent and such conferences shall not be used as a substitute for formally amending a defective or ambiguous solicitation or to disseminate additional specification requirements. The prebid conference is a procedure generally reserved for complex procurements to provide for discussion of unusual aspects. A prebid conference is only authorized when it is deemed by the Contracting Officer to be in the best interest of the Government and approved by the Head of the Procuring Activity or when written internal program policy requires it under certain specified circumstances.

(b) *Format.* The typical format of a prebid conference is a formal presentation by the Contracting Officer or his representative followed by a question and answer period. All prospective bidders and their subcontractors shall be invited to the meeting in a manner deemed appropriate by the Contracting Officer. When held, a prebid conference shall be scheduled sufficiently in advance of the date set for bid opening as to permit prospective bidders to use the information. A written record of the prebid conference shall be made and maintained in the procurement file as the official record of what was presented at the conference.

(c) *Purpose.* A prebid conference is held to accomplish two primary objectives:

(1) To impart information that removes areas of performance uncertainties which unless removed result in higher price to the Government, i.e., inclusion in the bid of an amount for the uncertainty or contingency.

(2) To avoid post-award performance problems about which firms could have been made aware at the time of bid preparation.

(d) *Conclusion.* As a result of the prebid conference, it may become necessary to change or substantially clarify the solicitation. This action shall be transmitted to all those receiving IFB in the form of an official amendment to the solicitation, taking into consideration any extension of the closing date for the receipt of bids.

§ 24-2.202-53 Bid envelopes.

Mailing labels, tags, or envelopes, bearing "Postage and Fees Paid" indicia shall not be distributed with the invitation for bids or otherwise supplied to prospective bidders. To provide for ready identification and proper handling of bids, the Optional Form 17, "Sealed Bid label" may be furnished with each bid set to inform the bidder as to what will be required on the bid envelope. 41 CFR 1-16.902-OF17 illustrates the referenced form and copies of same can be obtained from the General Services Administration.

§ 24-2.202-54 Alternate bids.

An alternate bid is one that offers a suitable substitute for the requirements set forth in the invitation or which goes to the substance of the bid which affects price, quality, quantity or delivery. Where alternate bids are not provided for in the invitation, the Government shall consider any alternate bid to be non-responsive. Alternate bid situations shall only be used in selected cases where flexibility may be desirable in selection of a product. The Contracting Officer shall weigh the advantage of the flexibility against the difficulties in the evaluation of bids that results from the alternate bid technique in determining to utilize this method.

§ 24-2.203-3 Publicity in newspapers and trade journals.

When it is deemed necessary by the procurement activity to use paid advertising the following must be observed:

(a) When it is deemed necessary to use paid advertisements in newspapers and trade Journals and similar advertising media in conjunction with competitive solicitation where HUD would not otherwise obtain the full benefit of available competition, written authority for such publication shall be obtained from the Head of the Procuring Activity.

(b) The prices paid for advertising shall not exceed commercial rates charged to private individuals. In placing advertising orders, the Standard Form 1143 "Public Voucher for Advertising Order" shall be utilized. The only considerations required in placing an advertising order are (1) has the use of such medium been authorized and (2) is the medium able to achieve the objective of the advertising.

§ 24-2.205 Bidders mailing list.

§ 24-2.205-1 General.

Each procuring activity within the Department will establish in accordance with 41 CFR 1-2.205 bidders mailing lists to assure adequate sources of supply and services. The Head of the Procuring Activity shall have the responsibility for establishing such mailing lists to enable all sources interested in contracting with the Department for specific types of programs to be utilized to the fullest extent possible.

§ 24-2.205-2 Establishment of lists.

All eligible Contractors who have submitted the Bidders Mailing List Application (Standard Form 129) or other forms as may be approved by the Department for this express purpose, shall be placed on the appropriate bidders mailing list unless a contrary determination is made in accordance with 41 CFR 2.205-1. The following procuring activities maintain mailing lists to support their particular procurement function:

(a) The Office of Procurement and Contracts maintains a list of all sources interested in contracting with all Departmental programs except as set forth in Items (b) and (c) of this section.

(b) To assist the Property Disposition Acquired-Property Program, the Department's Area and Insuring Offices each maintains a mailing list of interested source appropriate for the jurisdiction over which it has authority.

(c) Each General Services Division of the Department's Regional Offices maintains, appropriate for the jurisdiction over which it has authority, a mailing list of sources interested in contracting with the Department for general service type of procurement.

§ 24-2.205-3 Removal and reinstatement of names on bidders mailing lists.

Each procuring activity shall observe the following requirements for the re-

moval and reinstatement of names on a mailing list.

(a) Contractors who have been suspended, debarred or otherwise determined to be ineligible in accordance with 24 CFR Part 24 to receive an award of a Government contract shall immediately be removed from the bidders mailing lists.

(b) Potential Contractors who have failed to respond to a solicitation, shall be removed unless retention is considered in the best interest of the Government.

(c) At least once every twelve (12) months potential Contractors on inactive bidders mailing lists shall be contacted to determine their continuing interest, and all who fail to respond to this inquiry may be removed from the mailing list.

(d) Potential Contractors except for those who have been debarred or found ineligible, who have been removed from the mailing list, may be reinstated upon request or by filing a new Standard Form 129.

Subpart 24-2.3—Submission of Bids

§ 24-2.301 Responsiveness of bids.

Any bid which is not signed by the bidder or his authorized representative shall be disregarded, except when it is accompanied by other evidence which demonstrates the bidder's intention to be bound by the unsigned bid document. Examples of such evidence are a bid guarantee or a letter (which does not qualify or otherwise render the bid non-responsive) signed by the bidder referring to and clearly identifying the bid itself. In such a case, the Contracting Officer may waive the deficiency as a minor informality or irregularity (see 41 CFR 1-2.405) and shall document the file to so indicate.

§ 24-2.303 Late bids.

§ 24-2.303-1 General.

The late bid regulations and procedures of 41 CFR 1-2.303 shall not be waived, even if a bid is only slightly late (e.g., several minutes) or none of the other bidders will be prejudiced by consideration of the late bid.

§ 24-2.303-6 Notification to late bidders.

In setting the date to be inserted in the notice to late bidders contained in 41 CFR 1-2.303-6, consideration should be given to the time required by the bidder to develop and prepare the required evidence in relation to the acceptance period specified by the otherwise apparent low bidder, avoidance of undue delay in the procurement cycle, and other pertinent factors. As a general rule, the bidder should be allowed a minimum of three (3) working days in addition to a time allowance for transmitting the notice to, and receipt of the evidence by the Contracting Officer. The bidder shall be notified immediately in writing if his bid cannot be considered for award because of lateness.

§ 24-2.303-7 Disposition of late bids.

A late bid which is not for consideration shall be held unopened until after award and then returned to the bidder (unless other disposition is requested or agreed to by the bidder). The return of a late bid which cannot be considered for award shall be accompanied by a statement from the Contracting Officer that the bid was not considered because of its late receipt. If the late bid had to be opened for identification purposes or was opened by mistake, this fact shall be included in the statement from the Contracting Officer accompanying the returned bid. In all cases where late bids are not considered and returned to the bidder, the file shall be documented with all information relating to the determination of late receipt which shall include a copy of the late bid envelope.

Subpart 24-2.4—Opening of Bids and Award of Contract**§ 24-2.401 Receipt and safeguarding of bids.**

Envelopes, or other outer covering, containing identified bids, shall be stamped to show the Office of receipt, time and date. The bids shall immediately be turned over to the Contracting Officer who will be responsible for their safe keeping until the official opening. Each procuring activity shall be responsible for establishing procedures for the safeguarding of bids. Unidentified bids and bids that are opened by mistake shall be handled in accordance with 41 CFR 1-2.401(b). The Contracting Officer shall retain in the file a copy of the envelope, wrapper, or other container (bearing the required documentation) of a bid which was opened by mistake or which was opened for purpose of identification.

§ 24-2.402 Opening of bids.

The bid opening will be conducted by the Contracting Officer or his duly authorized representative designated as the bid opening officer. At the bid opening, the relative merits of any bids shall not be discussed by the person opening the bids, or the Contracting Officer, with the bidders, their representatives, casual observers, or Department personnel. No statement shall be made by the person opening the bid or the Contracting Officer at a bid opening bearing on the award, the possibility of a readvertisement, mistakes in bids, the responsiveness or responsibility of any bidder, etc. Oral instructions shall not be given to bidders at any time during the opening. Protests of bidders and inquiries regarding the award of the contract shall be referred to the Contracting Officer after the completion of the bid opening. Bidders are cautioned that information obtained at bid opening from other than the Contracting Officer may only be relied upon by the bidder at the bidder's own risk. After all bids have been opened, read aloud and recorded, the bid opening officer shall state that opening of bids has been completed.

§ 24-2.402-50 Marking of bids.

Under no circumstances will any individual make any marks or notation on the bid or its accompanying documents. Erasures and any other changes to the bid must be initialed by the individual executing the bid document. If such erasures or changes are not initialed, it shall be handled in accordance with 41 CFR 1-2.405. If through error or for some other reason marks are made on a bid or its accompanying documents by a Government employee, the markings should not be erased or eradicated; instead, the individual so marking the bid shall prepare a signed explanation of the marking for insertion in the file for future reference, showing when, how, and why the notation or markings were made. If the marked bid is accepted, explanation with regard thereto should be made on the statement of award.

§ 24-2.402-51 Timing of acceptance and withdrawal.

Bidders may not withdraw their bids after bid opening unless the notice of withdrawal was mailed prior to the time set for bid opening and handled in accordance with 41 CFR 1-2.305. The Contracting Officer's letter accepting the bid, when written acceptance is required, is effective when mailed. Therefore, a binding contract is effected where acceptance has been mailed by the Contracting Officer before the letter from the bidder advising of withdrawal of bid is received.

§ 24-2.404 Rejection of bids.**§ 24-2.404-50 Rejection of bids in multiple bidding situations.**

When more than one bid is received from a person or firm, or affiliates thereof, in response to an invitation for bids, such bids shall be considered for award if responsive and otherwise acceptable. If the Contracting Officer determines that these bids would give a bidder an unfair advantage over other bidders or would otherwise be prejudicial to the best interest of the Government, these bids will be rejected. When a tie situation occurs in which the requirement stipulated in 41 CFR 1-2.407-6 has to be applied, only one of the multiple bids shall be considered.

§ 24-2.406 Mistakes in bids.**§ 24-2.406-3 Other mistakes disclosed before award.**

Mistakes in bid prior to award (other than obvious clerical errors) shall be submitted to the following authorities for determinations in accordance with 41 CFR 1-2.406-3:

(a) Director, Office of Procurement and Contracts for all Departmental Programs, except as set forth in Item (b) below.

(b) Director of the appropriate Departmental Area or Insuring Office for the Property Disposition Acquired-Property Program.

Each determination made hereunder will be coordinated with the Office of General

Counsel prior to notification to the bidder. The Contracting Officer shall be notified promptly of the course of action to be taken.

§ 24-2.406-4 Disclosure of mistakes after award.

Pursuant to 41 CFR 1-2.406-4(d), the Director, Office of Procurement and Contracts is delegated authority to make determinations under 41 CFR 1-2.406-4.

Mistakes in bids after award shall be submitted to the Director, Office of Procurement and Contracts accompanied by the data set forth in 41 CFR 1-2.406-4(f). Each determination made hereunder will be coordinated with the Office of General Counsel prior to notification to bidder.

§ 24-2.407 Award.**§ 24-2.407-1 General.**

Pursuant to 41 CFR 1-2.407-1, awards shall be made by mailing or otherwise furnishing to the successful bidder a properly executed award document or notice of award. A notice of award may be approved by the Contracting Officer for administrative reasons when the urgency for the contractor's immediate effort is required, e.g., the reproduction and distribution of the contract document may be delayed.

§ 24-2.407-7 Statement and certificate of award.

For each contract made by formal advertising, Standard Form 1036, Statement and Certificate of Award, or other appropriate document, shall be prepared and executed by the Contracting Officer and a copy retained in the contract file.

§ 24-2.407-8 Protest against award.

The following identifies the responsible agents and sets forth procedural requirements for handling protests. For the purpose of definition, as used in this section "working days" means the working days of the Agencies of the Federal Government, excluding Saturdays, Sundays and Federal holidays, as specified in 5 U.S.C. 6103.

(a) Protest before award

(1) *Resolution by procuring office.* Interested parties are urged to seek resolution of their complaints initially with the procuring activity. The Contracting Officer shall act on any protest filed with the procuring activity (see 41 CFR 1-2.407-8(a)) unless it is known that a protest has been filed concurrently with the General Accounting Office (GAO).

Where a written protest is filed directly with the procuring activity, full consideration shall be given to the protest with the protestant notified in writing of the final decision on the protest within thirty (30) working days from the date of receipt by the Agency except where GAO views are required, in which case the time for rendering a decision shall be ten (10) working days from receipt of GAO views.

Where the Contracting Officer makes a determination to award a contract not-

withstanding a protest as authorized by 41 CFR 1-2.407-8(b) (4), the Head of the Procuring Activity shall approve such a determination prior to award. The appropriate official mentioned above shall notify the Office of General Counsel of intent to make award. Pursuant to 41 CFR 1-2.407-8(b) (3), the Office of General Counsel shall notify the GAO of such proposed action. Parties interested in protesting directly to GAO, shall do so in accordance with the General Accounting Office Regulations 4 CFR Part 20.

(2) *Responsibility.* The Office of General Counsel has the responsibility for handling matters relating to protests against award of contracts within the Department of Housing and Urban Development and for liaison with the GAO. All communications concerning a protest written or otherwise directed to GAO shall be coordinated with the Office of General Counsel. All written communications from the Department to GAO shall be by the Office of General Counsel. The Contracting Officer has the responsibility for furnishing the Office of General Counsel with all information relating to the protest.

(3) *Times for filing.* The times for filing are as follows:

(i) Protests based on alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for the receipt of proposals shall be filed prior to the above established dates. In other cases, protests shall be filed to be received in the Department of HUD or GAO not later than five (5) working days after the basis for protest is known or should have been known, whichever is earlier. Where such protest has been filed initially with the HUD's procuring activity any subsequent protest to the GAO must be delivered to the GAO within five (5) working days after notification of adverse action by HUD's procuring activity. GAO will consider the protest only if the initial protest was timely filed with the procuring activity.

(ii) Any additional statements by the protester in support of the protest to the GAO shall be mailed or otherwise furnished to the GAO, and two (2) copies sent to the procuring activity, no later than five (5) working days after filing of the initial protest.

(4) *Notice of protest and submission of report.* (i) Upon being advised by GAO of the receipt of a protest, the Office of General Counsel will inform the procuring activity immediately. The Contracting Officer shall promptly notify in writing the Contractor or all bidders or offerors who, in the opinion of the Contracting Officer, appear to have a reasonable prospect of receiving an award if the protest is denied. Upon receipt by the Department of a written request for a formal report from the GAO relating to a protest, the Office of General Counsel shall make the complete formal report, or a written statement setting forth the reasons for any delay, and the expected date of submission to GAO within twenty-five (25) working days, unless a

different time is stipulated by GAO, after receipt of the GAO request. Except to the extent that withholding of information is permitted or required by law or regulations, copies of the protest and any supplemental information later filed by the protester may be furnished to the parties previously notified of the protest. These parties shall be advised to communicate directly with GAO if they desire to comment on the protest.

(ii) The report shall include the documents and statements required by 41 CFR 1-2.407-8(a) (2), identify the GAO file number assigned to the protest and shall be concurred in by the Contracting Officer. If appropriate, the report shall state the urgency of the procurement and the extent to which a delay in award may result in significant performance difficulties or additional expense to the Government. Where the statement of urgency is not appropriate, the report shall state the length of time an award may be delayed without significant expense or difficulty in performance. The report shall be transmitted by a covering letter addressed to the individual in GAO who signed the request and shall state that copies thereof have been sent to the protestant and any other named parties who have been given notice of the protest. The external distribution shall be shown on the original of the letter to GAO. In addition, letters shall be sent to the protestant and other interested parties enclosing a copy of the completed report and shall advise recipients that any comments shall be filed with the Office of General Counsel, General Accounting Office within ten (10) working days after receipt with copies to the procuring activity and Office of General Counsel, Department of HUD.

(iii) If GAO requests additional information, a supplementary report shall be transmitted to GAO within five (5) working days after the Department receives the request and shall follow the procedures set forth in 24 CFR 2.407-8(a) (4).

(b) *Protest after award.* Protests initially received after contract award are subject to the procedure in this 24 CFR 2.407-8 and 41 CFR 1-2.407-8(c).

(c) *Responsibility for data.* The Office of General Counsel shall maintain records relating to all protests received. The records shall contain adequate data to show the number and nature of formal protests received (whether filed directly with the Department or with GAO), their disposition and the time for resolution. These records will be reviewed annually in order to update protest procedures.

§ 24-2.407-50 Award when only one bid is received.

When only one bid is received in response to an invitation for bids, such bid may be considered and accepted if the Contracting Officer makes a written determination that (a) the specifications were clear and not unduly restrictive, (b) adequate competition was solicited and it could have been reasonably assumed that more than one bid would have been submitted, (c) the price is

reasonable, and (d) the bid is otherwise in accordance with invitation for bids. Such a determination shall be placed in the file.

§ 24-2.408 Information to bidders.

On all procurements in excess of \$5,000, except for the conditions stipulated in 41 CFR 1-2.408(a) (1) & (2), the unsuccessful bidders shall be given a notification of rejection by one of the methods set forth in 41 CFR 1-2.408(b).

PART 24-3—PROCUREMENT BY NEGOTIATION

Subpart 24-3.101—Exceptions to Normal Negotiation Procedures

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Subpart 24-3.51—Protests Against Award

- 24-3.5101 Negotiated procurement protests.

AUTHORITY: Sec. 7(d), Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart 24-3.101—Exceptions to Normal Negotiation Procedures

§ 24-3.101-50 Noncompetitive procurements.

(a) *General.* All departmental procurement shall be accomplished on a competitive basis to the maximum practical extent. Procurement without competition shall be limited to those circumstances where only one firm, organization or individual can provide the required supplies or services within the time required and at a reasonable price. Program offices recommending procurement on a non-competitive basis shall submit a detailed summary of the factual circumstances supporting sole source procurement to the Contracting Officer. The Contracting

Officer shall review the summary in accordance with the criteria outlined in paragraph (c) of this section. If, in the judgment of the Contracting Officer, the noncompetitive procurement is adequately supported, he shall prepare a document entitled "Justification for Noncompetitive Procurement." The document shall comply in all respects with the requirements of paragraph (c) of this section and be signed and inserted in the procurement file by the Contracting Officer.

(b) *Exclusions.* The provisions of this § 24-3.101-50 do not apply to: (1) procurements of architect-engineer services; (2) procurement of utility services where the services are available from only one source; (3) 8(a) procurements with the Small Business Administration; or (4) purchases from mandatory Federal Supply Schedule contracts which list only one source.

(c) *Justification for noncompetitive procurement.* The document entitled "Justification for Noncompetitive Procurement" shall completely discuss the circumstances which render competitive negotiation impractical or not feasible and identify the exclusive capabilities which the proposed contractor possesses and which meet the requirements of the procurement.

(1) Factors which shall be considered in preparing the "Justification" include, but are not limited to, the following:

(i) The unique capability, highly specialized experience or facilities the proposed contractor possesses which is essential to provide the required supplies or services.

(ii) If time is of the essence, the experience, capabilities, or facilities the proposed contractor possesses which would enable him to complete the requirement within the time frame while all others would fail.

(iii) Whether the proposed contractor is the only one which can fulfill a requirement that the desired item be compatible with existing equipment or systems.

(iv) Whether the proposed contractor has a substantial investment of some nature which would have to be duplicated at excessive Government expense by another source entering the field.

(2) The Contracting Officer shall make the final determination as to the adequacy of the proposed sole source based upon consideration of all appropriate factors including any or all of those listed in § 24-3.101-50(c) (1).

§ 24-3.101-51 Unsolicited proposals.

(a) *Definition.* An unsolicited proposal is a written offer to perform work which is made to the Department by a prospective contractor without prior formal or informal solicitation. Such proposals are considered to be a means whereby sources outside the Government may propose pertinent and creative activities to the Department.

(b) *Policy.* It is the policy of the Department to encourage the submission of unsolicited proposals.

(c) *Submission.* All unsolicited proposals for research shall be submitted in

an original and five (5) copies to the Assistant Secretary for Policy Development and Research, Office of Program Development Review and Administration, 451-7th Street, SW., Washington, D.C. 20410. Unsolicited proposals for other than research shall be submitted in an original and five (5) copies to the Director, Office of Procurement and Contracts, 451-7th Street, SW., Washington, D.C. 20410. Each proposal should contain a cover page with a one paragraph abstract and a statement as to where else in HUD or any other Federal Government agency the proposal has been sent. If the proposal contains technical data which the offeror wishes to restrict for evaluation purposes only, he shall mark the title page of the proposal with a legend stating substantially the following:

Technical data contained in pages of this proposal shall not be used or disclosed, except for evaluation purposes, provided that if a contract or grant is awarded to this offeror as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract or grant. This restriction does not limit the Government's right to use or disclose any data obtained from another source without restrictions.

The unsolicited proposal must include the following minimum information:

(1) A statement of the problem the proposal addresses including the need for the research.

(2) A brief outline of the work to be done in carrying out the project including a statement of objectives.

(3) An explanation of why, in terms of the proposed products, it is both important and urgent that the problem be addressed.

(4) A description of the approach selected and rationale for selection over other possible approaches.

(5) A brief itemization of relevant work known to have been undertaken in this area; either in process or completed, including references to any existing experience and data that could be used.

(6) A description of how the program results are anticipated to be translated into practice in terms of (i) the organization(s) involved and/or responsible and (ii) the steps remaining between program completion and implementation.

(7) The proposed starting and completion date and significant milestone dates.

(8) A proposed budget, including separate cost estimates for labor, materials, overhead, travel, subcontracts and other direct or indirect costs as appropriate.

(9) A commitment to provide cost-sharing and a statement as to the share to be borne by the contractor.

(10) Background descriptions of the persons expected to assume professional and administrative responsibility respectively for the project throughout its duration. Identification, to the extent possible, of the principal persons who would supervise and perform the project work; and explanation of how their experience and competence are related to the proposed activities.

(11) Current financial statement (certified through independent audit).

(12) Signature of a responsible official authorized to obligate the organization; and the time limit of the offer.

(d) *Evaluation.* The appropriate office designated in § 24-3.101-51(c) shall acknowledge receipt of the proposal and

forward all but one (1) copy to the appropriate program office for evaluation. If the offeror did not mark the proposal with the legend specified in (b) of this section, the appropriate receiving office shall place a cover sheet on the proposal and mark it as shown below, unless the offeror gives a clear written indication that he does not wish to impose any restrictions on the disclosure or use of the data contained in the proposal.

All Government personnel handling this proposal shall exercise extreme care to insure that the information contained herein is not disclosed outside the Government and is not duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the proposal, without the written permission of the offeror. However, if a contract is awarded on the basis of this proposal, the terms of the contract shall control disclosure and use.

The appropriate program office shall conduct a thorough evaluation of the unsolicited proposal and furnish its comments and recommendations to the appropriate office designated in § 24-3.101(c).

(e) *Procurement procedure.* The modes of procurement are identified as follows:

(1) *Competitive procurement.* A favorable technical evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiations on a noncompetitive basis with the offeror. If the substance of the proposal is available without restriction from another source, or its substance closely resembles that of a pending competitive solicitation or otherwise is not sufficiently unique to justify acceptance, HUD's policy of obtaining competition applies. When procurement is intended and competition is feasible, the unsolicited proposal shall be rejected by a letter from the appropriate office specified in § 24-3.101-51(c). A copy of such letter and associated unsolicited proposal shall be retained in the files of the appropriate receiving office. All other copies of the proposal shall be returned to the Contractor.

(2) *Noncompetitive procurement.* When an unsolicited proposal has received a favorable technical evaluation and it is determined that the substance thereof is not available to HUD without restriction from another source, contains an original concept or idea, or competition is otherwise precluded, the subject matter of such unsolicited proposal may be procured from the offeror on a noncompetitive basis. The program office sponsoring the procurement shall support its recommendation with a summary of the circumstances warranting procurement on a noncompetitive basis. If, in the judgment of the Office of Procurement and Contracts, acceptance of the unsolicited proposal is adequately supported, the appropriate Contracting Officer shall prepare a document entitled: "Justification for Acceptance of an Unsolicited Proposal." The "Justification" shall include the findings set forth in paragraph (e) (2) (i) or (ii) of this section.

(i) The procurement is for basic scientific or engineering research; and the unsolicited proposal was selected on the basis of its overall merit, cost and contribution to HUD's program objectives, after a thorough evaluation and comparison with other proposals, solicited or unsolicited, in the same or related fields; or

(ii) The procurement is for services other than basic research (e.g., development, feasibility studies, etc.); the unsolicited proposal contains technical data or offers unique capabilities that are not available from another source or contains an original concept or idea; and it is not feasible or practical to define the Government's requirement in such a way as to avoid the necessity of using the technical data contained in the unsolicited proposal. In addition, the "Justification" shall include the facts and circumstances that support the recommendation and operate to preclude competitive procurement. The "Justification" shall be signed by the Contracting Officer and inserted in the procurement file.

(f) An unsolicited proposal shall be returned to the offeror if, for any reason, the Government decides not to enter into a contract, based on such proposal with the offeror. Return of the proposal shall be done in the same manner provided for return set forth in § 24-3.101-51(e).

(g) Program offices receiving unsolicited proposals directly from offerors shall forward them to the appropriate office designated in § 24-3.101-51(c) for initial processing.

Subpart 24-3.103—Dissemination of Procurement Information

§ 24-3.103-1 Publicizing procurement actions.

The Department shall continually search for and develop information on sources (including minority and small business concerns) competent to provide supplies or services. Advance publicity, including use of the Commerce Business Daily to the fullest extent practicable, shall be given for this purpose. The search should include (a) a review of relevant data or brochures furnished by sources seeking to do business with the Department and (b) a cooperative effort by program personnel, small business specialists, and contracting officers to obtain information and recommendations with respect to potential sources and to consider the desirability of seeking other sources by publication of proposed procurements, in addition to the synopsis requirement. It is the responsibility of each procuring activity to use to the maximum extent practical its bidders mailing list for soliciting competition. Applications for inclusion on the bidders mailing list may be obtained from the appropriate procuring activity identified in HUDPR 24-1.451.

§ 24-3.103-2 Release of information during the solicitation phase.

No information shall be released during the solicitation phase of a procurement unless through the following methods:

(a) Each solicitation for a negotiated procurement shall specify an individual

within the procuring activity who shall be responsible for responding to inquiries concerning the solicitation and evaluation of proposals resulting from the solicitation. All questions concerning the solicitation, whether of a procedural or substantive nature, shall be directed to the above individual. All other personnel will avoid exchange of comments with all offerors or potential offerors. Answers to questions requiring clarification of the substantive portion of the solicitation shall be provided by amendment to the solicitation, a copy of which shall be furnished to each recipient of the solicitation.

(b) Each procuring activity shall, in accordance with 41 CFR 1-1.1003-4, publish in the Commerce Business Daily the names and addresses of firms to whom solicitations will be issued when substantial subcontracting opportunities exist and it is not contrary to the Government's interest to publish them. The furnishing of this information in any other manner shall be at the discretion of the Contracting Officer.

§ 24-3.103-3 Release of information during the evaluation phase.

No information shall be released during evaluation phase of a procurement unless through the following methods:

(a) During the course of evaluating proposals, personnel involved in this activity shall not reveal any information concerning the evaluation of proposals to anyone who is not also participating in the same evaluation proceedings, except as may be required for internal clearances.

(b) *Preaward notice of unacceptable offers.* In any procurement in which it appears that period of evaluation of proposals is likely to exceed sixty (60) days, the Contracting Officer, upon determination that a proposal is unacceptable, shall provide prompt notice of the fact to the offeror submitting the proposal. In addition to stating that the proposal has been determined unacceptable, the notice to the offeror shall indicate, in general terms, the basis for such determination and shall advise that, since further negotiation with him concerning this procurement is not contemplated, a revision of his proposal will not be considered. Such notice need not be given if (1) in the judgment of the Contracting Officer, the disclosure will prejudice the Government's interest; (the possibility of protest shall not be considered prejudicial) or (2) if the proposed contract is to be awarded within a few days and notice pursuant to 41 CFR 1-3.103 would suffice.

(c) *Preaward notice—small business set-asides.* In any procurement involving a small business set-aside to be placed through conventional negotiation, upon final completion of negotiations and determinations of responsibility but prior to award, the Contracting Officer shall inform each unsuccessful offeror by written notice of the name and location of the apparently successful offeror(s). Each apparently unsuccessful offeror should be advised that any subsequent revisions of his proposal will not be con-

sidered, since no further negotiations are contemplated, and further pre-award contact with the Contracting Officer shall not be made with regard to the instant procurement unless the unsuccessful offeror has grounds to challenge the small business size status of the apparently successful offeror(s). This notification procedure shall not apply to procurements negotiated pursuant to 41 USC 252(c) (4), (5) or (6); negotiated with a foreign supplier when only foreign sources or supplies or services have been solicited; or urgent procurement actions which the Contracting Officer determines in writing must be awarded without delay to protect the public interest. The Contracting Officer's determination shall be placed in the contract file.

§ 24-3.103-4 Postaward release of procurement information.

Promptly after making award of any procurement in excess of \$10,000, the Contracting Officer shall, if he has not done so pursuant to § 24-3.103-3(c), give written notice to the unsuccessful offerors that their proposals were not accepted. The notice should name the successful contractor and state the amount of the award and the number of proposals received. Where additional information is requested by the offeror, debriefing will be conducted as follows:

(a) It is the policy of the Department to provide a debriefing to any unsuccessful offeror who makes a written request to the Contracting Officer within two (2) months after contract award.

(b) A debriefing is intended to:

(1) Tell an unsuccessful offeror which areas of his proposal were judged to be weak and deficient and whether the weaknesses or deficiencies were factors in his not having been selected.

(2) Identify the factors which were the basis for selection of the successful contractor. If the quality of the successful offeror's proposal to satisfy the mission requirement was the basis, the unsuccessful offeror should be so informed, and given a general comparison of significant areas, but not a point by point comparison of all the elements considered in the evaluation criteria.

(c) A debriefing should not reveal:

(1) Confidential business information, trade secrets, techniques, or processes of the other offerors; and,

(2) The relative merits or technical standing of the unsuccessful offerors or the scoring by the Source Evaluation Board or Technical Evaluation Panel.

(d) Any HUD official who receives from an unsuccessful offeror a request, written or oral, for a debriefing shall immediately refer the request to the appropriate procuring activity which shall make the necessary arrangements for the debriefing.

(e) It is essential that the debriefing be conducted in a scrupulously fair, objective and impartial manner, and that the information given be factual and consistent with the findings of the evaluation and the basis on which the source selection official made his decision.

(f) It is most important that all HUD personnel engaged in the evaluation and selection process be aware of the foregoing policies and procedures. Detailed and complete records will be maintained by key technical and business participants in a manner which will facilitate either a written or oral debriefing of any unsuccessful offeror's proposal.

§ 24-3.106 Preproposal conferences.

In cases of complex procurement, preproposal conferences may be used to explain complicated specifications and requirements to prospective offerors so as to permit them to submit proposals without undue expenditure of effort, time and money. The preproposal conference shall not be used as a method for prequalification of offerors, and may only be used when approved by the head of the procuring activity. The preproposal conference shall be arranged and conducted by the Contracting Officer or his representative, with participation by technical and legal personnel as appropriate. All prospective offerors shall be furnished identical information in connection with the proposed procurement. Remarks and explanations at the conference shall not qualify the terms of the solicitation and specifications. All conferees shall be advised that unless the solicitation is amended in writing it will remain unchanged and that if an amendment is issued, normal procedures relating to the acknowledgment and receipt of solicitation amendments shall be applied. A complete record shall be made of the conference.

Subpart 24-3.150—Treatment of Proposal Information

§ 24-3.150-1 General.

It is the general policy of HUD to use information contained in proposals only for evaluation purposes except to the extent such information is generally available to the public, is already the property of the Government or the Government already has unrestricted use rights, or is or has been made available to the Government from other sources, including the offeror without restriction.

§ 24-3.150-2 Disposition of unsuccessful proposals.

Unsuccessful proposals shall be disposed of as follows:

(a) *By the procuring activity.* Unsuccessful cost and technical proposals shall be retained in the procuring activity for a period of two (2) months subsequent to contract award as reference material for debriefings in accordance with HUDPR 24-3.103. Upon expiration of the two (2) month period, the procurement office shall destroy each unsuccessful proposal unless (1) a debriefing has been requested but not held or (2) a protest is pending concerning the procurement.

(b) *By the program office.* Unsuccessful proposals shall be retained on file in the program office which conducted the technical evaluation for a period of two (2) months subsequent to contract award. Upon expiration of the two (2)

month period, the program office shall return all copies of each unsuccessful proposal not required for Departmental use to the procuring activity for destruction.

(c) Unsuccessful proposals shall not be used for other than internal reference unless (1) written permission has been obtained from the offeror or (2) the proposal expressly states that unrestricted use of the proposal is given to the Government regardless of its success in the competition or (3) any of the conditions described in HUDPR 24-3.150-1 exist.

§ 24-3.150-3 Use of successful proposals.

Successful proposals will be accorded unrestricted use by the Government unless the offeror places restrictions on the use of the proposal and the proposal is not incorporated in the resulting contract.

Subpart 24-3.4—Type of Contracts

§ 24-3.405-3 Cost-sharing contract.

(a) *Purpose.* This section implements Federal Management Circular No. 73-3 with respect to HUD contracts and sets forth basic guidelines governing cost sharing on research contracts with non-Federal organizations.

(b) *Basic guidelines.* (1) Cost sharing with non-Federal organizations shall be required or encouraged as provided below for the following contracts for basic or applied research:

(i) Cost-sharing shall be required for any contract which results from an unsolicited proposal.

(ii) A contract which does not result from an unsolicited proposal but in which the parties have nevertheless considerable mutual interest in the research (e.g., when it is probable that the performing organization or institution will receive significant future benefits from the research such as: increased technical knowledge useful in future operations; additional technical or scientific expertise or training for its personnel; opportunity to benefit through patent rights; and the use of background knowledge in future production contracts).

(2) Cost sharing ordinarily shall not be applied to the following contracts:

(i) When the Contracting Officer has determined that:

(a) The research effort has only minor relevance to the non-Federal activities of the performing organization, which is proposing to undertake the research primarily as a service to the Government; or

(b) The performing organization has little or no non-Federal sources of funds from which to make a cost contribution; or

(c) The performing organization is predominately engaged in research and development and has little or no production or other service activities and is, therefore, not in a favorable position to make a cost contribution; or

(d) Payment of the full cost of the project is necessary in order to obtain the service of the particular organization.

(ii) The Contracting Officer shall include the substance of his determination

in the negotiation summary. Contracts, except when cost-sharing is specifically directed by the Director, Office of Procurement and Contracts or voluntarily offered by the performing organization, for projects:

(a) Where particular research objective or scope of effort is specified by HUD rather than proposed by the performing organization. This will usually include any formal solicitation for a specific contractual requirement.

(b) The principal purpose of which is the production of, or design, testing or improving of products, materials, devices, systems or methods.

(3) Guidelines for determining the amount of cost sharing:

(i) For educational institutions and other not-for-profit or non-profit organizations, cost sharing normally may vary from 1 percent to as much as 50 percent of the costs of the project. In some cases it may be appropriate for educational institutions to provide a higher degree of cost sharing, such as when the cost of the research consists primarily of the academic year salary of faculty members, or when the equipment acquired by the institution for the project will be of significant value to the institution in its educational activities.

(ii) The amount of cost participation by commercial or industrial organizations may vary from as little as 1 percent or less of the total project cost to more than 50 percent of total project cost, depending upon the extent to which the research effort is likely to enhance the performing organization's capability, expertise or competitive position and the value of such enhancement to the performing organization. It should be recognized that those organizations which are predominately engaged in research and development and have little or no production or other service activities may not be in a favorable position to derive a monetary benefit from the research under Federal agreements.

(iii) A fee or profit will usually not be paid to the performing organization if the organization is to contribute to the cost of the research effort, but the amount of cost sharing may be reduced to reflect the fact that the organization is foregoing its normal fee or profit on the research. However, if the research is expected to be of only minor value to the performing organization and if cost sharing is not required by statute, it may be appropriate for the performer to make a contribution in the form of a reduced fee or profit, rather than sharing the costs of the project.

(iv) Each cost-sharing contract negotiated by the Department shall contain the clause included in HUDPR 24-7.5011.

§ 24-3.408 Letter contract.

A letter contract is a written preliminary contractual instrument which authorizes immediate commencement of performance. Where this action is determined to be necessary, the following will be observed:

(a) *Application.* A letter contract may be entered into when (1) the interests of the Department demand that the con-

tractor be given a binding commitment so that work can commence immediately, and (2) negotiation of a definitive contract in sufficient time to meet the procurement need is not possible, as for example, when the nature of the work involved prevents the timely preparation of definitive requirements, specifications, or cost data.

(b) *Limitations.* (1) A letter contract shall be used only after a written determination is made by the head of the procuring activity that the factors described in HUDPR 24-3.408(a) exist and that no other type of contract is suitable.

(2) A letter contract shall not be entered into without competition when competition is practicable. Where a letter contract award is based on price competition, an overall price ceiling representing the maximum amount of the definitized contract shall be included in the letter contract.

(3) A letter contract shall be superseded by a definitive contract at the earliest practicable date, but in no event beyond 90 calendar days after the date of the letter contract, unless the head of the procuring activity authorizes extension of the date for definitization.

(4) The maximum liability of the Government stated in the letter contract shall be limited to an amount determined to be essential to cover the contractor's requirements for funds up to the time the contract is definitized, but in no event shall exceed 50% of the estimated cost of the definitive contract.

(c) *Content.* Letter contracts shall be specifically negotiated and, as a minimum, shall include agreement as to the following:

(1) The immediate commencement of performance of the contract by the contractor, including procurement of necessary materials;

(2) The extent and method of payments in the event of termination either for the convenience of the Government or for default;

(3) That the contractor is not authorized to expend monies or incur obligations in excess of the maximum liability of the Government as stated in the letter contract;

(4) The type of definitive contract anticipated;

(5) As many definitive contract provisions as possible;

(6) The contractor's obligation to provide such price and cost information as may reasonably be required by the Contracting Officer; and

(7) The prompt entry into good faith negotiations by the contractor and the Government to reach agreement upon and execute a definitive contract.

Subpart 24-3.6—Small Purchases

§ 24-3.601 Non-construction contracts.

The Department may use small purchase procedures in non-construction contracts when the aggregate amount involved in any one transaction does not exceed \$10,000. Procedures used shall be in accordance with 41 CFR 1-3.6.

Subpart 24-3.7—Negotiated Overhead Rates

§ 24-3.702 General.

(a) When a contractor performs work in the same period under several contracts for one or more procurement activities or agencies, it may be desirable and appropriate, when mutually agreed to by the Department and the contractor, to negotiate uniform overhead rates for application to all such contracts in order to: (1) effect uniformity of approach, (2) effect economy in administrative effort, and (3) promote timely settlement of reimbursement claims.

(b) When the Contracting Officer determines that the above conditions exist, he shall include the negotiated overhead rate clause set forth in HUDPR 24-7.5009.

(c) If the prospective cost reimbursement contract is the only contract to be performed by the contractor for the Government during the same period or if the Contracting Officer determines that it is not appropriate to include the clause specified in HUDPR 24-3.702(b), determination of the reimbursable amount of the overhead under the contract shall be based upon final audit of the actual costs incurred during the period of performance and the clause set forth in HUDPR 24-7.5009 shall be included.

§ 24-3.707 Overhead ceilings.

When the Contracting Officer determines in accordance with 41 CFR 1-3.707 that it is appropriate to place an overhead ceiling in the contract, he shall include the clause set forth in HUDPR 24-7.5010.

Subpart 24-3.8—Price Negotiation Policy and Techniques

§ 24-3.801-2 Responsibility of Contracting Officer.

In the event a contractor insists on a price or demands a profit or fee which the Contracting Officer considers unreasonable and if the Contracting Officer, is unable to obtain a satisfactory solution after exhausting the courses of action set forth in 41 CFR 1-3.801-2(c), the matter shall be referred for resolution to the head of the procuring activity with a statement of facts and the Contracting Officer's recommendations.

§ 24-3.802 Preparation for negotiation.

(a) *Requests for proposals.* This section is not applicable to solicitations issued on Standard Form 33.

(1) Careful drafting of the Request for Proposals (RFP) is essential to the success of the competitive process. The program and procurement offices shall coordinate their efforts to develop a solicitation package which is free of ambiguities and which will allow all offerors to propose on an equal basis.

(2) The RFP shall require that a proposal be submitted in two parts: A "Technical Proposal" and a "Business Proposal." Each of the parts shall be separate and complete in itself so that evaluation of one may be accomplished

independently of and concurrently with evaluation of the other. The RFP shall provide that the technical proposal shall not contain any reference to cost. Resource information, such as data concerning labor hours and categories, materials, subcontracts, travel, computer time, etc., shall be included in the technical proposal so that the offeror's understanding of the scope of work may be evaluated.

(3) The instructions to the offerors concerning the business proposal shall require cost information in sufficient detail to allow a complete cost analysis. Categories and amounts of labor, materials, travel, computer time, as well as information with regard to contractor past performance, financial capacity, certifications and representations, and other pertinent administrative and business information should also be requested.

(4) The RFP shall contain factors for award which are tailored to the requirements of the particular procurement. Each technical factor and subfactor shall be assigned a numerical weight which shall appear in the RFP. These factors will serve as the standard against which all proposals will be evaluated.

(b) *Selection of prospective sources.* Proposals shall be invited from a sufficient number of competent potential sources to insure adequate competition. Sources solicited should include those individuals and organizations (1) on the source list provided by the program office; (2) on the procurement office's bidders mailing list; and (3) requesting RFPs as a result of publication of the requirement in the Commerce Business Daily. Each RFP shall be made available to all prospective offerors at the same time and no offeror shall be given the advantage of advance detailed information concerning the proposed procurement.

(c) *Proposal preparation time.* 41 CFR 24-2.202-1 *Bidding Time* is applicable to negotiated procurement under this subpart.

§ 24-3.805 Selection of offerors for negotiation and award.

§ 24-3.805-1 Policy.

Those competitively negotiated procurements not expected to exceed \$250,000 or those procurements over \$250,000 which the head of the procuring activity approves for less formal negotiation procedures, shall be processed in accordance with HUDPR 24-3.805-2. All other competitively negotiated procurements expected to exceed \$250,000 shall be processed in accordance with HUDPR 24-3.805-3. This section is not applicable to procurement of Architect-Engineer Services.

§ 24-3.805-2 Procurements not expected to exceed \$250,000.

On procurements where the expected dollar amount will not exceed \$250,000 the following will be observed:

(a) *Forwarding proposals.* After the deadline for receipt of offers, the Contracting Officer will forward five (5) copies of the technical portion of each proposal to the Technical Evaluation Panel (TEP) for evaluation. The TEP will be composed of one or more technical personnel designated by the program or initiating office prior to issuance of the solicitation. The business portions of each proposal will be retained by the Contracting Officer for subsequent evaluation. The Contracting Officer shall inform the TEP of proposals which contain major business deficiencies, including out-of-line cost proposals, which discussion with the offeror could not reasonably be expected to cure.

(b) *Evaluation.* The TEP will evaluate each proposal in strict conformity with the factors for award set forth in the RFP, and will assign each proposal a score on the basis of the factors for award. The TEP shall identify each proposal as being either acceptable or unacceptable. A proposal shall be considered unacceptable if its deficiencies cannot be corrected through written or oral discussions. Predetermined cutoff scores designed for determining the threshold level of acceptability of proposals shall not be employed.

(c) *Report.* A TEP report shall be prepared and signed by the technical evaluator(s), furnished to the Contracting Officer, and maintained as a permanent record in the official procurement file. The report shall reflect the scoring of each proposal and the rankings of the proposals, and shall identify each proposal as acceptable or unacceptable. The report shall also include a narrative evaluation specifying the strengths and weaknesses of each proposal, and any reservations or qualifications that might bear upon the selection of sources for negotiation and award. Specific technical reasons supporting a determination of unacceptability with regard to any proposal shall be included. Score sheets of all panel members shall be appended to the report.

(d) *Review of report.* After submission of the TEP report, the Contracting Officer and the TEP will evaluate the business portion of each proposal.

(e) *Competitive range.* Unless it is determined pursuant to 41 CFR 1-3.805-(1) (a) (5) that award shall be made on the basis of the most favorable initial proposal, the Contracting Officer will determine which offers are within the competitive range. A determination of the limits of the competitive range requires a comparison of the evaluation of each proposal against the evaluations of other proposals and therefore cannot be predetermined on the basis of a given number of or percentage of proposals. The competitive range shall include all proposals which have a reasonable change of being selected for award.

(f) *Conduct of discussions.* The Contracting Officer, with the coordination of technical personnel, will conduct written or oral discussions of the work to be performed, the cost/price of the work, and other relevant points, with all those of-

ferors within the competitive range. Discussions are not required if the conditions of 41 CFR 1-3.805-1(a)(5) are applicable. The Contracting Officer shall point out to each offeror the ambiguities, uncertainties, and deficiencies, if any, in his proposal which can be corrected without major changes to the proposal. He shall give each offeror a reasonable opportunity (with a common cutoff date for all) to support, clarify, correct, improve, or revise his proposal. Discussions with an offeror should disclose deficiencies in the proposal but should not identify approaches or ideas through which another offeror has achieved a higher evaluation. No information will be revealed by the Government which could give one offeror an unfair competitive advantage over another. Cost estimates made by the Government will not be disclosed.

(g) *Extent of discussions.* Careful judgment will be exercised in determining the extent of discussions. In some cases, good business practice may require more than one round of discussions with proposers within the competitive range depending upon the time constraints, the expense, administrative limitations, and the overall significance of the procurement.

(h) *Selection of contractor.* (1) After the close of discussions, receipt of any revisions to proposals, and any adjustments to proposal scores, the TEP shall submit its recommendations to the Contracting Officer, who shall select for final contract negotiation the offeror whose proposal offers the greatest advantage to the Government, cost or price, technical, and other factors considered including equal opportunity compliance. The TEP will forward one copy of its recommendations for selections to the Funding Assistant Secretary and, if appropriate, officials designated by the Assistant Secretary of the funding office, who have a need to know of such activity.

(2) Cost and price may not be disregarded in selecting a contractor. This is particularly true where more than one acceptable offer from technically qualified sources remains for consideration after conduct of negotiations. If a lower priced, lower scored offer meets the Government's needs, acceptance of a higher priced, higher scored offer shall be supported by a specific determination by the Contracting Officer that the technical superiority of the higher priced offer warrants the additional cost involved in the award of a contract to that offeror.

(i) *Final negotiation and award.* Under a negotiated procurement, selection of the source or sources marks only the first phase of negotiating a definitive contract. Final contract negotiation entails: (1) reaching agreement with the selected source on the costing/pricing, technical, equal opportunity and other provisions that will condition his performance under the contract; (2) setting forth these terms in a mutually acceptable contractual document; and (3) having sound rationale and basis for results negotiated.

(j) *Pre-negotiation conference.* Prior to negotiations with the selected offeror,

the Contracting Officer shall conduct a meeting with those members of the Government's team who will participate. The purpose of this meeting is to present the objective to be sought and to establish negotiating positions.

(k) *Negotiation and award.* The Contracting Officer will make arrangements for negotiations with the successful offeror. Negotiations may be held at the contractor's site, at a HUD facility, or by telephone, depending upon the complexity and magnitude of the proposed contract, economic and time considerations and past experience. The Contracting Officer conducts the negotiation, assisted and supported by technical, audit, and other personnel as needed, making up the Government's negotiation team. It is the responsibility of the Contracting Officer with the coordination of the Office of General Counsel to ensure the integrity of the negotiation process and to see to it that suitable mutual understandings between the parties have been reached. After negotiation is completed, the Contracting Officer will effect appropriate coordinations and execute the contract with a negotiation memorandum prepared in conformance with 41 CFR 1-3.811 and Office requirements.

§ 24-3.805-3 Procurements expected to exceed \$250,000.

On those procurements where the expected dollar amount will exceed \$250,000 the following will apply:

(a) Selection of the source or sources for final contract negotiations shall be made by the Contracting Officer based upon the findings and recommendations of the Source Recommendation Official (SRO) who is the head of the funding office or his designee. To assist the SRO in evaluating proposals and making recommendations for selection, the SRO shall designate a Source Evaluation Board (SEB) composed of a chairman, voting members, and advisors.

(b) After the deadline for receipt of offers, the Contracting Officer will forward five (5) copies of the technical portion of each proposal to the SEB chairman or his designee, who shall be responsible for their custody throughout the evaluation process. The business portions of each proposal will be retained by the Contracting Officer pending initial technical evaluation by the SEB. The Contracting Officer shall inform the SEB of proposals which contain major business deficiencies, including out of line cost proposals, which discussion with the offeror could not reasonably be expected to cure.

(c) The SEB will evaluate each proposal in strict conformance with the factors for award of the RFP, and will assign each proposal a score on the basis of the factors for award. The SEB shall identify each proposal as being either acceptable or unacceptable. A proposal should be considered unacceptable if its deficiencies cannot be corrected through written or oral discussions to the point of having a reasonable chance of being selected for award. Predetermined cutoff scores designed for determining the

threshold level of acceptability of proposals shall not be employed.

(d) After the initial technical evaluation, the Contracting Officer and the SEB will evaluate the business portion of each proposal.

(e) Unless the SEB is prepared to recommend pursuant to 41 CFR 1-3.805-1 (a) (5) that award be made on basis of the most favorable initial proposal, the SEB shall establish a competitive range based upon the evaluation of all the factors for award including cost or price.

(f) The SEB shall conduct written or oral discussions with all proposers within the competitive range as outlined in HUDPR 24-3.805-2(f).

(g) After the close of discussions, receipt of any revisions to proposals and any final adjustments to proposal scores, the SEB shall prepare a written report of its findings and recommendations and submit it to the SRO for action. The report shall summarize all significant SEB actions in the solicitation and evaluation phases and include:

(1) *Statement of findings.* Each acceptable proposal shall be discussed in descending order of scores/rankings. The statement shall identify the strengths and weaknesses of each proposal and any appropriate information for the consideration of the SRO.

(2) *Recommendations.* The SEB shall provide recommendations to the SRO as to selection in terms of: (i) a single source; (ii) a number of equal sources; (iii) a number of sources in descending order; or (iv) options to be considered in arriving at the final decision.

(h) Based upon the SEB report and his review of the matter, the SRO will recommend a source or sources and document the basis for his recommendation. The SRO will communicate his findings and recommendation in a memorandum to the Contracting Officer. The memorandum will request the Contracting Officer to negotiate with the recommended source(s), and may include specific instructions and an alternate source or sources in the event the conduct of final negotiations so warrant.

(i) After receipt of the SRO's recommendation, the Contracting Officer shall select a source for final negotiations in accordance with HUDPR 24-3.805(2)(h). Final negotiations and award will be effected in accordance with HUDPR 24-3.805-2(i).

Subpart 24-3.51—Protests Against Award

§ 24-3.5101 Negotiated procurement protests.

Protests against awards of negotiated procurement shall be processed in accordance with HUDPR 24-2.407-8.

PART 24-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 24-4.1—Automatic Data Processing Equipment and Services

Sec.

24-4.101 Clearance procedures.

Subpart 24-4.10—Architect-Engineer Services

24-4.1000 Scope of subpart.

24-4.1004-1 Establishment of architect-engineer evaluation boards.

24-4.1004-2 Conflict of interest.

24-4.1004-3 Privity of information.

Sec.

24-4.1004-4 Maintenance and furnishing of source lists.

24-4.1004-5 Selection policy.

24-4.1004-6 Selection procedures.

AUTHORITY: Sec. 7(d), Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart 24-4.1—Automatic Data Processing Equipment and Services

§ 24-4.101 Clearance procedures.

No IFB, RFP, RFQ or amendment to an existing contract, when related in whole or in part to the procurement of ADP equipment or services, shall be issued until GSA approval is obtained pursuant to the FPR.

Subpart 24-4.10—Architect-Engineer Services

§ 24-4.1000 Scope of subpart.

This subpart sets forth the policy and procedures to be followed for the establishment of architect-engineering evaluation boards and sets forth policy and procedures for the deliberations of the Board.

§ 24-4.1004-1 Establishment of architect-engineer evaluation boards.

Each architect-engineer evaluation board, whether permanent or ad hoc, shall consist of at least five (5) voting members who are Federal employees from the appropriate program area or from Federal offices outside the program area as appropriate. One member of each board shall be appointed Chairman. Five (5) alternate members who are Federal employees shall also be appointed, but at any given time the majority of voting members shall be from the program area concerned. The members of a permanent board shall be appointed for a period of two (2) years. Appointment shall be made by the following authorities with copies of appointment memoranda furnished to the appropriate procuring activity:

(a) Primary Organizational Heads for Boards appointed at the Headquarters level;

(b) Head of the Procuring Activity for Boards appointed at the Field Office level.

§ 24-4.1004-2 Conflict of interest.

Each board member, whether voting or nonvoting, shall familiarize himself with those provisions of Title 24, Housing and Housing Credit, Subtitle A, Part O, of the Code of Federal Regulations regarding conflicts of interest. If at any time during the selection process a Board member encounters a situation with one or more of the firms being considered that might be or might appear to be a conflict of interest, he will disqualify himself and call it to the attention of the Chairman for resolution and proper action. The Chairman will refer the matter to the Office of General Counsel.

§ 24-4.1004-3 Privity of information.

The Evaluation Board is to be insulated from outside pressures to the extent practical. No person having knowledge of the activities of the Board shall divulge information concerning the deliberations of the Board to any other persons not having a need to know such information.

§ 24-4.1004-4 Maintenance and furnishing of source lists.

The appropriate office utilizing architect-engineer services shall maintain a source list consisting of the current "U.S. Government Architect-Engineer Questionnaire," Standard Form 251 (SF-251), submitted by firms as defined in 41 CFR 1-4.1002 interested in performing work in the program area. For each procurement or group of related procurements the Board shall prepare from its source list a preselection list of ten (10) firms considered likely to be capable of meeting the requirements of the procurement. Every SF-251 shall be read and evaluated by at least two (2) Board members to determine which of the firms on the source list should be included on the preselection list. When a list of ten (10) firms is not available, fewer firms may be considered. SF-251's may be obtained from the General Services Administration.

§ 24-4.1004-5 Selection policy.

The selection of architect-engineering firms for professional service contracts shall be accomplished in accordance with the procedures set forth in this section. Such selection shall be based upon competitive evaluation procedures to determine which firm(s) is/are the most qualified. Qualification considerations include but are not limited to:

(a) Demonstrated specialized experience of the firm and key personnel in the area of expertise needed for the procurement.

(b) Capability and capacity of the firm to accomplish the work in the required period of time.

(c) Past experience of the firm with respect to performance of Federal contracts.

(d) Geographical location of the firm having working offices, capacity, and personnel to respond to the requirements of the procurement if geographical location is an important factor to the procurement.

§ 24-4.1005-6 Selection procedures.

The following procedures shall be used in the selection of architect-engineering firms for all engineering contracts:

(a) For each requirement or group of requirements intended to result in a single contract, the Board shall review the qualifications and performance data for each of the firms on the preselection list, in accordance with the selection policy, including input from the program staff and shall select a minimum of three firms determined to have the highest qualifications. The procuring activity shall then mail letters of inquiry to those highest qualified firms regarding capability to perform the work, anticipated concepts, and the relative utility of alternate methods of approach.

(b) The replies to these letters shall be evaluated by the Board with each response being evaluated by at least three Board members. The SF-251's from the responding firms may also be reevaluated as necessary by three or more Board members. The firms queried will be re-

ranked as necessary in accordance with the Board's evaluation.

(c) After the reranking, a Request for Contract Services shall be forwarded to the procuring activity. The authorities identified in HUDPR 24-4.1004-1 or his designee shall be the Source Selection Official. The SSO shall indicate the order of qualification, including capability, of the selected firms.

(d) The procuring activity shall send a Request for Proposal to the firm ranked highest on the list and if the proposal is acceptable shall initiate negotiations with that firm. If such negotiations are unsuccessful, contract negotiations shall then be commenced with the second most qualified firm. Failing accord with the second firm, contract negotiations shall be commenced with the third firm.

(e) All selection and negotiation proceedings shall be documented. All screening and evaluation sheets and meeting records are a part of the official record of the Board.

PART 24-7—CONTRACT CLAUSES

Sec.

24-7.000 Scope of Part.

Subpart 24-7.5—Special Clauses

- 24-7.5007 Letter of credit.
- 24-7.5008 Negotiated overhead rates.
- 24-7.5009 Indirect costs (actual).
- 24-7.5010 Indirect costs (ceiling).
- 24-7.5011 Consideration and payment (cost-sharing).
- 24-7.5012 Reproduction of reports.
- 24-7.5013 Warranty.
- 24-7.5014 Coordination of Federal reporting requirements.
- 24-7.5015 U.S.-flag vessel provision.
- 24-7.5016 Lead based paint proscription.

AUTHORITY: Sec. 7(d), Housing and Urban Development Act, 42 U.S.C. 8535(d).

§ 24-7.000 Scope of part.

This part sets forth special contract clauses which are in addition to clause set forth in 41 CFR Part 1-7 for use in connection with the procurement of personal property and nonpersonal services (including construction).

Subpart 24-7.5—Special Clauses

§ 24-7.5007 Letter of credit.

When advance payments are authorized and a letter of credit is to be used, insert the following clause:

LETTER OF CREDIT

(a) The advance funds will be provided in accordance with the letter of credit procedure set forth in HUD Handbook 1900.4B or Handbook 1900.23 as appropriate. The Contractor shall use these procedures to obtain advance funds for allowable costs under this contract.

(b) In accordance with those procedures, a Letter of Credit will be issued in an amount determined by the Contracting Officer based on the needs of the Contractor. Subsequent amendments to the Letter of Credit will be on the basis of an amendment to the contract. In no instance will advance funds provided by the letter of credit procedure exceed the amount of the contract as from time to time amended, less the amount of withholding provided therein.

(c) The funds provided by the letter of credit procedure shall be solely for the purposes of making payments for items of allowable cost as defined in this contract, or

to reimburse the Contractor for such items of allowable cost and for making payments for such other costs as the Contracting Officer otherwise has authority to approve, and does approve in writing.

(d) The Contractor may draw on the Letter of Credit using payment vouchers as follows:

(1) Payment vouchers may be executed only for the purpose of obtaining funds in the minimum amount necessary for the following purposes: (a) making payments for items of allowable costs as defined in this contract; (b) reimbursing the Contractor for such items of allowable costs; and (c) for making payments for such other costs as the Contracting Officer otherwise has authority to approve, and does approve in writing; and the funds so obtained may be used only for such purposes.

(2) Payment vouchers drawn shall be timed to be in accordance with the actual cash requirements of the Contractor in carrying out the purpose of the contract.

(e) The Contractor may at any time repay all or any part of the funds or credit obtained under the Letter of Credit. When so requested in writing by the Contracting Officer, the Contractor shall repay to the Government such part of the balance of advance payments as shall, in the opinion of the Contracting Officer, be in excess of the Contractor's current needs.

(f) If upon completion or termination of this contract all amounts obtained by the Letter of Credit have not been fully liquidated by authorized charges under the contract, the balance thereof shall be deducted from any sums otherwise due or which may be due to the Contractor from the Government, and any excess funds shall be repaid by the Contractor to the Government upon demand.

(g) Notwithstanding any other provisions of this contract, the Contractor shall not transfer, pledge, or otherwise assign this contract or any interest therein, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

(h) Any and all advance payments made under this contract shall be secured by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract and on all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provisions of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify by marking or segregation all property which is subject to a lien in favor of the Government by virtue of any provision of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at any time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, *inter alia*, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor

is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payments then outstanding hereunder.

§ 24-7.5008 Negotiated overhead rates.

When it has been determined pursuant to HUDPR 24-3.702(a) that negotiated overhead rates should be used, insert the following clause:

NEGOTIATED OVERHEAD RATES

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with applicable Subpart 1-15.2 of Federal Procurement Regulations (41 CFR Subpart 1-15.2) as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the contract, or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively: (1) Provisional rates may, at the request of either party, be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision of negotiated provisional rates provided in the contract shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

§ 24-7.5009 Indirect costs (actual).

When it has been determined pursuant to HUDPR 24-3.702(c) that it is not appropriate to include the Negotiated Overhead Rates Clause, insert the following:

INDIRECT COSTS (ACTUAL)

In accordance with the "Allowable Cost, Fixed Fee, and Payment" clause of the contract, the Contractor shall be paid his actual

overhead cost. Allowable overhead cost will be determined by the Contracting Officer in accordance with the principles set forth in 41 CFR Part 1-15. Any failure of the parties hereto to agree as to what constitutes actual overhead costs shall be considered a dispute covering a question of fact within the meaning of the clause of this contract entitled "Disputes."

§ 24-7.5010 Indirect costs (ceiling).

When it has been determined in accordance with 41 CFR 1-3-707 that it is appropriate to place an overhead ceiling in the contracts, insert the following clause:

INDIRECT COSTS (WITH CEILING)

(a) Pursuant to the provisions of the clause of this contract entitled, "Indirect Costs (Actual)", the following rates are established:

Period	Cost center	Type	Rate	Base
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(b) In addition to the principles for determination of costs set forth, in the clause of this contract entitled, "Indirect Costs (Actual)", the following special provision shall be applicable to this contract.

"Final overhead rates shall not exceed ____% of the allowable direct labor dollars; provided, however, that in the event, overhead rates developed by the cognizant audit activity on the basis of actual allowable costs are less than the ceiling overhead rate agreed to herein then the rates based upon those established by such cognizant auditor shall apply. The Government will not be obligated to pay any additional amounts on account of overhead above the ceiling overhead rate set forth above."

§ 24-7.5011 Consideration and payment (cost-sharing).

The following clause shall be inserted in each cost-sharing contract:

**CONSIDERATION AND PAYMENT
(COST-SHARING)**

(a) The estimated cost for the performance of this contract is \$_____. The Contractor agrees to bear without reimbursement by the Government ____% of the cost for performance here under. Such cost sharing shall be effected as set forth in Paragraph (b) below.

(b) Public vouchers or invoices shall be submitted to the Contracting Officer in an original and five (5) copies and shall show the total cost incurred for the period for which the voucher or invoice is submitted, the cumulative total of costs incurred through the billing period, and the percentage of costs to be reimbursed by the Government. However, the Government is not obligated to reimburse the Contractor in excess of ____% of such amount. The Government shall not be obligated to reimburse the Contractor for the Government's share of the costs in excess of \$_____ nor is the Contractor obligated by this contract to expend his own funds in excess of \$_____.

§ 24-7.5012 Reproduction of reports.

Insert the following clause when the product of the contract is a report, data or other written material.

REPRODUCTION OF REPORTS

Reproduction of reports, data or other written material, if required herein is authorized provided that the material produced does not exceed 5,000 production units of any page and that items consisting of multiple pages do not exceed 25,000 production units in aggregate. The aggregate number of production units is to be determined by multiplying pages times copies. A production unit is one sheet, size 8 by 10 1/2 inches or less, printed on one side only and in one color. All copy preparation to produce camera ready copy for reproduction must be set by methods other than hot metal typesetting. The reports should be produced by methods employing stencils, masters and plates which are to be used on single unit duplicating equipment no larger than 11 by 17 inches with a maximum image of 10 3/4 by 14 1/4 inches and are prepared by methods or devices that do not utilize reusable contact negatives and/or positives prepared with a camera requiring a darkroom. All reproductions (camera ready copies for reproduction by photo offset methods) shall become the property of the Government and shall be delivered to the Government with the report, data or other written material.

§ 24-7.5013 Warranty.

When it has been determined that it is appropriate to place a warranty on equipment or services furnished under a contract, insert the following clause set forth below. Each construction contract shall incorporate an appropriate clause.

WARRANTY

The Contractor agrees that the supplies or services furnished by the Contractor under this contract shall be covered by warranties which are either standard or customary in the trade or are substantially similar to, and not in excess of, a standard or customary trade warranty. The Contractor shall furnish any warranty description at time of delivery. Supply packages shall be simply marked to show existence of the warranty, its expiration date and the company official to be notified.

§ 24-7.5014 Coordination of Federal reporting requirements.

The following clause shall be used when appropriate:

COORDINATION OF FEDERAL REPORTING REQUIREMENTS

In the event that it is a contractual requirement to collect information from ten or more public respondents the provisions of (44 U.S.C. Ch. 35, Coordination of Federal Reporting Requirements) shall apply to this contract. The Contractor shall obtain through the Government Technical Representative (GTR) the required Office of Management and Budget clearance before making public contact for the collection of data from public respondents or expending any funds for such collection. The authority to proceed with the collection of data and expenditure of funds therefor shall be in writing signed by the Contracting Officer.

§ 24-7.5015 Ocean freight shipments—use of American-flag vessels—reports.

The following clause shall be used when appropriate with the required report filed as set forth in (b) of this section:

(a) It is the policy of HUD to encourage and foster the American Merchant Marine. Pursuant to the provisions

of section 901(b) of the Merchant Marine Act of 1936 (46 U.S.C. 1241) invitations for bids and requests for proposals shall in appropriate cases contain the following clause:

U.S.-FLAG VESSEL PROVISION

The Contractor agrees to ship on privately owned U.S.-flag commercial vessels at least 50 percent of the gross tonnage of any equipment, materials, or commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers) which may be transported on ocean vessels. Pursuant to section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. sec. 1241(b)), the Secretary or his duly authorized representative may permit shipment in a manner other than that required by this provision upon the basis of evidence furnished by the contractor that U.S.-flag commercial vessels are not available at fair and reasonable rates for U.S.-flag commercial vessels. The Contractor will be required to certify compliance with this requirement prior to final payment. For purposes of this section, the term "privately owned U.S.-flag commercial vessels" shall not be deemed to include any vessels which, subsequent to September 21, 1961, shall have been either: (a) built outside the United States, (b) rebuilt outside the United States, or (c) documented under any foreign registry, until such vessel shall have been documented under the laws of the United States for a period of 3 years.

(b) Each affected office shall submit to the Chief, Office of Market Development, Cargo Preference Control Center, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20235, a report as follows: Within 20 working days of the date of loading for each shipment originating in the United States, or within 30 working days for each shipment originating outside the United States, a report consisting, where obtainable, of a properly notated and legible copy in English of the ocean bill of lading. If a copy of the bill of lading is unobtainable or not in English, the report shall be made in the following format:

U.S. Department of Housing and Urban Development
Office _____
Date _____
Cargo Preference Shipment Report
Vessel name _____
Vessel flag _____
Date of loading _____
Port of loading _____
Port of final discharge _____
Commodity description _____
Gross weight in pounds _____
Total ocean freight revenue in U.S. dollars _____

§ 24-7.5016 Lead based paint proscription.

In accordance with the requirements of the Lead Based Paint Poisoning Prevention Act of July 1, 1973, and 24 CFR, Subpart 35.5, every construction or rehabilitation contract and subcontract which includes painting shall contain the following provisions for the restricted use of lead based paints:

The Contractor agrees that exterior and/or interior paints, enamels, and/or primers used on any surface in residential structures constructed or rehabilitated under this contract shall not contain more than 1/2 of one (1) percent lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints.

PART 24-11—FEDERAL, STATE, AND LOCAL TAXES

Subpart 24-11.1—State and Local Taxes

- Sec.
24-11.105 Resolution of tax problems.
24-11.401-4 Matters requiring special consideration.

AUTHORITY: Sec. 7(d), Housing and Urban Development, 42 U.S.C. 3535(d).

Subpart 24-11.1—State and Local Taxes

§ 24-11.105 Resolution of tax problems.

In order to have uniformity in HUD's treatment of the tax aspects of a contract and to insure effective cooperation with other Government agencies on tax matters of mutual interest, the Office of General Counsel has the responsibility within HUD for handling all tax problems. Therefore, the procuring activity will not engage in negotiation with any taxing authority for the purpose of determining the validity or applicability of, or obtaining exemptions from or refund of, any tax. When a problem exists, the Contracting Officer shall request in writing the Office of General Counsel's assistance. The request shall detail the problem and be accompanied by appropriate backup data. The Office of General Counsel shall report to the Contracting Officer as to the necessary disposition of the tax problem. The Contracting Officer will notify the contractor of the outcome of the tax problem. The Office of General Counsel shall have the responsibility for communications with the Department of Justice for representation or intervention in proceedings concerning taxes.

Subpart 24-11.4—Contract Clauses

§ 24-11.401-44 Matters requiring special consideration.

When Government-furnished property is involved in a proposed contract, it is the Department's policy to follow the requirements set forth in 41 CFR 1-11.401.4(a), (b), (e) and (f) and insert the clause set forth in 41 CFR 1-11.401-4(c) in all proposed contracts.

PART 24-13—GOVERNMENT PROPERTY

- Sec.
24-13.000 Scope of part.
Subpart 24-13.1—General
24-13.100 Scope of subpart.
24-13.101 Relationship of Federal Property Management Regulations (FPMR) to HUDPR.
24-13.102 Definitions.
24-13.103 Responsibility and liability for government property.
24-13.103-1 Prime contractors.
24-13.103-2 Subcontractors.
24-13.104 Profits and fees.
24-13.105 Use for or by contractors of property owned and operated by the government.

Subpart 24-13.2—Material

- 24-13.200 Scope of subpart.
24-13.201 Policy.
24-13.202 Procedure.
24-13.203 Disposal.

Subpart 24-13.3—Providing Government Property to Contractors

- 24-13.300 Scope of subpart.
24-13.301 Providing property.

- Sec.
24-13.301-1 Special and general purpose property.
24-13.301-2 Providing property when disposal is limited.
24-13.301-3 Changing government property to be provided.

Subpart 24-13.4—Use and Charges

- 24-13.400 Scope of subpart.
24-13.401 General.
24-13.402 Use without charge.
24-13.403 Charges.

Subpart 24-13.5—Competition

- 24-13.500 Scope of subpart.
24-13.501 General.
24-13.502 Solicitation documents.
24-13.503 Evaluation of bids and proposals.

AUTHORITY: Sec. 7(d), Housing and Urban Development Act, 42 U.S.C. 3535(d)

§ 24-13.000 Scope of part.

This part sets forth policies and procedures with respect to providing Government property for use by HUD contractors in connection with the procurement of personal property and nonpersonal services (including construction), and prescribes applicable contract clauses.

Subpart 24-13.1—General

§ 24-13.100 Scope of subpart.

This subpart sets forth material concerning the definitions of HUD property, its use under prime and subcontracts, and its relationship to Federal Property Management Regulations (FPMR).

§ 24-13.101 Relationship of Federal Property Management Regulations (FPMR) to HUDPR.

This Part 24-13 of the HUDPR establishes policy for the control, use and maintenance of Government property under prime and subcontracts and is intended to implement and supplement the FPMR 41-CFR Part 101, to the extent that it is necessary to carry out the requirements of public policy relating to Government property. This part does not apply to the repair, rehabilitation, management or sale of Secretary-acquired property.

§ 24-13.102 Definitions.

For the purpose of this part, the following terms have the meaning set forth in this section.

(a) *Property*. Property includes all property except Secretary-acquired property, both real and personal, severable and nonseverable, and expendable material and nonexpendable equipment. Secretary-acquired property means all real and personal property under legal custody of the Secretary whether or not title to the property vests in the Secretary.

(b) *Government property*. Government property includes all property to which title is vested in the Government.

(c) *Government-furnished property*. Government-furnished property is Government owned or leased property in the possession of the contractor.

(d) *Contractor-acquired property*. Contractor-acquired property is property procured or otherwise obtained by the

contractor through sources other than the Government for performance of a HUD contract.

(e) *Contractor inventory*. Contractor inventory is (1) Any property acquired by and in the possession of a contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government; and (2) any property which the Government by contract clause is obligated or has the option to take over under any type of contract.

(f) *Provide*. "Provide" means to furnish Government-owned property or to allow a contractor to acquire property at Government expense.

(g) *Nonseverable*. "Nonseverable" means that such property cannot be removed after erection or installation without substantial loss of value or damage thereto, or to the premises where installed.

(h) *Dollar value*. "Dollar value" is the amount determined by the Government and recorded by the Department in its inventory records as the acquisition cost of an item of Government-owned property.

(i) *Material*. "Material" means property which may be consumed or expended in the performance of a contract or which may be incorporated into or attached to an end item to be delivered under a contract. It includes, but is not limited to raw and processed material, parts, components, assemblies, small tools and supplies which may be consumed in normal use during performance of a contract.

(j) *Nonprofit organization*. "Nonprofit organization" means any firm organized not-for-profit which represents that no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(k) *Equipment*. The term "equipment" means any item of mechanical, electronic, medical, technical, or scientific property as well as office furniture and machines having a useful life expectancy of 1 year or more.

(l) *Facilities contract*. "Facilities contract" means a contract for the use of Government real and/or personal property which is provided to a contractor or subcontractor for use in connection with a separate contract or contracts for supplies, research, training, or other articles or services.

§ 24-13.103 Responsibility and liability for Government property.

§ 24-13.103-1 Prime contractors.

It is the policy of the Government, with the exception of advertised fixed price contracts, not to hold a contractor responsible for loss of property except for loss, destruction, or damage resulting from willful misconduct or lack of good faith of any of the contractor's personnel to maintain and administer the program for maintenance, repair, protection and preservation of the property.

§ 24-13.103-2 Subcontractors.

If Government property is provided to a subcontractor directly by the Gov-

ernment or by the prime contractor, the policy set forth in HUDPR 24-13.103-1 shall apply. Prior to the Contracting Officer approving the inclusion of the provisions allowing the prime contractor to provide Government property to a subcontractor, he shall balance the need for the protection and care of Government property against the cost thereof. A prime contractor who provides Government property to a subcontractor shall not be relieved of any responsibility to the Government that he may have under the terms of his contract.

§ 24-13.104 Profits and fees.

No fee is to be provided or allowed a contractor under a facilities contract. Where Government property is provided under a facilities contract, profit or fee terms shall be considered in the negotiation of the related procurement contract or contracts for products or services consistent with the profit guidelines set forth in 41 CFR 1-3.806.

§ 24-13.105 Use for or by contractors of property owned and operated by the Government.

The on-site use for or by contractors of existing Government-owned property (such as test and other facilities) located at installations owned and operated by the Government may be authorized in connection with the performance of Government contracts only when:

(a) There is no commercial capability adequate for the needs; or

(b) Substantial cost savings will result from use of the Government-owned property.

Whenever any such use is authorized, adequate consideration comparable to commercial charges, if any, shall be obtained under any affected contract.

Subpart 24-13.2—Material

§ 24-13.200 Scope of subpart.

This subpart sets forth policy and procedure for furnishing material (see HUDPR 24-13.102-6) to contractors for performance of HUD formally advertised and negotiated contracts.

§ 24-13.201 Policy.

Contractors normally are expected to furnish all material for performance of HUD contracts. However, it may be in the Government's interest to furnish such material when justified by reason of economy, to expedite contract performance, to achieve standardization, or under other appropriate conditions.

§ 24-13.202 Procedure.

Solicitation documents shall describe material to be furnished by the Government, in detail sufficient for evaluation by prospective contractors. Further, whenever material is to be furnished by the Government, the contract shall specify whether the contracting activity or the contractor is to prepare requisitioning documents. If the contractor is to be responsible for preparing requisitioning documents, the contractor shall prepare such documents in accordance

with the Federal Standard Requisitioning and Issue Procedure (FEDSTRIP) system, prescribed by 41 CFR Subpart 101-26.2. (See FPR Subpart 1-5.9 the "Use of GSA Supply Services by Contractors Performing Cost-Reimbursement Type Contracts".) The appropriate clause for Cost-Reimbursement and Fixed Price contracts shall be incorporated.

§ 24-13.203 Disposal.

Residual Government material (including scrap and salvage) shall be disposed of in accordance with instructions of the Contracting Officer.

Subpart 24-13.3—Providing Government Property to Contractors

§ 24-13.300 Scope of subpart.

This subpart sets forth policy to guide the decision-making process when property (other than material) is to be provided a contractor for performance of a HUD contract and to insure that such decisions are properly documented.

§ 24-13.301 Providing property.

§ 24-13.301-1 Special and general purpose property.

Generally, only special purpose property (i.e., equipment and facilities items whose usefulness, without need for substantial modification, is limited to a particular operation or project) may be provided to a contractor. Standard or general purpose items of administrative equipment (e.g., office furniture and equipment, cafeteria equipment, lockers, shelving, etc.), and technical equipment (e.g., laboratory furniture and fixtures, microscopes, oscilloscopes, gauges, etc.), shall be provided only when justified under the most exceptional circumstances. Items of property having a unit cost of less than \$1,000 shall not be provided contractors except as authorized under contracts with:

(a) Nonprofit institutions of higher education or other nonprofit organizations whose primary purpose is the conduct of scientific research;

(b) State and local Government agencies; or

(c) Contractors operating a Government-owned plant or performing on-site at Government installations.

§ 24-13.301-2 Providing property when disposal is limited.

Whenever nonseverable property is to be provided, the following will be applicable:

(a) *Nonseverable property.* Nonseverable property, other than foundation and similar improvements necessary for the installation of equipment, shall not be installed or constructed on land not owned by the Government, in such fashion as to be nonseverable, unless approved by the Head of the Procuring Activity. The determination to locate such nonseverable property on land not owned by the Government shall be made only when all of the conditions in paragraph (a) (1) through (4) of this section have been met:

(1) Consideration has been given to any nonrecoverable costs involved, including transportation and installation.

(2) Consideration has been given to (i) locating the Government property where it can be segregated from existing contractor-owned and Government-owned property and where it is readily accessible from public thoroughfares and (ii) obtaining a written agreement by the contractor on whose land the property is to be placed that either the Government or another Government contractor will have a right to use and operate the property upon termination or completion of the work for which it was provided. (In cases where such an agreement is not obtained, the negotiation effort shall be documented accordingly.)

(3) The contractor agrees that the Government (i) will have the right to abandon in place all nonseverable Government property provided and (ii) will not have any obligation to disassemble or remove the property or to restore or rehabilitate the premises on which the property is located, unless otherwise provided in the contract and approved by the Head of the Procuring Activity.

(4) One of the circumstances in paragraphs (a) (4) (i)-(iv) of this section has been met—

(i) The Government obtains an option to acquire the underlying land;

(ii) The property is disposable, after the Government's need therefor has ceased, to parties other than the contractor and the Government acquires from the owner a right to retain title and to dispose of all facilities it has constructed, without regard to the laws of real property in the jurisdiction in which the facility is located. Such right of disposition must be unencumbered, and will be evidenced by written agreement or other legal instrument signed by the contractor or other owner of the real property;

(iii) The contractor agrees in writing that he will purchase the property upon the termination or completion of the contract under which the property is provided, or within a specified reasonable time thereafter, at a price to be determined by appraisal, or at a price equal to the acquisition cost of the property less depreciation at the rate or rates specified in the contract (which rate or rates shall take into account the estimated useful life of the property) or for the scrap and salvage value of the property if it is determined that the estimated useful life of the property will not extend beyond the completion of the work for which the property was provided. Any such purchase agreement must permit the Government to credit any amounts due the contractor under the contract against the purchase price; or

(iv) The Head of the Procuring Activity specifically approves other provisions which he considers adequate to protect the interests of the Government in regard to the property.

(b) *Property subject to patent or other proprietary rights.* If patent or other proprietary rights of a contractor may restrict the disposal of Government prop-

erty, the condition in either paragraph (a) (4) (ii) or (iii) of this section shall be satisfied before such property is provided.

§ 24-13.301-3 Changing Government property to be provided.

Increases in the amount of Government property specified in a contract shall be made under the contract "Changes" clause by issuance of an appropriate Change Order or Supplemental Agreement. Such increases shall be made only when approved in accordance with the policies prescribed in this Subpart 24-13.3 and when the Government receives adequate consideration therefor. Unilateral decreases in or substitutions for the Government property specified in a contract to be provided by the Government may be ordered by the Contracting Officer.

Subpart 24-13.4—Use and Charges

§ 24-13.400 Scope of subpart.

This subpart deals with the authority for a contractor or subcontractor to use Government property and the method for determining the charge, if any, for such use.

§ 24-13.401 General.

Authority for a contractor to use Government property must be granted by the Contracting Officer responsible for the contract under which the property is accountable and the contract file must be documented accordingly. If use without charge is granted, the contract file must be documented with a description of the consideration to the Government for such "no-charge" use.

§ 24-13.402 Use without charge.

(a) A contractor may use Government property without charge in the concurrent performance of contracts for more than one Government agency.

(b) A prime contractor may authorize subcontractors to use Government property which is in the possession of a subcontractor on a no-charge basis, when the price or fee of the prime contract is negotiated with the specific understanding that the use of property by subcontractors on a no-charge basis will be permitted in the performance of specific subcontracts with specific subcontractors.

§ 24-13.403 Charges.

The following charges shall be made or used as an evaluation factor:

(a) For land and land preparation, buildings, building installations, and land installations, a fair and reasonable rental based on sound commercial practice.

(b) For personal property (equipment and facilities) not covered in (a) of this section not less than the prevailing commercial rate for like property.

(c) For concurrent commercial usage of property an amount equal to at least 10% of the fair market value of such usage.

Subpart 24-13.5—Competition

§ 24-13.500 Scope of subpart.

This subpart sets forth guidance designed to preclude one prospective contractor from receiving an unfair competitive advantage over others when Government property is provided.

§ 24-13.501 General.

It is incumbent upon the Contracting Officer to insure that genuine competition prevails and that adequate consideration flows to the Government whenever and however Government property is to be provided a contractor for contract performance. It is also incumbent upon the Contracting Officer to insure that no unfair advantage inures to a contractor in possession of Government property.

§ 24-13.502 Solicitation documents.

Contracting Officers shall make certain that solicitation documents:

(a) Require each prospective contractor to state whether or not he or it is now using Government property, additional facilities and equipment which must be acquired for contract performance, the estimated cost of individual items, and whether acquisition of such property will be financed by the prospective contractor or whether the Government will be requested to provide the required items.

(b) Explain whether it is the Government's intention to provide property, when it is known prior to solicitation that contract performance will require additional facilities or equipment.

(c) Require prospective contractors to:

(1) List items (including dollar value) of Government-owned property in their possession which they propose to use in performance of the prospective contract;

(2) Identify the contract or other instrument under which the property is accountable; and

(3) Present written permission to use such property in the performance of the prospective HUD contract from the Government Contracting Officer having cognizance of the property.

(d) Include a statement that the user will assume all costs related to making the property available for use (e.g., transportation, installation, rehabilitation, modification, etc.), unless the Government is to assume such costs.

(e) Include a statement which explains the consideration to be given Government property during evaluation of bids and proposals. This is to insure that all prospective bidders and offerors understand that Government property will be an important consideration in evaluating their bids and proposals.

§ 24-13.503 Evaluation of bids and proposals.

The following policy shall be considered during evaluation of bids and proposals:

(a) In a competitive procurement, a prospective contractor provided Govern-

ment property or authorized to use Government-owned property in his possession receives some degree of competitive advantage. When the degree of competitive advantage is so substantial as to be viewed as unfair by the Contracting Officer, then the Contracting Officer shall utilize an equitable equalizing factor, such as, increasing the bid price by an evaluation factor equivalent to:

(1) The cost to be reimbursed by the Government for property acquired at Government expense.

(2) The current dollar value (cost less depreciation) of Government-furnished property.

PART 24-16—PROCUREMENT FORMS

Subpart 24-16.2—Forms for Negotiated Supply Contracts

Sec.	
24-16.201	Forms for fixed price contracts.
24-16.201-1	Fixed price supply contracts—general provisions.
24-16.201-2	Fixed price contracts—general provisions other than supply.

Subpart 24-16.3—Purchase and Delivery Order Forms

24-16.350	Form for purchase orders.
Subpart 24-16.8—Miscellaneous Forms	
24-16.807	Cost-reimbursement forms—general provisions.
24-16.808	Additional general provisions—small business subcontracting.
24-16.853	Contractor's request for progress payments.
24-16.854	Report of inventories.

AUTHORITY: Sec. 7(d), Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart 24-16.2—Forms for Negotiated Supply Contracts

§ 24-16.201 Forms for fixed price contracts.

§ 24-16.201-1 Fixed price supply contracts—general provisions.

Standard Form 32 and HUD Form 752 shall be used for all fixed price supply contracts in excess of \$10,000. In lieu of HUD Form 752, another appropriate form designated for this specific purpose and approved through the Departmental clearance procedures may be utilized.

§ 24-16.201-2 Fixed price contracts—general provisions (other than supply).

HUD Form 736 shall be used for all fixed price contracts over \$10,000 other than supply, construction or property management contracts or any other appropriate form designed for this specific purpose and approved through the Departmental clearance procedures.

Subpart 24-16.3—Purchase and Delivery Order Forms

§ 24-16.350 Form for Purchase Orders.

All HUD purchase orders shall be executed on HUD Form 35 or on any other appropriate form designed for this specific purpose and approved through the Departmental clearance procedures.

Subpart 24-16.8—Miscellaneous Forms

§ 24-16.807 Cost-reimbursement forms—General provisions.

HUD Form 747 shall be used for all cost-reimbursement contracts over \$10,000.

§ 24-16.808 Additional general provisions—small business subcontracting.

HUD Form 751 shall be used for all contracts over \$500,000.

§ 24-16.853 Contractor's request for progress payment.

HUD Form 771, entitled "Contractor's Request for Progress Payment" shall be used as prescribed in HUDPR 24-30.519.

§ 24-16.854 Reports of inventions.

Contractors shall provide interim and final reports pursuant to the Patents clause on HUD Form 770.

PART 24-30—CONTRACT FINANCING

Subpart 24-30.1—Forms of Financing

- Sec.
24-30.103 Advance Payments—authority.
24-30.104-1 Letters of credit.

Subpart 24-30.4—Advance Payments

- 24-30.406 Responsibility—Delegation of authority.
24-30.410 Findings, determinations and authorizations.
24-30.414 Contract provisions for advance payments.

Subpart 24-30.5—Progress Payments Based on Cost

- 24-30.519 Contractor's request.

AUTHORITY: Sec. 7(d), Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart 24-30.1—Forms of Financing

- § 24-30.103 Advance payments—authority.

This section sets forth policy relating to advance payments:

(a) In considering whether cash advances are appropriate in a particular situation, and to determine the requirements for implementing advances, the Contracting Officer shall be guided by this section, the 41 CFR Subparts 30.1 and 30.4, Department of the Treasury Circular 1075 and part VI of the Department of the Treasury Fiscal Requirements Manual.

(b) Cash advances by HUD shall be limited to the minimum amounts needed by the contractor for the performance of the contract. The advance shall be timed in accord with the contractor's actual cash requirements.

(c) Department of the Treasury Circular 1075 (revised April 6, 1969) authorizes two methods for making cash advances: the letter of credit and the Treasury check. Normally, the method to be used will be chosen as follows:

(1) If HUD does not expect to have a continuing relationship with the contractor for at least one (1) year, advances will be made by Treasury check.

(2) If HUD expects to have a continuing relationship with the contractor for at least one (1) year involving total annual advances of less than \$250,000, advances will be made by Treasury check.

(3) If HUD expects to have a continuing relationship with the contractor for at least one (1) year involving total annual advances of \$250,000 or more and disbursements will not be made on a reimbursable basis, advances will be made by use of a letter of credit.

§ 24-30.104-1 Letters of credit.

No letter of credit will be issued unless the statutory requirements specified in 41 CFR 1-30.405 are fulfilled. If the Contracting Officer determines that advance payment by letter of credit is appropriate, he shall insert the clause provided in HUDPR 24-7.5007.

Subpart 24-30.4—Advance Payments

§ 24-30.406 Responsibility—delegation authority.

The determinations and findings required by 41 CFR 1-30.405 shall be made by the head of the procuring activity only in those instances where specific delegation of authority has been issued in writing giving the HPA such authority to approve advances.

§ 24-30.410 Findings, determinations and authorizations.

Section 305 of the Federal Property and Administrative Services Act of 1969, as amended, should be cited in the determinations and findings as authority for making advance payments.

§ 24-30.414-2 Contract provision for advance payments.

When the Contracting Officer determines that advance payments are appropriate, he shall insert the clause provided in 41 CFR 1-30.414-2.

Subpart 24-30.5—Progress Payments Based on Cost

§ 24-30.519 Contractor's request.

Each contract containing a Progress Payments clause shall provide that all invoices for progress payments be supported by HUD Form 771 entitled "Contractor's Request for Progress Payments," with any other information that may be reasonably required.

PART 24-50—CONTRACT ADMINISTRATION

Sec.

- 24-50.000 Scope of part.

Subpart 24-50.1—Processing Payments Under Cost-Reimbursement Contracts

- 24-50.100 Scope of subpart.
24-50.101 Definitions.
24-50.102 Submission of vouchers.
24-50.103 Processing vouchers.

Subpart 24-50.2—Processing Payment Under Fixed Price Contracts

- 24-50.200 Scope of subpart.
24-50.201 Definitions.
24-50.202 Submission of invoices.
24-50.203 Processing invoices.

Subpart 24-50.3—Closing Completed Contracts and Grants

- 24-50.300 Scope of subpart.
24-50.301 General.
24-50.302 Definitions.
24-50.303 Retention of contract and grant files.

Subpart 24-50.4—Administration of Government Property While Under Government Contract

Sec.

- 24-50.400 Scope of subpart.
24-50.401 General.
24-50.402 Property administration.

Subpart 24-50.5—Guaranty and Subordination Agreement

- 24-50.500 Scope of subpart.
24-50.501 Policy.
24-50.502 Definitions.
24-50.503 Processing.
24-50.504 Format for guaranty agreement.
24-50.505 Format for subordination agreement.

§ 24-50.000 Scope of part.

This part sets forth policies concerning management and administration of contracts.

Subpart 24-50.1—Processing Payments Under Cost-Reimbursement Contracts

§ 24-50.100 Scope of subpart.

This subpart prescribes policy pertaining to the processing of vouchers under cost-reimbursement type contracts.

§ 24-50.101 Definitions.

As used in this subpart, the following terms have the meaning as stated:

(a) "Cost-reimbursement type contracts" include, cost-plus-a-fixed-fee, cost-plus-an-incentive-fee, cost-sharing, labor hour, and time and material contracts.

(b) "Voucher" is used to identify claims by the contractor for reimbursement of costs incurred or for fee earned and relate to either interim request or final cost or fee remaining under the contract.

§ 24-50.102 Submission of vouchers.

Submission of vouchers shall be in accordance with the following:

(a) Interim vouchers shall be submitted directly to the HUD Official and at the location stipulated in the contract for approval and payment processing. The frequency for submission will be specified in the contract. In the absence of a contract provision to the contrary, the contractor may submit a voucher once each month. The Contracting Officer will request the contractor to consolidate vouchers under one contract as much as possible to reduce the number of vouchers. Vouchers shall not contain claims pertaining to more than one contract.

(b) The Contracting Officer shall require the contractor to provide, as a part of each voucher submission, an analysis of the total vouchered charges. Where data is readily available from the contractor's records, a limited analysis may be placed in the face of Public Voucher for Purchases and Services Other Than Personal (Standard Form 1034), provided the reliability of the contractor has otherwise been established. As a minimum, the analysis shall include cumulative and current costs broken down by cost elements. When a more detailed analysis is required, the Continuation Sheet (Standard Form 1035) or an attachment may be used.

(c) Contractors shall be required to submit separate invoices for fee and,

where the amount of fee claimed depends on a computation based on physical progress or rate of delivery of the completed item, the Contracting Officer shall require the contractor to show the basis for computing the fee installment on the voucher (face or reverse of Standard Form 1034) or on an attachment.

§ 24.50.103 Processing vouchers.

Processing vouchers shall be in accordance with the following:

(a) Prior to approving vouchers for payment, the Contracting Officer may, as appropriate, verify the status of the contract by consulting with other Government personnel (i.e., technical, audit, and financial personnel) concerned with administration of the contract.

(b) *Provisional vouchers.* (1) The eligibility for reimbursement of claims submitted by a contractor for costs or payment of fee shall be determined pursuant to the terms of the contract. Authority for payment must be established before any reimbursements under the contract are approved. In no event will a reimbursement claim be processed by the Contracting Officer for payment which would result in cumulative payment in excess of the maximum amount payable as limited by the contract.

(2) The contractor shall submit reimbursement vouchers under cost-type contracts directly to the HUD official and at the location stipulated in the contract for approval prior to payment. All vouchers, with the exception of the final voucher, shall be marked "Approved for provisional payment in the amount of \$_____ subject to audit prior to final payment," signed by the appropriate HUD official, and processed for payment. Questionable costs, determined through periodic audit or otherwise, shall be suspended or disapproved prior to approval of the voucher. In those situations where (i) there is reason to question the reliability or accuracy of the contractor's claim, (ii) there is an indication of cost overrun, or (iii) the submission is the contractor's initial claim, the recommendations of the cognizant auditor should be requested prior to approval.

(3) If the contractor has not deducted from his claims amounts required to be withheld pursuant to the provisions of the contract, the Contracting Officer shall make the deduction. Such deductions shall be treated as suspensions. Amounts deducted may be resubmitted by the contractor at such time as the contractor has evidenced compliance with the requirements necessary to permit payment and may, in any event, be claimed on the final voucher.

(4) Vouchers which have not been properly prepared by the contractor shall be returned for revision. No erasures are permitted on a voucher or a continuation sheet. A voucher and/or continuation sheet or its equivalent, which requires alteration, may be changed by striking out the incorrect item and inserting the correct item. An alteration made by the contractor must be initialed by the contractor. An alteration made by the Contracting Officer must be initialed by the Contracting Officer and may be made

only in accordance with 36 Comp. Gen. 769 (1957) which provides that when errors in computations or extensions are detected, where the payee has clearly made claim for the full quantity of materials or services and at the proper unit price, the claim may be altered upward or downward prior to approval provided the adjustment does not exceed \$10. Vouchers may be adjusted by the Contracting Officer, provided that costs have not been suspended or disapproved and the errors are not too numerous to correct. The incorrect computation or extension may be altered by drawing a line through the incorrect amount and inserting the corrected amount on the original and all copies of the voucher. Each alteration must be initialed. The amount of the error will be deducted from or added to the total of the voucher. If Standard Form 1034 is used, the amount of the error will also be deducted from or added to the total by use of the "Difference" block on Standard Form 1034. Contractors will be notified, in writing, of mathematical errors which overstate the total amount claimed in excess of \$10. If an underclaim is in excess of \$10, the actual amount claimed, if otherwise proper, may be processed for payment. Contractors should be notified of any errors detected or of any adjustments made according to this policy.

(c) *Final voucher.* Upon receipt of a final voucher for contracts in excess of \$50,000, the Contracting Officer shall furnish a copy to the cognizant auditor for final audit prior to payment. The final voucher shall be supported by contractor's (or assignee's) release and assignment forms, and the final schedule of cumulative costs under the contract. Final vouchers shall not be approved until the results of the final audit have been received by the Contracting Officer.

Subpart 24-50.2—Processing Payment Under Fixed Price Contracts

§ 24-50.200 Scope of subpart.

This subpart prescribes policy pertaining to the processing of invoices under fixed price type contracts.

§ 24-50.201 Definitions.

As used in this subpart, the following terms have the meaning as stated:

(a) "Fixed price type contracts" include firm fixed-price, fixed-price with escalation, fixed-price incentive, indefinite delivery and small purchases.

(b) "Invoice" is used to request payment under an established payment schedule specifically identified in the contract.

§ 24-50.202 Submission of invoices.

Invoices shall be submitted to the HUD Official and at the location stipulated in the contract for approval and payment processing.

§ 24-50.203 Processing invoices.

The processing of invoices shall be accomplished in accordance with the following:

(a) Prior to approving invoices for payment, the appropriate HUD official may, as appropriate, verify the status of

the contract by consulting with cognizant Government personnel (i.e., technical, audit and financial personnel) concerned with administration of the contract.

(b) Withholdings pursuant to the contract will be handled in accordance with HUDPR 24-50.103(b)(3).

(c) Invoices which have not been properly prepared by the contractor shall be returned for revision. No erasures are permitted on an invoice or a continuation sheet. However, alterations may be made by a contractor by striking out the incorrect item and writing in correct item. Any alteration made by the contractor must be initialed by the contractor.

(d) *Final invoice.* The final invoice shall be supported by contractor's release and assignment forms, as appropriate. Final invoice shall not be approved until final acceptance of the contractor's performance is received by the Contracting Officer or his duly authorized representative.

Subpart 24-50.3—Closing Completed Contracts and Research Grants

§ 24-50.300 Scope of subpart.

This subpart establishes policy governing the closing of completed contracts and is applicable to all contracts and research grants.

§ 24-50.301 General.

The procedures for closing completed contracts are a primary tool of contract management and contract administration. Each procuring activity shall establish adequate procedure to insure proper closing of files and conduct contract/grant closing reviews in order that the file is completely documented. The comprehensive closing review serves the following purposes:

(a) Facilitates orderly segregation and disposition of records, and ensures efficient use of filing equipment and space;

(b) Identifies all uncompleted actions;

(c) Ensures that all contractual obligations have been fulfilled, that the interests of the Government have been protected; and, that sound business practices have been followed.

§ 24-50.302 Definition—completed contract or grant.

A completed contract or grant is one which is both physically and administratively complete and in which all aspects of performance by the contractor have been either accomplished or formally waived. A contract is physically complete only after articles and services called for under the contract have been delivered to and formally accepted by the Government. A contract is administratively complete when all administrative actions are accomplished and all payments made.

§ 24-50.303 Retention of contract and grant files.

Each procuring activity shall ensure that contract and grant files are properly forwarded to the appropriate Federal Records Center for retention of a

minimum of six (6) years from the date of closing completed files. In connection with contracts where 41 CFR Part 1-3 requires a finding and determinations, these files shall be maintained in accordance with 41 CFR 1-3.308. The procuring activity shall maintain a listing of all contracts and grants closed and forwarded to the retention center.

Subpart 24-50.4—Administration of Government Property While Under Government Contract

§ 24-50.400 Scope of subpart.

This subpart sets forth policy and procedures governing administration of Government-furnished property and property acquired by contractors at Government expense for performance of HUD contracts.

§ 24-50.401 General.

Responsibility within HUD for administering Government property rests with the Contracting Officer.

§ 24-50.402 Property administration.

The duties of the responsible officer are identified below:

(a) The Contracting Officer is the HUD "Accountable Officer" for Government property and maintains the official records of such property.

(b) The Contracting Officer performs all transactions and handles all matters concerning Government property, including use charges as prescribed in HUDPR 24-13.4, determinations of liability for lost, damaged, or destroyed Government property, and resolving disputes with contractors with regard to property.

(c) The Contracting Officer will review and determine the adequacy of contractor's property policy and procedures concerning:

- (1) Receiving and inspection;
- (2) Accounting, control, and reports;
- (3) Utilization, including reporting excess property;
- (4) Maintenance; i.e., protection, preservation, service, repair, warranties and guaranties, etc.;
- (5) Scrap and salvage of material, parts, etc.; and
- (6) Disposal, including preparation for shipment and shipping procedures.

Subpart 24-50.5—Guaranty and Subordination Agreements

§ 24-50.500 Scope of subpart.

This subpart sets forth policy and procedures for processing guaranty and subordination agreements.

§ 24-50.501 Policy.

Guaranty and subordination agreements may be used when it is determined as the result of a pre-award survey that the financial condition of a proposed contractor warrants such protection for the Government.

§ 24-50.502 Definitions.

As used in this subpart, the following terms have the meaning as stated:

(a) *Guaranty agreement.* An agreement wherein the guarantor guarantees

the performance of a bidder (contractor).

(b) *Subordination agreement.* An agreement wherein a creditor agrees to subordinate debts due it from the bidder (contractor) to the rights of Government.

§ 24-50.503 Processing.

The requirements for processing a guaranty or subordination agreement are stated below:

(a) When, in the judgment of the Contracting Officer, the financial condition of the prospective contractor warrants, he shall obtain a guaranty or subordination agreement, as appropriate. Formats for guaranty and subordination agreements are provided in HUDPR 24-50.504 and 24-50.505, respectively. The Contracting Officer shall obtain the

§ 24-50.504 Guaranty agreement.

Whenever a Guaranty Agreement is required as set forth in HUDPR 24-50.5, it shall be developed substantially as shown below:

GUARANTY AGREEMENT FOR CORPORATE GUARANTOR

(Applicable to One Government Contract)

_____, a corporation organized under the laws of the State of _____, (Insert Offeror's Name) having its principal place of business at _____ in the City and State of _____, hereinafter called the Offeror is under consideration by the United States of America (_____) hereinafter called the Government, for the award of a certain contract, (Insert Department)

_____ (IFB, RFP or RFQ) hereinafter referred to as such contract. Such contract will call for the furnishing of approximately _____

(Insert Quantity and General Description of Supplies or Services to be Procured) for the contract price of approximately \$_____. The Government is willing to award such contract to _____ only upon condition that _____

(Insert Offeror's Name)

_____, for itself, its successors and assigns, (Insert Guarantor's Name, Description and Address) hereinafter referred to as the Guarantor, will, in the event such contract is awarded by the Government to the Offeror, guarantee absolutely to the Government the full, complete and faithful performance of the Offeror of such contract according to the terms and conditions thereof and at the time and in the manner provided therein.

In consideration of the award of such contract to the Offeror the undersigned Guarantor agrees as follows:

1. *Guaranty.* The Guarantor absolutely guarantees the full, complete and faithful performance by the Offeror of such contract, as such contract may be from time to time amended as authorized by its terms, according to the terms and conditions of such contract as so amended, and at the time and in the manner provided therein. The Guarantor agrees to provide the Offeror all necessary and required resources including financing, which are necessary to assure the full, complete and satisfactory performance of such contract.

2. *Extension of Time of Performance.* Any extension of the time of performance of such contract as so amended shall not release the undersigned Guarantor from liability hereon.

3. *Assignment.* This instrument shall bind the undersigned Guarantor, its successors and assigns. If any person, firm, corporation or entity other than _____

(Insert Offeror's Name)

becomes obligated to perform the contract or any part thereof, whether by operation or law or otherwise, any and all rights of the Government against the Guarantor shall remain in full force.

4. *Default.* In the event of termination for default under the terms of such contract, or in the event of failure, insolvency, default, bankruptcy, arrangement, appointment of receiver for _____ or other liquidation of the Offeror, the Guaranty herein

(Insert Offeror's Name)

shall become absolute.

5. *Waiver of Notice.* The Guarantor waives notice of default on the part of the Offeror and agrees that its Guaranty shall become absolute without necessity for the giving of such notice.

6. *Continuation of Guaranty.* The Guaranty herein shall continue until full, complete and faithful performance of such contract as it may be from time to time amended as authorized by its terms.

7. *Default Liability.* In addition to all other guarantees contained in this agreement, in the event that the Government terminates such contract for default and awards the uncompleted portion of such contract to another source at a fair and reasonable price, the Guarantor shall be liable for any excess costs incurred by the Government as a result of such procurement and for the repayment of any unrecouped Partial Payments, Progress Payments or Advanced Payments paid to the Offeror by the Government. In addition, the Guarantor shall be liable for all costs and expenses paid or incurred by the Government in enforcing this Guaranty. The Contracting Officer representing the Government in connection with such contract shall determine the total costs and expenses, if any, incurred by the Government.

PROPOSED RULES

8. *Enforcement.* This Guaranty Agreement shall inure to the benefit of and may be enforced by the Government.

9. *Construction.* Nothing in this Guaranty Agreement shall be construed to obligate the Government to award any contract to _____ Executed the _____
(Insert Offeror's Name)

day of _____ 197_____

Two Witnesses:

(Guarantor)
By _____
(Title)

(Business Address)

I, _____, certify that I am the _____ Secretary of the Corporation named as Guarantor herein; that _____ who signed this Agreement on behalf of the Guarantor, was then _____ of said Corporation; that said Agreement was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Corporate Seal

(Secretary)

Receipt of a copy of the above Guaranty Agreement is acknowledged.

Contracting Officer Address:

THE UNITED STATES OF AMERICA

By _____
(Contracting Officer)

§ 24-50.505 Subordination agreement.

Whenever a Subordination Agreement is required as set forth in HUDPR 24-50.5, it shall be developed substantially as shown below:

SUBORDINATION AGREEMENT

(Applicable to One Government Contract)

_____, a corporation *organized under the laws of _____, having
(Insert Debtor's Name)

its principal place of business at _____ in the City and State of _____,
a partnership *doing business as _____ at _____ County of _____

City of _____ State of _____ an individual, *having its principal place of business at _____ in the City and State of _____ herein-

after called the Debtor, is under consideration by the United States of America (_____) hereinafter called the Government, for the award of a certain

(Insert Department)

contract. Such contract will call for the furnishing of approximately

(Insert Quantity and General Description of Items or Services to be Procured)

for the contract price of approximately _____ dollars (\$_____). The Government is willing to award such contract to the Debtor only upon condition that

(Insert Creditor's Name, Description, Address, etc.)

hereinafter referred to as the Creditor, will agree to subordinate any and all present and future rights with respect to payments due or to become due from the Debtor to the undersigned Creditor to the rights of the Government under or arising out of the contract. As of the date of execution of this agreement recited at the end thereof, _____ is owing

(Insert the Amount)

or is due and owing from the Debtor to the Creditor.

In consideration of the award of the contract to the Debtor the undersigned agrees as follows:

1. *Payments and Debts.* Any and all present and future rights of the undersigned Creditor with respect to payments due or to become due by reason of the above cited indebtedness and including any additional future indebtedness incurred as advances by the Creditor for working capital purposes and/or acquisition of capital assets owed by the Debtor to the Creditor, are fully subordinated to the rights of the Government under or arising out of the contract. The undersigned Creditor will make no demand for payment from the Debtor and will forbear to sue on said indebtedness, or to attempt to collect the same by legal process until the contract is fully performed. (Purchases of raw materials, fabricated sub-assemblies, component parts and/or subcontractor services supplied by the Creditor to the Debtor under usual trade terms in the normal course of the Creditor's business will not be construed as being advances for working capital purposes.)

2. *Property of the Debtor.* Any and all present and future rights of the undersigned Creditor against the Debtor or any property of the Debtor are fully subordinated to the prior performance of the contract and the liquidation of all obligations of the Debtor under or arising out of the contract.

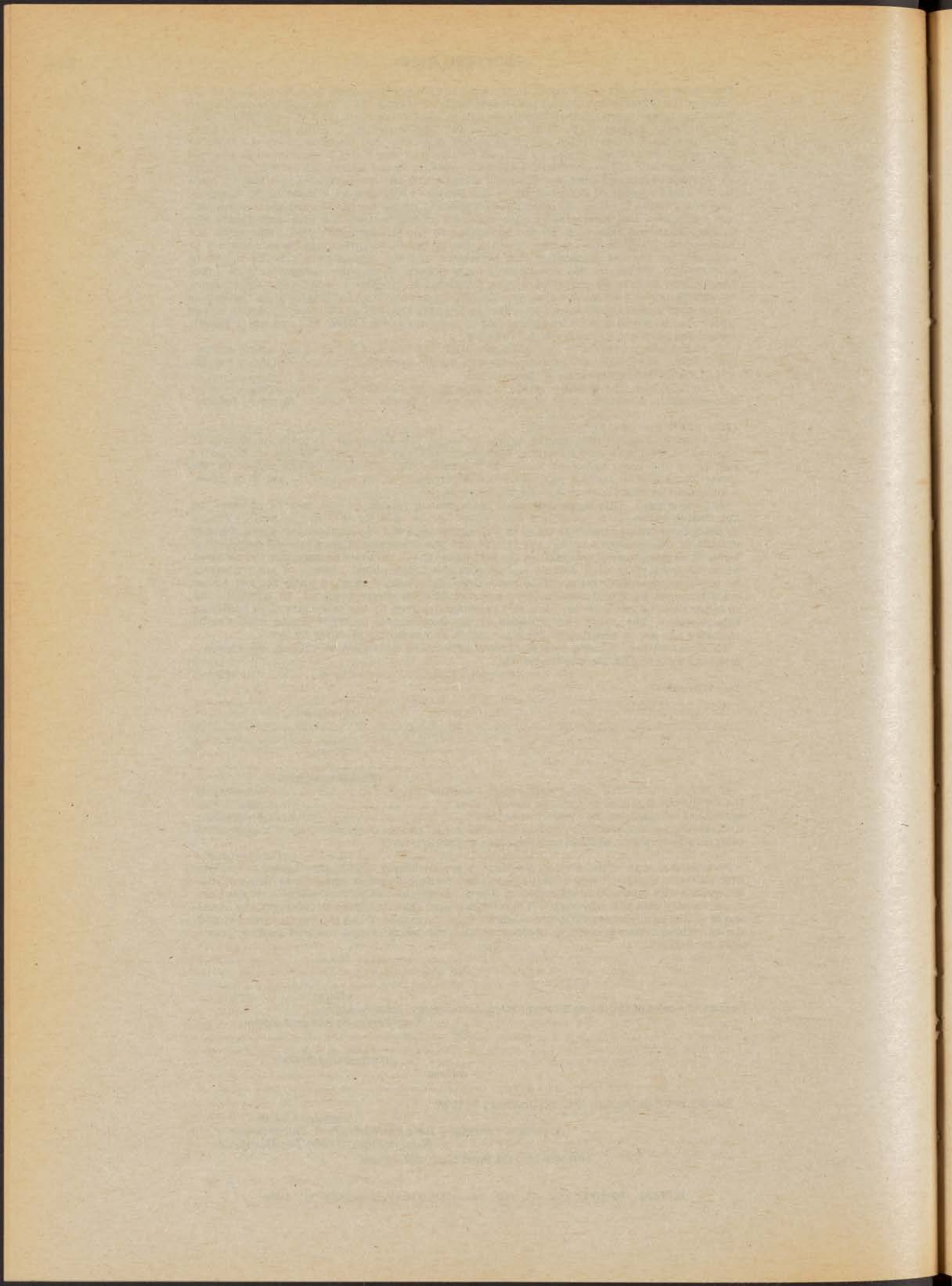
3. *Collateral.* So long as the rights of the Government under or arising out of the contract remain unsatisfied, any and all sums obtained by the Creditor from the Debtor or from any property of the Debtor received by the Creditor whether or not incident to any assignment, mortgage, pledge or other hypothecation of property of the Debtor shall be held for the use and benefit of the Government, and no such sums or property shall belong to or be retained by the Creditor.

4. *Assignment of Contract.* If any person, firm, corporation or entity other than the Debtor becomes obligated to perform the contract or any part thereof, whether by operation by law or otherwise, any and all present and future rights of the Creditor shall remain fully subordinated to the rights of the Government.

5. *Default.* In the event of failure, insolvency, default, bankruptcy, arrangement, appointment of receiver for the Debtor or other liquidation of the Debtor, any claim due from the

* Strike Out Inapplicable Language.

FEDERAL REGISTER, VOL. 41, NO. 14—WEDNESDAY, JANUARY 21, 1976



federal register

WEDNESDAY, JANUARY 21, 1976



PART IV:

FEDERAL ENERGY ADMINISTRATION



NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice
for February 1976

FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for February 1976

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in February 1976. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the relative availability of supplies of residual fuel oil for allocation to both utility and non-utility uses. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Form 23B submitted by utilities;

2. Natural gas curtailments;

3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix are the quantities of residual fuel oil to be delivered to the utilities listed during the month of February 1976. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and

the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of February to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to Subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Form 23B. Thus, the timely submission of FPC Form 23B will be a necessary prerequisite to receiving future allocations.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., January 14, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX

RESIDUAL FUEL ALLOCATIONS TO UTILITIES FOR FEBRUARY 1975

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
UNITED ILLUMINATING CO	909,000			909,000
WYATT INC (EXXON)		6.00	54,540	
TEXACO		94.00	854,460	
NORTHEAST UTILITIES	1,615,000			1,615,000
HN-HARTWELL&SUNS-INC		1.00	16,150	
WYATT-INC-(EXXON)		10.00	161,500	
AMERADA-HESS		68.00	1,098,200	
TAD-JONES-CO-(GULF)		21.00	339,150	
MAINE				
BANGOR HYDRO ELEC. CO, SPRAGUE	20,238	100.00	20,238	20,238
CENTRAL MAINE POWER CO, TEXACO	194,000	100.00	194,000	194,000
MAINE PUBLIC SERVICE CO, DEAD RIV.D.(SPRAGUE)	17,024	100.00	17,024	17,024
MASSACHUSETTS				
BOSTON EDISON CO, SPRAGUE	1,455,000	12.00	174,600	1,455,000
WHITE FUEL (TEXACO)		46.00	669,300	
EXXON		42.00	611,100	
FITCHBURG GAS & FL. NORTHEAST PETROLEUM	5,000	100.00	5,000	5,000
E.UTIL.ASSOC.(MONTAUP&BL TEXACO	213,000	100.00	213,000	213,000
BRAINTREE ELEC. LT. DEPT CK SMITH(GOLD,EAGLE)	14,519	100.00	14,519	14,519
MULYOKE GAS AND ELECTRIC WYATT INC (EXXON)	16,489	100.00	16,489	16,489

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	103,244			103,244
QUINCY OIL CO (EXXON)		100.00	103,244	
NEW ENG. G & E	887,000			887,000
NEW ENGLAND PETRO		84.80	752,176	
WHITE FUEL (TEXACO)		15.20	134,824	
NEW ENG. ELEC	1,744,000			1,744,000
ASIATIC PETRO CORP		60.00	1,046,400	
PRULEASE		.10	1,744	
PETRO-MKT-CORP		39.90	695,856	
NEW HAMPSHIRE				

PUB SER OF N.H.	360,000			360,000
SPRAGUE		26.30	94,680	
CONOCO		73.70	265,320	
NEW YORK				

CENTRAL HUDSON GAS & ELE	908,920			908,920
AMERADA HESS CORP		100.00	908,920	
CONSOL EDISON OF NY	4,013,000			4,013,000
NEW ENGLAND PETRO		45.50	1,825,915	
AMERADA HESS CORP		22.30	894,899	
EXXON		20.80	834,704	
TEXACO		11.40	457,482	
LONG ISLAND LIGHT CO.	1,648,000			1,648,000
NEW ENGLAND PETRO		100.00	1,648,000	
ORANGE & ROCKLAND UTILIT	717,012			717,012
HOWARD-FUEL-CORP		11.20	80,305	
NEW ENGLAND PETRO		51.50	369,261	
AMERADA-HESS-CORP		29.90	214,386	
ASIATIC-PETRO-CORP		7.40	53,058	
ROCHESTER GAS & ELECTRIC	116,489			116,489
ALLIED U		29.70	34,597	
MONOCO OIL COMPANY		70.30	81,891	
FREEMPORT, VILLAGE OF	0			0

	RECOMMENDED FEA BURN	BY SUPPLIER PCI	BARRELS	TOTAL (BARRELS)
NIAGARA MOHAWK POWER CO. NEW ENGLAND PETRO	560,383	100.00	560,383	560,383
RHODE ISLAND				
NEWPORT ELECTRIC CORP CK SMITH	3,600	100.00	3,600	3,600
2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)				
DELAWARE				
DELMARVA PWR & LT GULF STUART PETROLEUM CO CONOCO TEXACO	471,500	8.00 22.00 65.00 5.00	37,720 103,730 306,475 23,575	471,500
DOVER, CITY OF TEXACO	73,500	100.00	73,500	73,500
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR. STUART PETROLEUM CO ASIATIC PETRO CORP	482,000	21.00 79.00	101,220 380,780	482,000
MARYLAND				
BALTIMORE GAS & ELECTRIC AMERADA HESS CORP EXXON	731,973	52.70 47.30	385,749 346,223	731,973
NEW JERSEY				
PUBLIC SERVICE ELECTRIC AMERADA HESS CORP EXXON	1,508,850	78.00 22.00	1,176,903 331,947	1,508,850
VINELAND, CITY OF ELEC. BRITISH PETROLEUM	42,457	100.00	42,457	42,457

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	RECOMMENDED FEA BURN	BY SUPPLIER PCI	BARRELS	TOTAL (BARRELS)
ATLANTIC CITY ELECTRIC C	248,625			248,625
AMERADA HESS CORP		60.00	149,175	
CONOCO		40.00	99,450	
GPU INTEGRATED SYSTEM	297,834			297,834
SHIPLEY-HUMBLE		1.00	2,978	
AMERADA HESS CORP		94.00	279,963	
SWANN OIL INC		5.00	14,891	
PENNSYLVANIA				

PENNSYLVANIA PWR & LT	392,000			392,000
AMERADA-HESS-CORP		100.00	392,000	
PHILADELPHIA ELECTRIC CO	1,251,700			1,251,700
NEW ENGLAND PETRO		2.10	26,285	
AMERADA HESS CORP		21.50	269,115	
ARCO		28.50	356,734	
GULF		9.00	112,653	
CONOCO		14.90	186,503	
TEXACO		24.00	300,408	
3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)				
FLORIDA				

FLORIDA P & L	1,480,000			1,480,000
EXXON		15.00	222,000	
BELCHER OIL (EXXON)		85.00	1,258,000	
FLORIDA POWER CORPORATIO	1,610,000			1,610,000
AMERADA HESS CORP		40.00	644,000	
EXXON		60.00	966,000	
GULF POWER CO.	31,711			31,711
BAKER SERVICE (EXXON)		100.00	31,711	
TAMPA ELECTRIC CO.	271,809			271,809
WESTERN (NEW ENG PET		100.00	271,809	
FORT PIERCE, CITY OF	45,100			45,100
BELCHER-OIL-(EXXON).		100.00	45,100	
GAINESVILLE, CITY OF	82,582			82,582
EASTERN SEABOARD		100.00	82,582	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCI	BARRELS	TOTAL (BARRELS)
JACKSONVILLE ELEC. AUTH. VEN FUEL INC	616,668	82.60	509,367	616,668
NEW ENGLAND PETRO		8.70	53,650	
AMERADA HESS CORP		8.70	53,650	
KEY WEST UTILITIES STD.OIL-KY	54,000	100.00	54,000	54,000
LAKE WORTH UTIL AUTHORIT BELCHER OIL(EXXON)	10,850	100.00	10,850	10,850
LAKELAND LIGHT & WTR DEP BELCHER(STD.OIL-KY)	119,900	100.00	119,900	119,900
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM. BELCHER	306,000	100.00	306,000	306,000
SEBRING UTILITIES COMM. UNION OIL OF CA	7,196	100.00	7,196	7,196
TALLAHASSEE, CITY OF UNION OIL OF CA	130,266	100.00	130,266	130,266
VERO BEACH MUNICIPAL POW BELCHER OIL(EXXON)	33,065	100.00	33,065	33,065
FLORIDA KEYS ELEC COOP BELCHER OIL(EXXON)	6,300	100.00	6,300	6,300
GEORGIA				
GEORGIA POWER COMPANY NEW ENGLAND PETRO	98,309	100.00	98,309	98,309
SAVANNAH ELECTRIC & POWE COLUMIAL OIL(EXXON)	226,000	100.00	226,000	226,000
MISSISSIPPI				
MISSISSIPPI POWER CO. BAKER SERVICE(EXXON) ERGON(INTL TRADING)	39,020	55.00 45.00	21,461 17,559	39,020

NOTICES

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
SOUTH MISSISSIPPI ELEC	32,811			32,811
SOUTHLND OIL		83.00	27,233	
AMERADA HESS CORP		17.00	5,577	
NORTH CAROLINA				

CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				

S. CAROLINA PUB SERV AUTH	0			0
S. CAROLINA ELEC & GAS CO	327,300			327,300
EXXON		100.00	327,300	
VIRGINIA				

VIRGINIA ELECTRIC POWER	1,118,700			1,118,700
ASIATIC PETRO CORP		16.60	185,704	
NEW-ENGLAND-PETRO		15.60	174,517	
EXXON		67.80	758,478	
4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)				
ARKANSAS				

JONESBORO WATER AND LIGH	0			0
ARKANSAS ELEC COOP	178,283			178,283
LOGICON INC (SHELL)		80.00	142,626	
E L BRIDE (TEXACO)		20.00	35,656	
COLORADO				

CI&O, S. COLO PWR DIV.	0			0
KANSAS				

CENTRAL KANSAS PWR	6,540			6,540
GR. PLS (GRA-FARMLAND)		100.00	6,540	

	RECOMMENDED FEA BURD	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
CIGU, WESTERN PWR DIV	84,580			84,580
CARTER-WTR		4.00	3,383	
AMOCO		74.00	61,743	
NU-AMER-PETRO		23.00	19,453	
KANSAS GAS & ELEC	252,100			252,100
ASPH&PETRO INDUST		84.70	213,528	
FRONTIER PRODUCTION		15.30	38,571	
KANSAS POWER & LIGHT	311,000			311,000
GR,PLS		38.40	119,424	
NIL COOP REFINERY		15.50	48,205	
PHILLIPS PETROLEUM		46.10	143,371	
CHANUTE, CITY OF	1,100			1,100
MID AMER. REFINING		100.00	1,100	
CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	2,011			2,011
CRA-FARMLAND		100.00	2,011	
LARNED WTR & ELEC	261			261
CARTER WTR		100.00	261	
MCPHERSON BD OF PUB UTIL	10,640			10,640
NIL COOP REFINERY		100.00	10,640	
OTTAWA WTR & LT	1,014			1,014
CARTER WTR(AMOCO)		100.00	1,014	
LOUISIANA				

CENTRAL LOUISIANA ELECTR	29,000			29,000
FALCO		66.70	19,343	
ATLAS(PENNZOIL)		33.30	9,657	
JONESBORO POWER & LIGHT	0			0
SOUTHWESTERN ELECTRIC PO	105,000			105,000
FALCO		100.00	105,000	
MIDDLE SOUTH SERVICES	1,581,000			1,581,000
E L BRIDE(OKC REF.)		1.70	26,877	
TAUBER OIL CO		20.50	324,105	
ERGON INC (EXXON)		3.80	60,078	
REESE OIL(SUN OIL)		.30	4,743	
SHELL		21.30	336,753	
EXXON		12.90	203,949	
MURPHY OIL CORP.		30.00	474,300	
TEXACO		9.50	150,195	

NOTICES

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
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MISSISSIPPI

CLARKSDALE WTR & LT SOUTHEND OIL	10,701	100.00	10,701	10,701
YAZOO CITY PUB SERV SOUTHEND OIL (HOWELL)	4,285	100.00	4,285	4,285

MISSOURI

ST JOSEPH LT & PWR E L BRIDE	59,000	100.00	59,000	59,000
EMPIRE DIST ELEC E L BRIDE	11,300	100.00	11,300	11,300

OKLAHOMA

OKLAHOMA GAS & ELEC	0			0
BLACKWELL WTR & LT	0			0
WESTERN FARMERS ELEC COO	0			0

TEXAS

GULF STATES UTILITIES	95,000			95,000
LAJET		4.00	3,800	
EXXON		20.10	19,095	
SOUTH HAMPTON CO		22.30	21,185	
TENNECO		16.10	15,295	
COASTAL STATES MKTG		37.50	35,625	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

DALLAS POWER & LT.	22,700			22,700
WINSTON REF CO		18.20	4,131	
BEE OIL&REFINING		15.60	5,541	
KERR MCGEE OIL CO		18.90	4,290	
J&W REFINING		47.20	10,714	
HOUSTON LIGHT & PWR	0			0

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	RECOMMENDED FEA BURD	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	67,097			67,097
LA GLORIA OIL&GAS CO		31.10	20,867	
KERR MCGEE		19.90	13,352	
J&W REFINING		49.00	32,877	
WEST TEXAS UTIL	122,000			122,000
PRIDE REFINING INC		100.00	122,000	
AUSTIN CITY ELEC DEPT	0			0
BRYAN, CITY OF	7,400			7,400
PETROLEUM T&T(3 RIVE		100.00	7,400	
GARLAND, CITY OF	7,882			7,882
DELTA REFINING CO		25.30	1,994	
PRIDE REFINERY INC.		74.70	5,887	
LOWER COLORADO RIVER AUT	0			0
SAN ANTONIO PUB SERV	30,000			30,000
TESORO		100.00	30,000	
BRAZOS ELEC COOP	0			0
MEDINA ELEC COOP	2,100			2,100
TESORO		100.00	2,100	
6. MID-AMERICA INTERPOOL NETWORK (MAIN)				
ILLINOIS				

COMMONWEALTH EDISON CO,	259,000			259,000
ALLIED O.		98.00	253,820	
CLARK OIL&REF. CORP		2.00	5,180	
ILLINOIS POWER CO	35,000			35,000
ALLIED O.		100.00	35,000	
MISSOURI				

UNION ELECTRIC	74,700			74,700
APEX OIL CO		100.00	74,700	

NOTICES

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
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WISCONSIN

SUPERIOR WTR & LT MURPHY OIL CORP	10,715	100.00	10,715	10,715
WISCONSIN ELEC PWR	0			0

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA

ATLANTIC MUNICIPAL UTIL MCMILLAN OIL CO	5,750	100.00	5,750	5,750
LAMONI MUNIC	0			0
INTERSTATE POWER NORTHWESTERN REF	14,601	100.00	14,601	14,601

MINNESOTA

MINNESOTA PWR & LT MURPHY OIL	31,200	100.00	31,200	31,200
AUSTIN UTILITIES GUSTAFSON OIL CO	7,316	33.00	2,414	7,316
NORTHWESTERN REF		48.30	3,533	
W H BARBER		18.70	1,368	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL E L BRIDE	1,726	100.00	1,726	1,726
OWATONNA MUN UTIL GUSTAFSON OIL CO	18,009	40.00	7,203	18,009
NORTHWESTERN REF		60.00	10,805	
WORTHINGTON, CITY OF ALLIED O.	3,798	100.00	3,798	3,798
NORTHERN STATES PWR E L BRIDE (TEXACO, NC)	6,000	100.00	6,000	6,000

	RECOMMENDED FEA BURD	HY SUPPLIER PCI	BARRELS	TOTAL (BARRELS)
NEBRASKA				
CENTRAL NEBRASKA PUBLIC FARMLAND INDUSTRIES	58,514	100.00	58,514	58,514
FAIRBURY LT & WTR CARTER WTR(TEXACO)	4,285	100.00	4,285	4,285
GRAND ISLAND ELEC E L BRIDE	13,708	100.00	13,708	13,708
HASTINGS UTILITIES DEPT CARTER WTR	10,855	100.00	10,855	10,855
LINCOLN ELECTRIC SYSTEM E.L. BRIDE CO	5,588	100.00	5,588	5,588
NEBRASKA PUBLIC POWER DI PANHANDLE COOP ASSOC	20,750	100.00	20,750	20,750
OMAHA PUB PWR DIST	0			0
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0
8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)				
MICHIGAN				
CLINTON LT & WTR	0			0
GRAND HAVEN BD PUB USCEOLA REF	1,410	100.00	1,410	1,410
HILLSDALE BD OF PUB WORK LEWIS(GLADIEUX REF)	2,800	100.00	2,800	2,800
CONSUMERS POWER	771,588			771,588
MURPHY MI.DIV.AMOCO		6.00	46,295	
ENTERPRISE OIL CO		6.00	46,295	
INDUST FUEL&ASPHALT		2.00	15,431	
RUPP OIL COMPANY		2.00	15,431	
CONSUMERS PWR-CRUDE		54.00	416,657	
BURON OIL(STANDARD)		3.00	23,147	
GLADIEUX REF		1.00	7,715	
LAKE SIDE REFINING CO		14.00	108,022	
TOTAL LEONARD INC		0.00	30,863	
USCEOLA REFINING CO		8.00	61,727	

NOTICES

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
DETROIT EDISON CO.	507,090			507,090
ENTERPRISE OIL CO		4.80	24,340	
CANADIAN FUEL MKTRS		9.90	50,201	
PETRO PRODUCTS		5.40	27,382	
SUN OIL LTD		70.00	354,963	
MARATHON OIL		9.90	50,201	
OHIO				
CLEVELAND ELEC ILLUMIN	18,857			18,857
ALLIED O. (ASHLAND)		100.00	18,857	
TOLEDO EDISON	5,387			5,387
SUN OIL		100.00	5,387	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	30,900			30,900
ALLIED O. (NEPCO)		100.00	30,900	
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				
TUCSON GAS & ELEC	281,717			281,717
GOLDEN GATE PETRO		22.00	61,977	
HOLLAND OIL (TUSCO)		5.00	14,085	
SU-UNION-OIL		51.00	143,675	
NAVAJO-REFINING		22.00	61,977	
SALT RIVER PROJECT	150,000			150,000
GUSTAFSON OIL CO		.90	1,350	
DOUGLAS OIL CO		2.80	4,200	
LITTLE AMERICA		19.70	29,550	
TESORO		12.40	18,600	
MACMILLAN		17.00	25,500	
POWERINE OIL CO		18.10	27,150	
SAN JOAQUIN REF		29.10	43,650	
ARIZONA PUBLIC SERVICE C	229,264			229,264
PACIFIC SOUTHWEST		16.50	37,828	
BASIN FUELS		4.00	9,170	
UNION OIL OF CAL		63.00	144,436	
SAN JOAQUIN REF		16.50	37,828	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
CALIFORNIA				
PACIFIC GAS & ELECTRIC C	3,005,000			3,005,000
ARCO		71.30	2,142,565	
PHILLIPS PETROLEUM		24.00	721,200	
UNION OIL OF CA		4.70	141,235	
SAN DIEGO GAS & ELECTRIC	876,000			876,000
HIRI		16.20	141,912	
TESORO		32.70	286,452	
UNION OIL OF CA		29.80	261,048	
EDGINGTON OIL CO		21.30	186,588	
BURBANK CITY PUBLIC, SER.	82,000			82,000
ARCO		100.00	82,000	
GLENDALE PUBLIC SERVICES	86,000			86,000
POWERINE OIL CO		100.00	86,000	
IMPERIAL IRRIGATION DIST	80,000			80,000
CRESCENT REF&O(GULF)		100.00	80,000	
LOS ANGELES DEPT OF WATE	1,478,000			1,478,000
PETROBAY		7.60	112,328	
ARCO		59.80	883,844	
EDGINGTON OIL CO		20.90	308,902	
NEWHALL REFINING CO		5.00	73,900	
POWERINE OIL CO		3.20	47,296	
SAN JOAQUIN REF		3.50	51,730	
SOUTHERN CALIF EDISON	2,009,000			2,009,000
EXXON		20.40	409,836	
ARCO		7.80	156,702	
CONOCO		2.20	44,198	
TEXACO		9.70	194,873	
STD.OIL-CAL		50.10	1,006,509	
MACMILLAN R.F.OIL		3.00	60,270	
PACIFIC RESOURCES		6.80	136,612	
PASADENA POWER CO.	84,512			84,512
GOLD.EAGLE		100.00	84,512	
COLORADO				
PUB SERV COLORADO	125,347			125,347
CONOCO		36.40	45,626	
REF.CORP		43.50	54,525	
PLATEAU INC		20.10	25,194	

NOTICES

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
COLORADO SPRINGS LT & PW	0			0
LAMAR LT & PWR	0			0
MONTANA				

MONTANA POWER	0			0
NEVADA				

NEVADA POWER COMPANY	112,000			112,000
GUSTAFSON OIL CO		54.00	60,480	
HUSKY OIL COMPANY		46.00	51,520	
SIERRA PACIFIC POWER	201,924			201,924
GOLDEN GATE PETRO		100.00	201,924	
NEW MEXICO				

PUB SERV NEW MEXICO	65,322			65,322
SHELL		26.40	17,245	
SID.OIL-TEXAS		4.30	2,808	
PLATEAU INC		39.80	25,998	
THRIFTWAY		5.40	3,527	
NAVAJO REFINING		24.10	15,742	
PLAINS ELEC GEN & TRANSM	12,408			12,408
CARIBOU 4 CORNERS		2.20	272	
PLATEAU INC		97.80	12,135	
OREGON				

PACIFIC POWER & LIGHT CO	191			191
SID.OIL(IND)		100.00	191	
TEXAS				

COMMUNITY PUB SERV	22,770			22,770
SID.OIL-TEXAS		100.00	22,770	
EL PASO ELECTRIC	98,000			98,000
SOUTHERN UNION		74.50	73,010	
TESORO		25.50	24,990	

	RECOMMENDED FEA RUPN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
UTAH				
UTAH POWER & LIGHT CO. BLACKLINE ASPH. SALES	15,275	100.00	15,275	15,275
WASHINGTON				
PUGET SOUND POWER & LIGHT CASCADE	128,744	8.00	10,299	128,744
HUME OIL CO		2.00	2,574	
LILYBLAD		8.50	10,943	
PACIFIC NORTHERN		16.00	20,599	
OLDS OLYMPIC		4.00	5,149	
RUSSO INC		1.00	1,287	
SOUTH CENTER OIL		16.50	21,242	
SHELL		44.00	56,647	
SEATTLE DEPT OF LI SHELL	8,352	100.00	8,352	8,352
TACOMA DEPT OF PUBLIC UT	0			0
10. ALASKA SYSTEMS COORDINATING COUNCIL (ASCC)				
ALASKA				
CURDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPAN STD. OIL-CA	630,500	100.00	630,500	630,500
HILU ELEC LT STD. OIL-CA	28,354	100.00	28,354	28,354
KAUAI ELECTRIC STD. OIL--CA	13,212	100.00	13,212	13,212
MAUI ELECTRIC STD. OIL-CA	35,242	100.00	35,242	35,242

NOTICES

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
11. NOT OTHERWISE CLASSIFIED (NOC)				
UNKNOWN				

GUAM PWR AUTH	145,870			145,870
GUAM OIL AND REFININ		100.00	145,870	
UNKNOWN				

PUERTO RICO WATER RESOUR	1,502,243			1,502,243
COMMONWEALTH OIL		50.00	751,121	
PUERTO RICO SUN OIL		30.00	450,672	
CARIBBEAN GULF REF		20.00	300,448	
UNKNOWN				

ST CROIX, V.I. WTR PWR	45,328			45,328
AMERADA HESS CORP		100.00	45,328	
UNKNOWN				

SI THOMAS, V.I. WTR PWR	38,633			38,633
AMERADA HESS CORP		100.00	38,633	

[FR Doc.76-1568 Filed 1-15-76;9:54 am]

WEDNESDAY, JANUARY 21, 1976



PART V:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Office of Assistant Secretary
for Housing Production and
Mortgage Credit**



MOBILE HOMES

Increase in Maximum Loan Amounts

DEPARTMENT
OF HOUSING
AND URBAN
DEVELOPMENT

Office of Assistant Secretary
for Housing Production and
Mortgage Credit

MOBILE HOMES

Report to the President

Title 24—Housing and Urban Development
CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

[Docket No. R-76-370]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Increase in Mobile Home Loan Limits

The Department of Housing and Urban Development is amending § 201.530 to increase maximum loan amounts for the purchase of mobile homes to \$12,500 for "single-wide" mobile homes and \$20,000 for a mobile home composed of two or more modules. The amendment implements an increase in the maximum loan limits provided in P.L. 94-173, enacted December 23, 1975. The increased limits are needed to offset cost increases in recent years, and their prompt implementation will not only make the HUD mobile home program more useful generally to consumers but will permit many purchasers to secure lower downpayments which may represent considerable savings or enable them to complete pur-

chases that would not otherwise be feasible. It is not believed that the increase will have any appreciable adverse effect on the public. Accordingly, the Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner has determined that notice and public procedure are unnecessary and that good cause exists for making the amendment effective upon publication in the FEDERAL REGISTER.

Interested persons are invited to submit written comments and suggestions addressed to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Those comments received by Feb. 24, 1976, will be considered. A copy of each communication will be available for public inspection during regular business hours at the above address.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the address set forth in the preceding paragraph.

Accordingly, § 201.530, paragraph (a), is amended as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The mobile home loan proceeds shall not exceed the lesser of \$12,500 (\$20,000 where the mobile home is composed of two or more modules) * * * The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than \$12,500 (\$20,000 where the mobile home is composed of two or more modules).

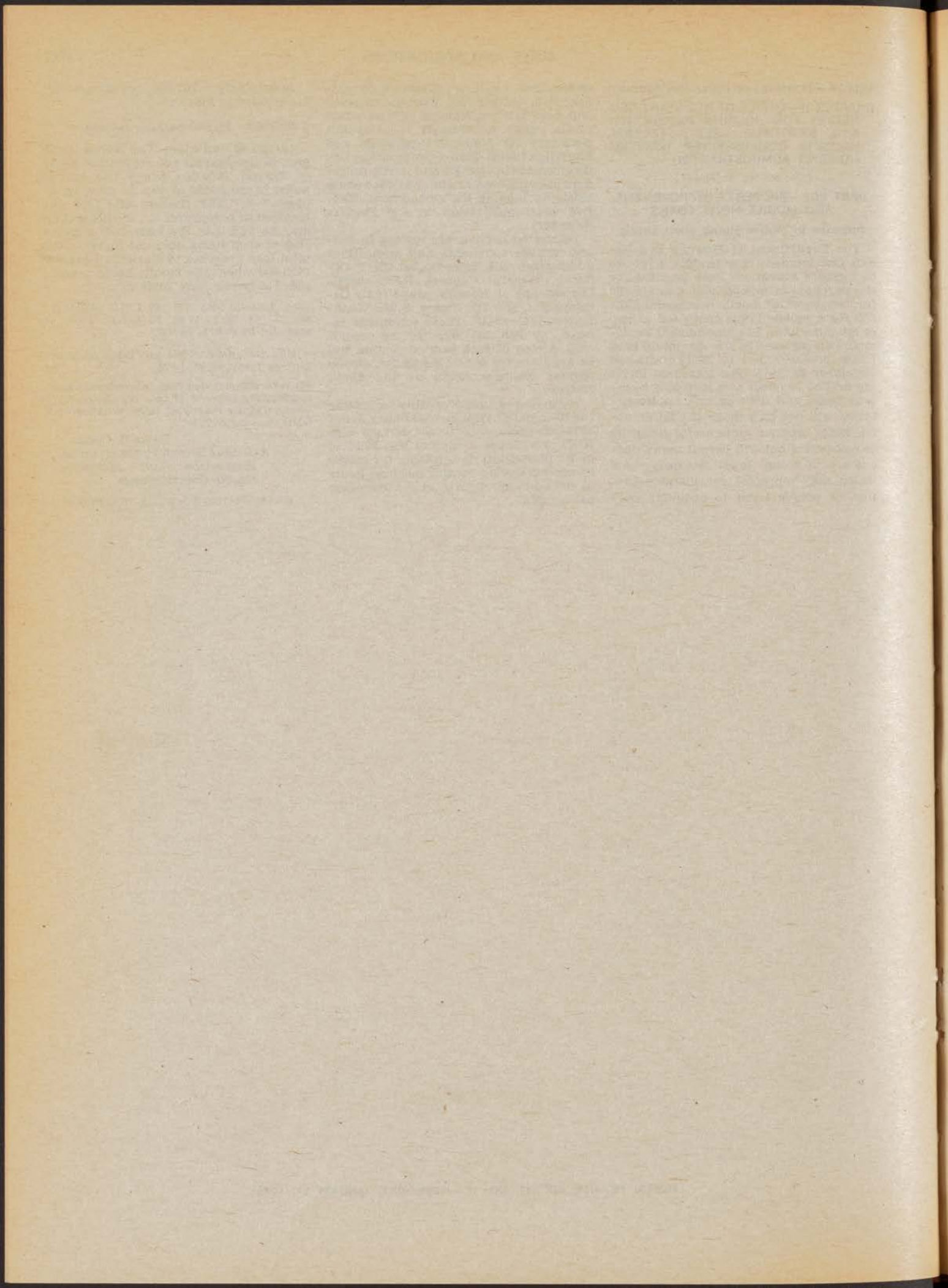
(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703, as amended by Pub. L. 94-173)

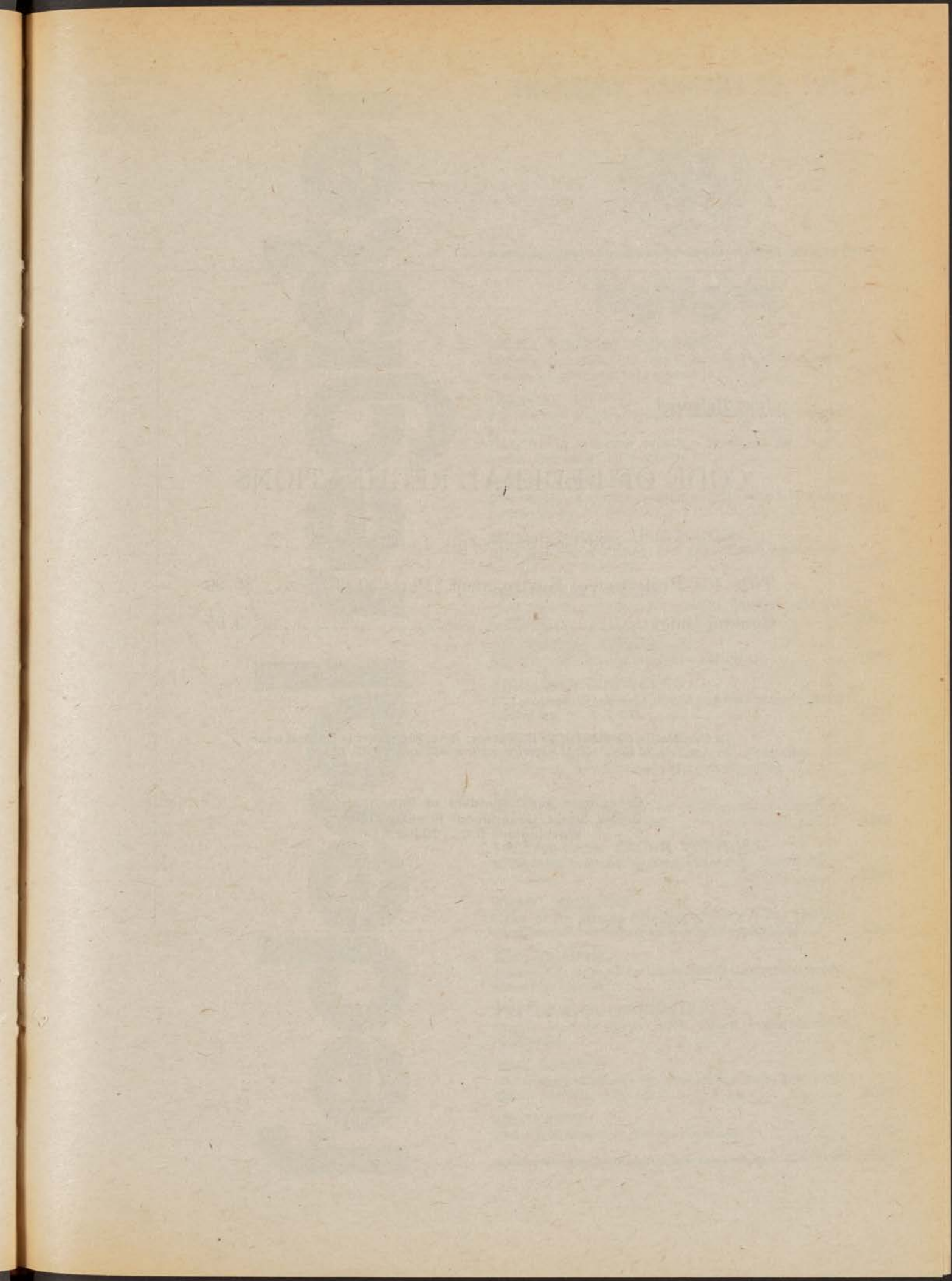
Effective date: This amendment is effective January 21, 1976.

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107)

DAVID S. COOK,
Assistant Secretary for Housing,
Production and Mortgage
Credit-Commissioner.

[FR Doc. 76-1857 Filed 1-16-76; 4:36 pm]





Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 40—Protection of Environment (Parts 50–69)-----	\$6. 90
General Index -----	3. 05

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

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