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federal register

MONDAY, NOVEMBER 1, 1976

highlights

PART I:

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

federal register

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INFORMATION AND ASSISTANCE

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FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	202–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

Table of Effective Dates and Time Periods—November 1976

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month. All January and February dates are in 1977.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
November 1	November 16	December 1	December 16	January 3	January 31
November 2	November 17	December 2	December 17	January 3	January 31
November 3	November 18	December 3	December 20	January 3	February 1
November 4	November 19	December 6	December 20	January 3	February 2
November 5	November 22	December 6	December 20	January 4	February 3
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November 11	November 26	December 13	December 27	January 10	February 9
November 12	November 29	December 13	December 27	January 11	February 10
November 15	November 30	December 15	December 30	January 14	February 14
November 16	December 1	December 16	January 3	January 17	February 14
November 17	December 2	December 17	January 3	January 17	February 15
November 18	December 3	December 20	January 3	January 17	February 16
November 19	December 6	December 20	January 3	January 18	February 17
November 22	December 7	December 22	January 6	January 21	February 22
November 23	December 8	December 23	January 7	January 24	February 22
November 24	December 9	December 27	January 10	January 24	February 22
November 26	December 13	December 27	January 10	January 25	February 24
November 29	December 14	December 29	January 13	January 28	February 28
November 30	December 15	December 30	January 14	January 31	February 28

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency

DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Disease Control Center
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CP&D—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
HP&MC—Housing Production and Mortgage Credit, Office of Assistant Secretary
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
EBSO—Employee Benefits Security Office
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
HMOO—Hazardous Materials Operations Office
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Hazardous Materials Operations Office
PSOO—Pipeline Safety Operations Office
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
PDB—Public Debt Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Federal Register Office
OMB—Management and Budget Office
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

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 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
1	$1.40
2 [Reserved]	
3A, 1975 Compilation	3.40
4	3.20
5	4.90
6	.95
7 Parts:	
0–45	5.80
46–51	3.80
52	5.70
53–209	5.50
210–699	6.20
700–749	3.80
750–899	1.70
900–944	3.90
945–980	2.70
981–999	2.40
1000–1059	4.00
1060–1119	4.50
1120–1199	2.80
1200–1499	4.50
1500–end	6.90
8	2.40
9	6.80
10 Parts:	
0–199	4.60
200–end	4.90
12 Parts:	
1–299	11.00
300–end	7.50
13	3.60
14 Parts:	
1–59	5.30
60–199	5.60
200–1199	6.20
1200–end	2.00
15	5.40
16 Parts:	
0–149	6.50
150–end	6.80
Finding Aids	$3.05

CFR Unit (Rev. as of April 1, 1976):

Title	Price
17	$6.00
18 Parts:	
1–149	4.85
150–end	4.10
19	$5.65
20 Parts:	
1–399	2.45
400–end	7.50
21 Parts:	
1–9	2.60
10–199	5.20
200–299	2.10
300–499	*5.95
500–599	3.75
600–1299	2.75
1300–end	1.90
23	4.55
24 Parts:	
0–499	6.65
500–end	6.90
25	5.25
26 Parts:	
1 (§§ 1.0–1—1.169)	5.95
1 (§§ 1.170–1.300)	3.90
1 (§§ 1.301–1.400)	3.30
1 (§§ 1.401 to 1.500)	3.55
1 (§§ 1.501–1.640)	4.05
1 (§§ 1.641–1.850)	4.45
1 (§§ 1.851–1.1200)	6.05
1 (§§ 1.1201 to end)	6.95
2–29	4.05
30–39	3.45
40–299	5.40
300–499	3.60
600–end	2.20
27	7.70

CFR Unit (Rev. as of July 1, 1976):

Title	Price
28	$3.10
29 Parts:	
0–499	7.30
1900–1919	7.55
1920–end	4.05
30	4.80
31	5.65
32 Parts:	
1–39 (V.I)	5.80
(V.II)	7.40
(V.III)	5.10
40–399	6.50
400–589	5.20
590–699	3.10
700–799	7.85
800–999	6.05
1000–1399	2.20
1400–1599	3.65
1600–end	1.95
32A	2.90
33 Parts:	
1–199	6.20
200–end	5.85
35	3.50
36	3.40
37	2.20
40 Parts:	
0–49	3.15
50–99	5.70
100–399	4.50
400–end	6.70
41 Chapters:	
1–2	5.70
3–6	5.90
7	1.85
8	1.80
10–17	4.15
18–100	3.55
101–end	6.80

1975 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of Oct. 1, 1975):

Title	Price
42	$5.15
43 Parts:	
1–999	2.90
1000–end	7.10
44 [Reserved]	
45 Parts:	
1–99	3.25
100–199	6.80
200–499	3.55
500–end	4.90
46 Parts:	
1–29	2.20
30–40	2.15
41–69	4.40
70–89	2.05
90–109	1.95
110–139	1.90
140–149	7.50
150–165	3.75
166–199	2.60
200–end	6.50
47 Parts:	
0–19	4.25
20–69	5.25
70–79	4.60
80–end	5.60
48 [Reserved]	
49 Parts:	
1–99	1.85
100–199	6.80
200–999	5.90
1000–1199	3.55
1200–1299	7.65
1300–end	2.95
50	4.15

CHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PART 301—ORGANIZATION AND PURPOSE

Miscellaneous Amendment

The following amendment is made to the Statement of Organization and Purpose of the Administrative Conference of the United States, in order to conform to an amendment to the Bylaws of the Administrative Conference, adopted at the Fourteenth Plenary Session of the Conference and published in the FEDERAL REGISTER of July 19, 1976, 41 FR 29653.

The seventh sentence of § 301.3 is amended to read as follows:

§ 301.3 Organization.

* * * The entire membership is divided into nine committees, each assigned a broad area of interest as follows: Agency Decisional Processes; Agency Organization and Personnel; Compliance and Enforcement Proceedings; Grants, Benefits and Contracts; Informal Action; Judicial Review; Licenses and Authorizations; Ratemaking and Economic Regulation; and Rulemaking and Public Information. * * *

Dated: October 26, 1976.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.76-31802 Filed 10-29-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER XV—NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

PART 2515—RULES OF PROCEDURE

Adoption

The National Study Commission on Records and Documents of Federal Officials was established by Public Law 93–526 to "study problems and questions with respect to the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials * * *" Public Law 93–526 also gives the Commission the power to conduct hearings to obtain testimony and evidence necessary for the purpose of carrying out its duties.

The Commission, in recognition of its statutory responsibilities to hold meetings and conduct Commission business, hereby adopts the following Rules of Procedure in addition to generally accepted rules of parliamentary procedure which shall govern all meetings and hearings of the Commission. The Commission bypasses the proposal stage for these rules because they fall under the exemption contained in section 553(b)(3)(A) of the Administrative Procedure Act. Signed this 27th day of October, 1976.

DORI DRESSANDER,
General Counsel.

Title 5 of the CFR is amended by adding Part 2515 to Chapter XV to read as follows:

TABLE OF CONTENTS

§ 2515.01 Creation of subcommittees.

The Commission finds that certain of its inquiries may be appropriately handled by a Subcommittee of the Commission composed of at least two Commission members. Such Subcommittee may from time to time be created by vote of the Commission or by appointment of the Chairman. All findings, recommendations, reports, and studies of any such Subcommittee shall be made to the Commission.

§ 2515.02 Commission meetings.

The Chairman shall have the authority to call meetings of the Commission for purposes other than hearing testimony. This authority may be delegated by the Chairman to the Vice Chairman or to any other member of the Commission when the Vice Chairman is not available. The Chairman shall not schedule any meetings or a series of meetings without giving adequate notice thereof to the members of the Commission. Any member of the Commission may request in writing that the Chairman call a meeting of the Commission within a specified period. Upon receipt of such a request the Chairman shall within five days poll all members of the Commission in writing, and if a majority of the full Commission approves such a meeting, the Chairman shall within seven calendar days specify the date, time, and place of such meeting.

§ 2515.03 Commisison hearings for testimony.

Hearings for the purpose of taking testimony shall be held only with the approval of the Commission. The Commission shall approve the holding of a hearing at a duly called meeting of the Commission or, in the alternative, the Chairman may notify by telephone or mail each member of the Commission of a proposed hearing. Such notice should include a description of the subject matter, proposed witnesses, and the time and place of such proposed hearing. It is required that each Commission member submit to the Chairman a written confirmation or objection within seven calendar days of the receipt of the notice for the proposed hearing.

§ 2515.04 Authority to chair meetings and hearings.

The Chairman of the Commission shall chair all meetings and hearings of the Commission. In his absence, the Chairman shall designate the Vice Chairman, or in the absence of the Vice Chairman, another member of the Commission to carry out these duties.

§ 2515.05 Closed hearings.

Hearings for the purpose of taking testimony shall be conducted in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., section 1 et. seq. (1975 Supp.) and of the Government in the Sunshine Act, 5 U.S.C. 552b (Act of September 13, 1976, Pub. L. No. 94–409).

§ 2515.06 Notice of hearings and meetings.

At least 15 calendar days before a public meeting or hearing of the Commission, appropriate public notice shall be given stating the date, place and subject matter of the hearing or meeting. At this time expected witnesses, if any, that have been scheduled up to the date of notice shall be listed.

§ 2515.07 Quorum for Commission meetings and hearings.

A quorum for the purpose of conducting business of the Commission shall consist of a majority of the members, except for the purpose of taking testimony during a hearing in which case the presence of only two (2) members shall be required to establish a quorum, provided, further, that a majority of members must be present to decide whether testimony in a hearing may be taken closed to the public pursuant to § 2515.05 of this Part. A majority vote of Commission members present shall carry all matters except where a majority of all Commission members is required by these rules.

§ 2515.08 Sworn testimony.

All witnesses who testify to matters of fact in duly constituted Commission hearings shall be sworn.

§ 2515.09 Counsel for witnesses.

Counsel retained by any witnesses and accompanying such witnesses shall be permitted to be present during the testimony of such witnesses at any public or closed session of any hearing, and to advise such witness of his or her legal rights while testifying.

§ 2515.10 Submission of written testimony.

Any witness desiring to submit a prepared or written statement and/or exhibits with the Executive Director of the Commission at such places as designated by him 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman of the Commission or a person designated by him waives this requirement. Upon submission the written statement becomes part of the hearing record. The hearing chairman shall determine whether such statement may be read in its entirety or summarized at the time of the hearing.

§ 2515.11 Record of Commission hearings.

The record of any hearing shall remain open for 30 calendar days following the termination of a hearing or series of hearings for the submission of statements, exhibits or additional material, provided, however, that the Chairman of the Commission may reasonably extend this period as he may determine.

§ 2515.12 Restriction of media at Commission hearings.

The hearing chairman, for the purpose of conducting an orderly hearing with a minimum of distraction or physical discomfort to a witness, may direct a restricted use of television, motion picture and other cameras and lights so that coverage by these media will be carried out in an unobtrusive manner.

§ 2515.13 Availability of record of Commission hearings.

An accurate stenographic record shall be kept of the testimony of all witnesses in hearings. The record of his own testimony whether in public or closed session

shall be made available for inspection by a witness or his counsel under Commission supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in closed session and subsequently quoted or made part of the record in public session shall be made available to witnesses at their expense if they so request.

§ 2515.14 Questioning at Commission hearings.

Questioning of witnesses at hearings shall be conducted by the Commission members and appropriate Commission staff personnel only.

§ 2515.15 Limitations on questioning at Commission hearings.

(a) To assure each member of the Commission present an opportunity to examine a hearing witness orally, each member present shall be limited to 5 minutes until all the members present who so desire to examine the witness have exercised that prerogative. Questioning should continue in sequence until Commission members have exhausted their inquiries.

(b) The appropriate staff member or members will first examine the witnesses.

§ 2515.16 Limitations of all testimony.

Oral statements of all witnesses shall be limited to 20 minutes unless extended by the hearing chairman.

§ 2515.17 Protection of third parties' rights at hearings.

Any person who believes that testimony or other evidence presented at a public hearing or comment made by a Commission member in the course of a public hearing in which that person's name is mentioned or in which that person is otherwise specifically identified tends to defame him or otherwise adversely affect his reputation may (a) request to appear personally before the Commission to testify under oath in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Commission for its consideration and action.

§ 2515.18 Selection of witnesses: Acceptance of testimony.

(a) Witnesses for a hearing shall be suggested by Commission members and staff and shall be selected by the Chairman of the Commission or the designated chairman of the hearing, if any.

(b) If a person is not considered by the Chairman of the Commission or the designated chairman and is interested in presenting testimony to the Commission, he or she may be permitted to appear in accordance with the following guidelines:

(1) Any such interested person(s) must receive authorization to make an oral presentation from the Chairman of the Commission. Not later than seven (7) calendar days preceding the start of such hearing, a request for such authorization must be received in writing at the offices of the Commission addressed to the attention of the Executive Director. Such a request shall be accompanied by a concise description of the material such person or persons desire to present.

(2) The Chairman of the Commission shall, within a reasonable period of time from the receipt of such a request, make a determination of the extent that time is available and that the subject matter proposed to be presented by such interested person(s) is timely and appropriate for such hearing, and shall notify such interested person(s) by Certified Mail of the decision.

(3) In the event such interested person or persons is authorized to testify in hearings of the Commission, a prepared written statement of expected presentation may be filed in compliance with § 2515.10 of this Part.

(4) Provided further that any such interested person or persons who feels aggrieved by or takes exception to any determinations made by the Chairman of the Commission that oral testimony will not be permitted shall have the opportunity to present in writing to each member of the Commission the basis for such grievance or exception taken to such ruling by the Chairman and thereafter the decision of the Chairman shall be reconsidered by each member of the Commission at its next regular meeting. Notice by Certified Mail to such interested person or persons shall include the final decision of the full Commission on its reconsideration and shall constitute notification of the action taken by the Commission.

(5) The rules in this section may be waived and testimony of any person or persons permitted upon affirmative vote of a majority of the Commission members present at a hearing.

§ 2515.19 Written record of Commission activities.

A complete written record shall be kept of all Commission action, including a record of all votes and minutes of all meeting.

§ 2515.20 Amendment of rules.

Nothing in these foregoing rules of procedure shall be interpreted to limit the Commission from amending these rules from time to time upon majority vote of the full Commission.

[FR Doc.76-31934 Filed 10-29-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-28-AD; Amdt. 39-2755]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 33, 35, 36, 55, 80, 90, 99, 100 & 200 Series Airplanes

There have been instances involving certain Beech series airplanes in which seat belts used with inverted "Y" type shoulder harnesses loosened under very light loads. This condition could allow the seat belt to slowly release tension during normal usage and, if sufficiently progressed and unnoticed, may result in injury to occupants in those situations where the seat belts are relied on to restrain the occupants. The problem is caused by malfunction, under light loads, of the American Safety Flight Systems P/N 500535 roller adjuster. To correct this condition the aircraft manufacturer has issued Beechcraft Service Instruction 0850-313 which recommends replacement of the defective roller adjuster with an improved part. Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued, applicable to Beech 33, 35, 36, 55, 80, 90, 99, 100 and 200 series airplanes, making compliance with the aforementioned service instruction mandatory.

Since an unsafe condition is the basis for this action and additional information from the public is unlikely to develop from normal rule making procedures, it appears that notice thereon is impracticable and contrary to the public interest and that good cause exists for making this AD effective in less than thirty (30) days.

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

BEECH. Applies to the airplane models and serial numbers listed below having inverted "Y" type shoulder harnesses installed.

Models	*Serial Numbers*
F33A	CE-522 thru CE-633
F33C	CJ-52 thru CJ-120
V35B	D-9677 thru D-9861
A36	E-605 thru E-824
95-B55 & 95-B55A	TC-1762 thru TC-1946
E55 and E55A	TE-1009 thru TE-1077
58 and 58A	TH-519 thru TH-732
65-B80	LD-478 thru LD-505
C90	LJ-637 thru LJ-682 and LJ-684
E90	LW-113 thru LW-171, LW-173, LW-174 and LW-178
B99	U-157 thru U-164
A100	B-202 thru B-226
B100	BE-1 thru BE-7
200	BB-7, BB-8, BB-12, BB-18 thru BB-87, BB-89 thru BB-128, BB-130 thru BB-136

Compliance: Required as indicated unless already accomplished.

To prevent slippage during normal use of the lap belt assembly installed with the inverted "Y" type shoulder harness, within 100 hours' time in service after the effective date of this AD, accomplish the following in accordance with Beechcraft Service Instruction 0850-313 or later approved revisions:

NOTE: Belt roller adjuster part numbers are stamped on the tang of the "male" half of lap belt assembly.

(A) On all aircraft visually inspect the "male" half of the lap belt assembly on the pilot and co-pilot seats to determine if a P/N 500535 roller adjuster is installed and if so replace it with a P/N 500535-401 roller adjuster.

(B) On Model 200 (Serial Numbers BB-7, BB-8 and BB-34) airplanes visually inspect

the "male" half of the lap belt assembly on the toilet seat to determine if a P/N 500535 roller adjuster is installed and if so replace it with a P/N 500535-401 roller adjuster.

(C) On Model 200 (Serial Numbers BB-12, BB-20, BB-25, BB-33, BB-35, BB-37, BB-41, BB-46, BB-49, BB-55, BB-56, BB-72, BB-77, BB-82, BB-92, BB-97, BB-107, BB-111, BB-113, BB-116, BB-130, BB-133, BB-135 and BB-136) airplanes visually inspect the "male" half of the Beech P/Ns 101-530314-9 and -13 lap belt assembly on all seats located aft of the cabin door to determine if a P/N 500535 roller adjuster is installed and if so replace it with a P/N 500535-401 roller adjuster.

(D) The 100 hour compliance time required by this AD may be adjusted up to 110 hours' time in service to allow inspection and modification at regularly scheduled maintenance periods.

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

This amendment becomes effective November 4, 1976.

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

Issued in Kansas City, Missouri, on October 21, 1976.

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

[FR Doc.76-31791 Filed 10-29-76;8:45 am]

[Docket No. 76-CE-30-AD; Amdt. 39-2756]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 100 Series Airplanes

There have been reports of fatigue cracks being found in the main spar area of elevators used on Beech Models 99 and 100 series airplanes. These cracks are occurring near and outboard of the outboard hinge point of the elevator. Aircraft controlability could be affected if these cracks go undetected and progress to complete failure of the outboard portion of the elevator spar. Since the condition described herein is likely to exist or develop on airplanes of the same type design an Airworthiness Directive (AD) is being issued, applicable to Beech 99 and 100 series aircraft, requiring recurring visual inspections of the critical area and if cracks are found installation of Beech elevator update kit or elevator replacement in accordance with Beechcraft Service Instructions 0799-133, Revision II, or later approved revisions.

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

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

BEECH. Applies to Models 99, 99A, A99A, B99 (Serial Numbers U-1 through U-164), Models 100 and A100 (Serial Numbers B-1 through B-230), and Models B-100 (Serial Numbers BE-1 through BE-17) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent possible loss of elevator control

(A) Within 50 hours' time in service after the effective date of this AD and thereafter at 400 hour intervals, until Beech P/N 100-4005-15 elevator update kits are installed on left and right elevators or new improved left and right replacement elevators are installed in accordance with Beechcraft Service Instructions No. 0799-133, Revision II, or later approved revisions, accomplish the following

1. If not previously accomplished, install a 1.38 inch inspection access hole, access hole doubler, Tinnerman P/N A6914-1024-1 patch plate and Tinnerman P/N CO D80596-1 split doubler in the leading edge of right and left elevators in accordance with Beechcraft Service Instructions 0799-133, Revision II, or later approved revisions.

2 Remove the Tinnerman patch plate and elevator outboard hinge access door. Working through these openings using a light and mirror, visually inspect the following areas of right and left elevators for cracks:

a. Elevator main spar web and flanges from Station 118.66 to 124.91.

b. Elevator outboard leading edge rib flanges at Stations 115.61, 120.71 and 124.91.

(B) If a crack is found during any inspection specified in Paragraph A prior to further flight, accomplish either Paragraphs B(1) or B(2) and Paragraph B(3) if applicable:

1. Obtain from Beech and install on the cracked elevator Beech P/N 100-4005-1S elevator update kit per instructions provided with the kit.

2. Install a new replacement elevator, in place of the cracked elevator, in accordance with Beechcraft Service Instructions 0799-133, Revision II, or later approved revisions.

3. On Models 99 and 99A (Serial Numbers U-1 through U-131, U-133 through U-145 and U-147 except aircraft having elevators equipped with boundary layer separation wedge at trailing edge of elevator) flight check for out of trim control forces in accordance with Chapter 27-40 of Beech Maintenance Manual P/N 99-590015-1A3 or later revisions any time an elevator is repaired or replaced.

(C) The aircraft may be flown in accordance with FAR 21.197 to a location where Paragraph B may be accomplished, providing elevator damage has not progressed to the point where abnormal elevator flexing exists in the outboard hinge area.

(D) Time intervals for repetitive inspections noted in Paragraph "A" of this AD may be adjusted up 40 hours to a maximum interval of 440 hours to allow inspections required by this AD to be accomplished at previously scheduled maintenance periods.

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

This amendment becomes effective November 4, 1976.

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

Issued in Kansas City, Missouri, on October 21, 1976.

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

[FR Doc.76-31792 Filed 10-29-76;8:45 am]

[Docket No. 16233; Amdt. 39-2757]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU-2B Series Airplanes

There have been reports of the binding of the left hand main landing gear forward door emergency operating cables on certain Mitsubishi Model MU-2B-30 and MU-2B-35 airplanes that could result in the jamming of the gear down emergency handle, and subsequent inability to manually extend the landing gear. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection and replacement, as necessary, of the left hand and right hand main landing gear forward door emergency operating cables on certain Model Mitsubishi MU-2B-30 and MU-2B-35 airplanes.

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

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

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

MITSUBISHI HEAVY INDUSTRIES, LIMITED. Applies to Model MU-2B-30 airplanes with serial numbers 502 through 547 and Model MU-2B-35 airplanes with serial numbers 501 and 548 through 615, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent the binding of the main landing gear forward door emergency operating cables and subsequent inability to manually extend the landing gear, accomplish the following:

(a) Within the next 50 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours time in service from the last inspection, inspect the main landing gear forward door emergency operating cables in accordance with the instructions section contained in Mitsubishi Service Bulletin No. 170 dated May 16, 1975, or an equivalent approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

(b) If, during an inspection required by paragraph (a) of this AD, the cable actuating force is found to exceed 88 lbs, the cable rewinding requires unusually heavy force, the cable rewinding is rough, or the inner cable coating is scraped, replace the cable with another cable of the same part number in accordance with the replacement section contained in Mitsubishi Service Bulletin No. 170 dated May 16, 1975, or an equivalent approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific—Asia Region, Honolulu, Hawaii, and thereafter continue to comply with paragraphs (a and (b) of this AD

(c) The repetitive inspections required by this AD may be discontinued upon the installation of the newly designed cables, P/N 030A-38558-41 left hand and P/N 030A-38558-51 right hand in accordance with the replacement section contained in Mitsubishi Service Bulletin No. 170 dated May 16, 1975, or an equivalent approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific—Asia Region, Honolulu, Hawaii.

This amendment becomes effective November 15, 1976.

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

Issued in Washington, D.C. on October 22, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-31578 Filed 10-29-76;8:45 am]

[Airspace Docket No. 76-WA-16]

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

Renumbering of Restricted Areas Excluded From Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to renumber the restricted areas listed as exclusions from V-3 and V-51 airways in the vicinity of Cape Kennedy, Fla.

Effective November 4, 1976, R-2902A is divided into four areas and renumbered R-2922, R-2923, R-2924 and R-2025. Also R-2902B is renumbered R-2921 (FR Docket 76-26411) (41 FR 38763). It is necessary that V-3 and V-51 airways concurrently reflect this change in describing the exclusions. Because the numbering of restricted areas is an administrative function, this action is considered minor in nature and one on which the public would have no particular desire to comment. Therefore notice and public procedure thereon are unnecessary. Since it is necessary that this action concur with the action that changed the numbers of the restricted areas in Part 73 it is effective November 4, 1976.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307, 29091, 38761) is amended as follows:

1 In V-3 "R-2902A and R-2902B" is deleted and "R-2921 and R-2922" is substituted therefor.

2. In V-51 "R-2902A and R-2902B" is deleted and "R-2921 and R-2922" is substituted therefor.

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

Issued in Washington, D.C., on October 26, 1976.

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

[FR Doc.76-31790 Filed 10-29-76;8:45 am]

[Airspace Docket No. 75-WA-16]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Redesignation of Jet Routes; Effective Date

In FR Doc. 76-6049 appearing on page 9302, the effectiveness of FR Doc. 76-2048 appearing on page 3466 in the FEDERAL REGISTER of January 23, 1976, was suspended indefinitely and certain editorial changes to the descriptions of the jet routes contained in that document were adopted. That document also stated that when the commissioning date of the Mirabel VOR became known, an effective date for the actions adopted would be published in a subsequent issue of the FEDERAL REGISTER.

The Canadian Ministry of Transport has advised that the Mirabel VOR has been commissioned and they have requested that the amendment contained in Airspace Docket No. 75-WA-16 be effective December 30, 1976.

Accordingly, the effective date for the actions adopted in Airspace Docket No. 75-WA-16 including the editorial changes to the descriptions of the jet routes contained in FR Doc. 76-6049 on page 9302 is effective 0901 Gmt, December 30, 1976.

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

Issued in Washington, D.C., on October 19, 1976.

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

[FR Doc.76-31577 Filed 10-29-76;8:45 am]

[Docket No. 16223; Amdt. No. 1044]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (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 FR 5609).

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

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

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

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective December 16, 1976.*

Eureka, CA—Murray Field, VOR-A, Amdt. 4
Hanford, CA—Hanford Muni Arpt., VOR-A Amdt. 3
Oceanside, CA—Oceanside Muni Arpt., VOR-A, Amdt. 1
Pueblo, CO—Pueblo Memorial, VOR Rwy 25R, Amdt. 17
Del Rio, TX—Del Rio Int'l Arpt., VOR-A, Amdt. 8
Del Rio, TX—Del Rio Int'l Arpt., VOR/DME-B, Amdt. 1

* * * *effective December 9, 1976.*

Bay Minette, AL—Bay Minette Muni Arpt., VOR Rwy 8, Amdt. 1
Hamilton, AL—Marion County, VOR Rwy 18, Amdt. 2
Meridianville, AL—North Huntsville Arpt., VOR/DME-A, Amdt. 2
Tifton, GA—Henry Tift Myers, VOR Rwy 27, Amdt. 2
Tifton, GA—Henry Tift Myers, VOR Rwy 33, Amdt. 3
Wichita, KS—Beech Factory, VORTAC-A, Amdt. 6
Oakland, MD—Garrett County, VOR Rwy 26, Amdt. 1
Litchfield, MN—Litchfield Muni Arpt., VOR Rwy 15, Amdt. 1
Litchfield, MN—Litchfield Muni Arpt., VOR Rwy 33, Amdt. 2
Bloomsburg, PA—Bloomsburg Muni Arpt., VOR Rwy 8, Amdt. 1
Phillipsburg, PA—Mid-State Arpt., VOR Rwy 24, Amdt. 11
Seven Springs Borough, PA—Seven Springs Arpt., VOR-A, Original

* * * *effective October 18, 1976.*

Rome, GA—Richard B. Russell Arpt., VOR/DME Rwy 36, Amdt. 2

§ 97.25 [Amended]

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective December 16, 1976.*

Pueblo, CO—Pueblo Memorial, LOC(BC) Rwy 25R, Amdt. 9
Reno, NV—Reno Int'l Arpt., LOC-C, Amdt. 2

* * * *effective December 9, 1976.*

Pontiac, MI—Oakland-Pontiac Arpt., LOC (BC) Rwy 27L, Amdt. 1
Springfield, MO—Springfield, Muni Arpt., LOC(BC) Rwy 19, Amdt. 13
Islip, NY—Islip MacArthur Arpt., LOC(BC) Rwy 24, Amdt. 4
Greenville, NC—Pitt-Greenville Arpt., SDF Rwy 19, Original

* * * *effective November 4, 1976.*

Minot, ND—Minot Int'l Arpt., LOC(BC) Rwy 13, Amdt. 2

§ 97.27 [Amended]

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective December 16, 1976.*

Pueblo, CO—Pueblo Memorial Arpt., NDB Rwy 7L, Amdt. 9
Pueblo, CO—Pueblo Memorial Arpt., NDB Rwy 25R, Amdt. 6
Madison, SD—Madison Muni Arpt., NDB R y 14, Amdt. 1

* * * *effective December 9, 1976.*

Apalachicola, FL—Apalachicola Muni Arpt., NDB Rwy 13, Amdt. 6
Tifton, GA—Henry Tift Myers Arpt., NDB Rwy 33, Amdt. 6
Decorah, IA—Decorah Muni Arpt., NDB Rwy 29, Amdt. 4
Springfield, MO—Springfield Muni Arpt., NDB Rwy 1, Amdt. 12
Springfield, MO—Springfield Muni Arpt., NDB Rwy 13, Amdt. 8
Islip, NY—Islip MacArthur Arpt., NDB Rwy 6, Amdt. 13
Greenville, NC—Pitt-Greenville Arpt., NDB Rwy 19, Amdt. 6
Reading, PA—Reading Muni, General Carl A. Spaatz Field, NDB Rwy 36, Amdt. 16
Appleton, WI—Outagamie County Arpt., NDB Rwy 11, Amdt. 5
Appleton, WI—Outagamie County Arpt., NDB Rwy 29, Amdt. 6

* * * *effective November 18, 1976.*

Mount Pocono, PA—Mount Pocono Arpt., NDB-A, Amdt. 6

* * * *effective October 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., NDB Rwy 9, Amdt. 22

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective December 16, 1976.*

Pueblo, CO—Pueblo Memorial Arpt., ILS Rwy 7L, Amdt. 12
Pueblo, CO—Pueblo Memorial Arpt., ILS Rwy 25R, Amdt. 2
Kalispell, MT—Glacier Park Int'l Arpt., ILS Rwy 1, Amdt. 2

* * * *effective December 9, 1976.*

Des Moines, IA—Des Moines Muni Arpt., ILS Rwy 12L, Amdt. 2
Springfield, MO—Springfield Muni Arpt., ILS Rwy 1, Amdt. 12
Islip, NY—Islip MacArthur Arpt., ILS Rwy 6, Admt. 16
Reading, PA—Reading Muni, General Carl A. Spaatz Field, ILS Rwy 36, Amdt 21

* * * *effective November 11, 1976.*

Allentown, PA—Allentown-Bethlehem-Easton Arpt., ILS Rwy 13, Original

* * * *effective November 4, 1976.*

Minot, ND—Minot Int'l Arpt., ILS Rwy 31, Amdt. 2

* * * *effective October 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., ILS Rwy 9, Amdt. 20

§ 97.31 [Amended]

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective December 9, 1976.*

Des Moines, IA—Des Moines Muni Arpt., RADAR-1, Amdt. 12
Greensboro, NC—Greensboro-High Point-Winston Salem Regional Arpt., RADAR-1, Amdt. 4

* * * *effective October 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., RADAR-1, Amdt. 31

§ 97.33 [Amended]

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective December 9, 1976.*

Des Moines, IA—Des Moines Muni Arpt., RNAV Rwy 12L, Amdt. 2
Greenville, NC—Pitt-Greenville Arpt., RNAV Rwy 25, Original

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

Issued in Washington, D.C., on October 21, 1976.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.76-31576 Filed 10-29-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER G—RULES, REGULATIONS, STATEMENTS AND INTERPRETATIONS UNDER THE MAGNUSON-MOSS WARRANTY ACT

PART 703—INFORMAL DISPUTE SETTLEMENT PROCEDURES

Postponement of Effective Date for Written Warranties on Consumer Products Offered With the Sale of New Homes

By letter of April 28, 1976, the National Association of Home Builders (NAHB) and the Home Owners Warranty Corporation (HOW) requested a postponement until January 4, 1977 of the effective date of the rule on Informal Dispute Settlement Procedures 16 CFR Part 703, 40 FR 60213, as it applies to written warranties on consumer products offered by sellers of new homes. The Commission considered the logistical problems set forth by NAHB and HOW and determined that granting the postponement requested would be in the public interest.

By its letters of June 10, and June 28, the Commission granted this postponement stating that the Rule on Informal Dispute Settlement Mechanisms would not apply to written warranties on consumer products sold with new homes for which a contract of sale is signed after July 4, 1976 but before January 4, 1977. (41 FR 27828, July 7, 1976.)

By letter of September 28, 1976, NAHB and HOW requested an additional postponement until October 1, 1977 of the effective date of the rule on Informal Dispute Settlement procedures, 16 CFR Part 703, 40 FR 60215 (December 31, 1975) as it applies to written warranties on consumer products offered by sellers of new homes. The Commission has considered this request and determined that a postponement only until May 1, 1977 would be in the public interest.

For written warranties on consumer products offered with the sale of new homes for which a contract of sale is signed after July 4, 1976 but before May 1, 1977 the rule on Informal Dispute Settlement Mechanisms is not applicable. Compliance with the requirements of the Rule will be required for warranties on consumer products offered by sellers of new homes, contracts for the sale of which are entered into after May 1, 1977.

This postponement in no way affects private rights of action under Section 110 of the Magnuson-Moss Warranty Act.

By direction of the Commission dated October 20, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-31867 Filed 10-29-76;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1009—GENERAL STATEMENTS OF POLICY OR INTERPRETATION

Importation of Consumer Products

• *Purpose.* The purpose of this notice is to amend the Consumer Product Safety Commission's Policy on Imported Products, Importers, and Foreign Manufacturers (16 CFR 1009.3) which was published on October 9, 1975 (40 FR 47482-87). The amendment clarifies the term "importer." •

This policy states the Commission's views as to imported products subject to the Consumer Product Safety Act (15 U.S.C. 2051) and the other acts the Commission administers: The Federal Hazardous Substances Act (15 U.S.C. 1261), the Flammable Fabrics Act (15 U.S.C. 1191), the Poison Prevention Packaging Act (15 U.S.C. 1471), and the Refrigerator Safety Act (15 U.S.C. 1211). According to the policy, the Commission, in order to fully protect the American consumer from hazardous consumer products, will seek to ensure that importers and foreign manufacturers, as well as domestic manufacturers, distributors, and retailers, carry out their obligations and responsibilities under the five acts.

The policy does not define the term "importer." In the preamble to the publication of the policy in the FEDERAL REGISTER, the Commission declined to define "importer" so as to exclude customs brokers who are not the actual owners of goods being imported, as requested by an association in its comments on the proposed policy (40 FR 47484). The Commission did not foreclose the future possibility of clarifying the term "importer," but found insufficient reasons to adopt the requested clarification.

In a January 20, 1976 letter to the Commission, David Serko, Esquire, requested that the term "importer" be clarified so that it excludes a customs broker and refers only to the actual consignee or owner of imported goods. The Commission denied this request in a July 23, 1976 letter to Mr. Serko, but included in the letter the following clarification:

> Section 19 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2068) states that it shall be unlawful for any person to import into the United States any consumer product which is not in conformity with an applicable consumer product safety standard. However, it does not specifically identify who in the chain of importation shall be held responsible. Section 17 of the CPSA (15 U.S.C. 2066) makes a number of references to the owner or consignee. While not specifically stated this implies that those who hold title or who will hold title to the consumer product bear the primary responsibility for assuring that the product is in compliance with the law. Therefore, legal actions sought by the Commission under its published policy will be primarily directed toward the owner or consignee and not against the customs broker even though his name may appear as the importer of record.
>
> The Commission believes it will not serve the public interest to impede the Commission's rights of investigation and enforcement by exempting a customs broker from the coverage of the law merely because of his title or usual form of business. The Commission, for example, has the right to inspect any person subject to its jurisdiction with respect to imported consumer products and to enforce the law where necessary. It may be relevant in a particular case that a customs broker does not have an ownership interest in the goods and is acting as an agent for the actual owner or consignee even though he signs the entry documents as Importer of Record. What effect this will have in a particular case can be judged by the Commission on a case-by-case basis.

So that this clarification will be reflected in the Policy on Imported Products, Importers, and Foreign Manufacturers, the Commission has decided to amend the policy by adding a new paragraph (f)(5) becoming (6).

(f) * * *

Since this amendment involves a statement of policy, neither notice and public comment nor a delayed effective date are required by the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)). Therefore, § 1009.3 of Chapter II of Title 16 is amended by redesignating paragraph (f)(5) as (f)(6) and adding a new paragraph (f)(5), as follows:

§ 1009.3 Policy on imported products, importers, and foreign manufacturers.

* * * * *

(5) Legal actions sought by the Commission will usually be primarily directed toward the owner or consignee of imported goods rather than against the customs broker even though his or her name may appear as the importer of record. However, the Commissioner believes it will not serve the public interest to impede the Commission's rights of investigation and enforcement by exempting a customs broker from the coverage of the law merely because of his or her title or usual form of business. It may be relevant that a customs broker, who does not have an ownership interest in the goods but who is acting as an agent for the actual owner or consignee, signs the entry documents as importer of record. What effect and possible need for inclusion this will have in a particular case can be judged by the Commission on a case-by-case basis.

* * * * *

In addition, two minor errors appeared in the final policy as published in the FEDERAL REGISTER (40 FR 47486, October 9, 1975) and in the Code of Federal Regulations (16 CFR 1009.3). The paragraph which was originally published as (f)(5) but is now (f)(6) should begin "Commission procedures * * *" In paragraph (h) the word "comprising" should be "compromising."

(Sec. 9 (15 U.S.C. 1198), 67 Stat. 114, 81 Stat. 572; sec. 14 (15 U.S.C. 1273), 74 Stat. 379, 80 Stat. 1304, 1305; sec. 17 (15 U.S.C. 2066), 86 Stat. 1223.)

Effective date: November 1, 1976.

Dated: October 26, 1976.

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

[FR Doc.76-31904 Filed 10-29-76;8:45 am]

Title 20—Employees' Benefits

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

[Regs. Nos. 4, 5, 10, and 16]

INSURANCE FOR AGED AND DISABLED

Change in the Time Period for Requesting Reconsideration and Hearing

On June 30, 1976, there was published in the FEDERAL REGISTER (41 FR 26930) a notice of proposed rulemaking with proposed amendments to Regulations Nos. 4, 5, 10, and 16 (20 CFR Part 404, 405, 410, and 416). The proposed amendments change the time period for requesting a hearing to 60 days, and conform the time period in which claimants for or recipients of benefits, or parties seeking to establish their qualifications as providers or other suppliers of services may request reconsideration of initial or revised determinations to this 60 day period. The public was given until August 16, 1976, to comment on the proposed amendments. We believe that publication provided ample time for comment and adequate notice to all interested individuals and organizations, so that promulgation at this time of the amendments set forth below is in keeping with the spirit and intent of the Secretary's policies on the development of regulations announced on July 25, 1976 and which may be found at 41 FR 34811 dated August 17, 1976.

Section 1 of Pub. L. 94-202 amended section 1631(c) of the Social Security Act by increasing the time period for requesting a hearing in the supplemental security income program from 30 to 60 days after notice of a determination is received, effective January 2, 1976. Therefore, Subparts M and N of Social Security Administration Regulations No. 16 are being amended to show that the time period for requesting a hearing in that program is now 60 days from the date a notice is received rather than 30 days from such date. This change is applicable with respect to a supplemental security income determination where notice was received on or after January 2, 1976 by the individual requesting a hearing.

In addition, other amendments to Subparts M and N of Regulations No. 16 increase from 30 to 60 days the time period within which a claimant for or recipient of supplemental security income may request reconsideration of an initial and, where applicable, a revised determination. As this change increases the time an individual would have to request reconsideration and conforms the reconsideration time period to the time period prescribed by section 1 of Pub. L. 94-202 for hearing requests, the procedures reflected in the amendments to Subparts M and N of Regulations No. 16 have been implemented with respect to any determination where notice was received on or after January 2, 1976 by the individual requesting a reconsideration.

Pub. L. 94-202 also makes the title II and title XVI appellate process uniform in several respects. Section 4 amended section 205(b) of the Social Security Act by changing the time period for requesting a hearing to 60 days after notice of a decision is received, effective March 1, 1976. Section 205(b) of the Social Security Act is adopted by reference in sections 1862(d)(3), 1869 (b) and (c), 1876 (f), by cross-reference in section 1879(d) of the Social Security Act; and by reference in section 413(b) of the Federal Coal Mine Health and Safety Act of 1969, as amended. Therefore, Regulations No. 4, Subpart J, Regulations No. 5, Subparts G, O, and T, and Regulations No. 10, Subpart F are being amended to show that the previous time period for requesting a hearing, 6 months from the date a notice of a determination is mailed, under the title II, hospital insurance, and black lung benefit programs, has been changed to 60 days after the date a notice of decision is received. The date of receipt of such notice shall be presumed to be 5 days after the date on the face of the notice. This change in the time period for requesting a hearing is specified by statute and applies with respect to any determination where notice has been received by an individual requesting a hearing on or after March 1, 1976.

These amendments to Regulations No. 4, Subpart J, Regulations No. 5, Subparts G, O, and T, and Regulations No. 10, Subpart F also change the time period for requesting reconsideration of an initial determination regarding title II benefits,

hospital insurance benefits, black lung benefits, or hospital insurance participation by providers and other suppliers of services from within 6 months from the date of mailing notice of such determination to within 60 days after the date of receipt of such notice. The date of receipt of such notice shall be presumed to be 5 days after the date on the face of the notice. This change makes the time period for requesting reconsideration in those programs the same as that for requesting a hearing. The change will be implemented with respect to any determination about which a notice mentioning the changed period is received after the date this change is published in the FEDERAL REGISTER.

In order to provide a readily accessible history of the reconsideration provision and the tie-in between the time period for requesting reconsideration and a hearing, we are reprinting the following material which was published with the notice of proposed rulemaking:

The reconsideration level of the social security appeals process is an administrative review function provided by regulations for claimants who are dissatisfied with an initial determination. The period of time currently allowed for requesting a reconsideration of an initial determination of title II, title XVIII, or black lung benefits, and title XVIII participation by providers and other suppliers of services, is within 6 months from the date of notice of such determination. This period of time, 6 months, is consistent with that previously provided by the Social Security Act for requesting a hearing under these programs.

The Social Security Administration established an administrative practice of conforming the reconsideration time frame to the hearing time frame in 1940 when the reconsideration step was provided as an option to a hearing without forfeiting the claimant's right to a hearing if the claimant wished to pursue an unfavorable reconsideration. The time frames for the reconsideration and hearing were more closely linked in 1959 when the reconsideration step was made mandatory before a hearing would be authorized.

Since the law provided at least 6 months for a hearing to be requested, it was necessary to protect the rights of a claimant who was required to go through an intervening reconsideration step before a hearing could be authorized. Thus, if a claimant were limited to less than 6 months within which to request a reconsideration, and failing to file timely were thereby precluded from going on to the hearing level (because of the mandatory reconsideration step) he would, in effect, have been deprived of his right to a hearing under the law even though 6 months might not have elapsed since notification of the determination. Therefore, the time frame of 6 months as provided for title II hearings became, in effect, an aggregate double 6 month period for the two levels; i.e., reconsideration and hearing. This policy was also applied by the Social Security Administration to title XVIII and the black lung benefit program.

Historically, therefore, the reconsideration time frame duplicated the statutory hearing time frame to protect the claimant's statutory rights, and, in addition, the common time frame has been preferential from the standpoint of service to the public. A common time frame for the reconsideration level and hearing level alleviates any added confusion that would result if the period of time allowed for each level were different. The implementation of this policy will conform the reconsideration time frame to the newly enacted time frame of 60 days for hearings requests in accordance with Pub. L. 94-202, thereby sustaining the preexistent pattern of common time frames for these two levels in the appeals process, and reflecting Congressional intent expressed during hearings held prior to the enactment of Pub. L. 94-202 that the time period for requesting this administratively mandated reconsideration step also be changed to 60 days.

Additionally, the adoption of a uniform time frame of 60 days for all reconsiderations, including the appeals process for supplemental security income (title XVI) claims, will provide more efficient processing when an issue at question is common to both title II and title XVI. (Regulations to change the time period for requesting review of a determination by the Appeals Council are being drafted and will be promulgated in the near future.[1])

The reduction in the period of time allowed to request a reconsideration on title II, title XVIII, and black lung determinations will not deprive the claimant of his right to protest a decision. Although the length of time he will have to request a reconsideration will be shortened, the 60-day period is considered adequate time for a person to express his dissatisfaction with a determination. To protect claimants in cases where the time limit has expired, the Social Security Administration has procedures under which an initial determination may be reopened. In addition, Social Security Administration regulations provide for an extenson of the time allowed to file for a reconsideration if good cause for not filing timely is established.

On November 18, 1975, regulations were published in the FEDERAL REGISTER (40 FR 53384) which implemented the U.S. Supreme Court decision in "Salfi v. Weinberger," 422 U.S. 749 (1975). Those regulations provided an expedited appeals process for any party who has received at least a reconsideration determination, has no dispute with the Secretary's findings of fact and application and interpretation of the controlling laws beyond a contention that a section of the applicable statute is unconstitutional, and pursues as the sole remaining issue a challenge to the constitutionality of a section of the pertinent statute which precludes a favorable action on the party's claim. The expedited appeals process can be invoked only after a reconsideration determination has been made. Therefore, a period of 6 months after the date of mailing the notice (the same time limit for requesting a hearing) was allowed within which to invoke the expedited appeals process with respect to title II, title XVIII, and black lung determinations. As mentioned above, the time limit for filing a request for hearing has been changed to 60 days after the date of receipt of the reconsideration notice, with the date of receipt being presumed to be 5 days after the date of the notice. Accordingly, we are also changing the time period for requesting the expedited appeals process from 6 months to 60 days after the date of receipt of the reconsideration notice. Again, the date of receipt of such notice will be presumed to be 5 days after the date of the notice. This conforming change would be in keeping with the Social Security Administration's efforts to have uniformity throughout its appeals process for the various programs it administers. This change would also prevent the possibility that parties to a determination who mistakenly believe they qualify for the expedited appeals process, will miss the 60 day time period for requesting a hearing and thereby lose their appeal rights. The time period for requesting the expedited appeals process in the supplemental security income program is also increased to 60 days.

Three comments were received on the proposed amendments. One commenter agreed that these regulations conform to the intent of Public Law 94-202. One greatly supported the 60 day period for requesting reconsideration under the supplemental security income program. The third commenter pointed out that the 60 day time period for requesting reconsideration or a hearing should alleviate the problems intermediaries had in obtaining information from providers and physicians who often had difficulty in retrieving the information from their records in view of the length of time that had expired. None of the commenters had any objections to these regulations being adopted. Two editorial changes have been made, and a conforming change has been made in the regulations as published on June 30, 1976. The conforming change reflects a decision, announced March 23, 1976 (41 FR 12036), to remove reference to the individual who may preside at a hearing by position title. Throughout the regulations, the person who shall conduct a hearing will be referred to as a presiding officer. Accordingly, these amendments are adopted as set forth below.

(Secs. 205 (a), (b), 1102, 1631(c), 1862(d)(3), 1869, 1871, 1876(f), 1879(d), Social Security Act, sec. 413(b), Federal Coal Mine Health and Safety Act; 53 Stat. 1368, 49 Stat. 647, 86 Stat. 1475, 79 Stat. 325, 79 Stat. 330, 79 Stat. 331, 86 Stat. 1396, 83 Stat. 794; (42 U.S.C. 405 (a), (b), 1302, 1383(c), 1395y (d)(3), 1395ff, 1395hh, 1395mm; 1395pp(d); 30 U.S.C. 932).)

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

Effective date. These amendments shall be effective on November 1, 1976.

Dated: October 1, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 21, 1976.

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

[1] These regulations were published with notice of proposed rulemaking on July 27, 1976 (41 FR 31229).

Parts 404, 405, 410, and 416 of Chapter III of Title 20 of the Code of Federal Regulations are amended as follows:

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

1. Section 404.911 is revised to read as follows:

§ 404.911 Time and place of filing request.

The request for reconsideration shall be made in writing and filed at an office of the Social Security Administration or, in the case of an individual in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing reconsideration with respect to his application to establish a period of disability under section 216(i) of the Act, at an office of the Railroad Retirement Board, within 60 days after the date of receipt of notice of the initial determination, unless such time is extended as provided in § 404.612 or § 404.953. For purposes of this section, the date of receipt of notice of the initial determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

2. Section 404.916b(b)(1) and (3) is revised to read as follows:

§ 404.916b Expedited appeals process; place and time of filing request.

* * * * *

(b) *Time of filing request.* * * *

(1) No later than 60 days after the date of receipt of notice of the reconsidered determination, unless the time is extended in accordance with the standards set out in § 404.612 or § 404.954. For purposes of this paragraph, the date of receipt of notice of the reconsidered determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary; or

* * * * *

(3) Within 60 days after the date of receipt of notice of the presiding officer's decision or dismissal, unless the time is extended in accordance with the standards set out in § 404.612 or § 404.954. For purposes of this paragraph, the date of receipt of notice of the presiding officer's decision or dismissal shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary; or

* * * * *

3. Section 404.918 is revised to read as follows:

§ 404.918 Time and place of filing request.

The request for hearing shall be made in writing and filed at an office of the Social Security Administration or, in the case of an individual in the Philippines, at the Veterans Administration Regional Office in the Philippines, or with a presiding officer, or the Appeals Council, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing a hearing with respect to his application to establish a period of disability under section 216(i) of the Act, at an office of the Railroad Retirement Board. The request for hearing must be filed within 60 days after the date of receipt of notice of the reconsidered determination by such individual, except where the time is extended as provided in § 404.612 or § 404.954. For purposes of this section, the date of receipt of notice of the reconsidered determination notice shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

4. Section 404.963 is revised to read as follows:

§ 404.963 Time and place of requesting hearing on revised determination.

The request for hearing shall be made in writing and filed at an office of the Social Security Administration, or with a presiding officer, or the Appeals Council, within 60 days after the date of receipt of notice of the revised determination. Upon the filing of such request, a hearing with respect to such revision shall be held (see §§ 404.919–404.938) and a decision made in accordance with the provisions of § 404.939. For purposes of this section, the date of receipt of notice of the revised determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

5. Section 405.711 is revised to read as follows:

§ 405.711 Time and place of filing request for reconsideration.

The request for reconsideration shall be made in writing and filed at an office of the Social Security Administration or, in the case of a qualified railroad retirement beneficiary (see § 404.368 of this chapter) filed at an office of the Railroad Retirement Board, within 60 days after the date of receipt of notice of initial determination, unless such time is extended as provided in § 405.712. A request for reconsideration which is filed with the intermediary which received the request for payment submitted on behalf of the individual is considered to have been filed with the Social Security Administration as of the date it is filed with the intermediary. For purposes of this section, the date of receipt of notice of the initial determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

6. Section 405.717 is revised to read as follows:

§ 405.717 Effect of a reconsidered determination.

The reconsidered determination shall be final and binding upon all parties unless a request for a hearing is filed with the Social Security Administration within 60 days after the date of receipt of notice of the reconsidered determination by such parties, or unless the reconsidered determination is revised in accordance with the provisions of § 405.750, or unless the expedited appeals process is used in accordance with § 405.718a. For purposes of this section, the date of receipt of notice of the reconsidered determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

7. Section 405.718a(b)(1) and (3) are revised to read as follows:

§ 405.718a Expedited appeals process; place and time of filing request.

* * * * *

(b) *Time of filing request.* * * *

(1) No later than 60 days after the date of receipt of notice of the reconsidered determination, unless the time is extended in accordance with the standards set out in § 404.612 or § 404.954 of this chapter. For purposes of this paragraph, the date of receipt of notice of the reconsidered determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary; or

* * * * *

(3) Within 60 days after the date of receipt of notice of the presiding officer's decision or dismissal, unless the time is extended in accordance with the standards set out in § 404.612 or § 404.954 of this chapter. For purposes of this paragraph, the date of receipt of notice of the presiding officer's decision or dismissal shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary; or

* * * * *

8. Section 405.722 is revised to read as follows:

§ 405.722 Time and place of filing request for a hearing.

The request for a hearing shall be made in writing and filed at an office of the Social Security Administration or with a presiding officer, or, in the case of a qualified railroad retirement beneficiary, at an office of the Railroad Retirement Board. Such request must be filed within 60 days after the date of receipt of notice of the reconsidered determination by such individual, except where the time is extended as provided in § 404.954(a) of Part 404 of this chapter. For purposes of this section, the date of receipt of notice of the reconsidered determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

9. Section 405.1511(b) is revised to read as follows:

§ 405.1511 Time and place of filing request for reconsideration.

* * * * *

(b) The request for reconsideration must be filed within 60 days after the date of receipt of notice of the initial determination unless the time for filing is extended as provided in § 405.1518. The request is to be filed with the Secretary or with an employee of the Department of Health, Education, and Welfare authorized to accept such requests at a place other than such office. A request for reconsideration which has been timely filed with the State agency that performed the survey and certification function will be considered to have been filed with the Secretary. For purposes of this section, the date of receipt of notice of the reconsidered determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

10. Section 405.1531 paragraph (a) is revised to read as follows:

§ 405.1531 Filing a request for a hearing; time and manner of filing.

(a) The request for a hearing shall be made in writing, signed by the person, or a proper official of the institution, agency, clinic, laboratory, portable X-ray supplier, or end-stage renal disease treatment facility concerned and filed at an office of the Department of Health, Education, and Welfare, or with a presiding officer or the Appeals Council of the Bureau of Hearings and Appeals. The request must be filed within 60 days after the date notice of an initial determination provided for in § 405.1502 (b)(2), (c), (d)(2), or (e), or a reconsidered or revised determination, is received by the institution, agency, clinic, laboratory, portable X-ray supplier, end-stage renal disease treatment facility, or person (see §§ 405.1503, 405.1516, and 405.1520), except where the time is extended for "good cause" (see § 405.1569). For purposes of this section, the date of receipt of notice of the initial, reconsidered or revised determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

* * * * *

11. In § 405.2059, paragraphs (c) and (j) are revised to read as follows:

§ 405.2059 Appeals: Reconsideration.

* * * * *

(c) *Time of filing request for reconsideration.* The request for reconsideration shall be filed within 60 days after the date of receipt of notice of the initial determination, unless such time is extended as specified in paragraph (d) of this section. For purposes of this section, the date of receipt of notice of the initial determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

* * * * *

(j) *Effect of reconsideration determination.* The reconsidered determination shall be final and binding upon all parties to the reconsideration unless a request for hearing is filed within 60 days after the date of receipt of notice of the reconsidered determination by such parties or unless the reconsideration determination is revised upon reopening in accordance with the provisions of § 405.2063, or unless the expedited appeals process is used in accordance with § 405.718. For purposes of this section, the date of receipt of notice of the reconsidered determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

12. Section 405.2060 paragraph (d) is revised to read as follows:

§ 405.2060 Appeals: Hearing.

* * * * *

(d) *Time limit for filing request for hearing.* Any request for hearing must be filed within 60 days after the date of receipt of notice of the reconsidered determination to the enrollee, except when the time is extended by a presiding officer as provided in § 404.954(a) of this chapter. For purposes of this section, the date of receipt of notice of the reconsidered determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

* * * * *

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

13. Section 410.624 is revised to read as follows:

§ 410.624 Time and place of filing request.

The request for reconsideration shall be made in writing and filed at an office of the Social Security Administration within 60 days after the date of receipt of notice of the initial determination, unless such time is extended as specified in § 410.668. For purposes of this section, the date of receipt of notice of the initial determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

14. Section 410.629b paragraph (b) (1) and (3) are revised to read as follows:

§ 410.629b(b) Expedited appeals process; place and time of filing request.

* * * * *

(b) *Time of filing request.* * * *

(1) No later than 60 days after the date of receipt of notice of the reconsidered determination, unless the time is extended in accordance with the standards set out in § 410.669 of this chapter. For purposes of this paragraph, the date of receipt of notice of the reconsidered determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary; or

* * * * *

(3) Within 60 days after the date of receipt of notice of the presiding officer's decision or dismissal, unless the time is extended in accordance with the standards set out in § 410.669 of this chapter. For purposes of this paragraph (b)(3), the date of receipt of notice of the presiding officer's decision or dismissal shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary; or

* * * * *

15. Section 410.631 is revised to read as follows:

§ 410.631 Time and place of filing request.

The request for hearing shall be made in writing and filed at an office of the a presiding officer, or the Appeals Council. Except where the time is extended as provided in § 410.669, the request for hearing must be filed:

(a) Within 60 days after the date of receipt of notice of the reconsidered determination by such individual. For purposes of this section, the date of receipt of notice of the reconsidered determinations shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary; or

(b) Where an effective date (not more than 30 days later than the date of mailing) is expressly indicated in such notice, within 60 days after such effective date.

16. Section 410.678 is revised to read as follows:

§ 410.678 Time and place of requesting hearing on revised determination.

The request for hearing shall be made in writing and filed at an office of the Social Security Administration, or with a presiding officer, or the Appeals Council, within 60 days after the date of receipt of notice of the revised determination. Upon the filing of such a request, a hearing with respect to such revision shall be held (see §§ 410.631–410.653) and a decision made in accordance with the provisions of § 410.654. For purposes of this section, the date of receipt of notice of the revised determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND AND DISABLED

§ 416.1336 [Amended]

§ 416.1421 [Amended]

17. Sections 416.1336 and 416.1421(a) are amended by changing the term "30 days" to "60 days" wherever it appears in those sections.

18. Section 416.1410 is revised to read as follows:

§ 416.1410 Time and place of filing request.

The request for reconsideration shall be made in writing and filed at an office of the Social Security Administration within 60 days from the date of receipt of notice of the initial determination, unless such time is extended as specified in

§ 404.953 of this title. (See § 416.1336(c) for the time period within which the request must be made for a right to continuation or reinstatement of payment pending the reconsidered decision.) For purposes of this secion, the date of receipt of notice of the initial determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

19. Section 416.1424a paragraph (b) (1) and (b) (3) are revised to read as follows:

§ 416.1424a Expedited appeals process; place and time of filing request.

* * * * *

(b) *Time of filing request.* * * *

(1) No later than 60 days after the date of receipt of notice of the reconsidered determination, unless the time is extended in accordance with the standards set out in § 404.612 of this chapter or § 416.1474. For purposes of this paragraph, the date of receipt of notice of the reconsidered determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary; or

* * * * *

(3) Within 60 days after the date of receipt of notice of the presiding officer's decision or dismissal, unless the time is extended in accordance with the standards set out in § 404.612 of this chapter or § 416.1474. For purposes of this paragraph, the date of receipt of notice of the presiding officer's decision or dismissal shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary; or

* * * * *

20. Section 416. 1426 is revised to read as follows:

§ 416.1426 Time and place of filing request for hearing.

The request for hearing shall be in writing and filed with an office of the Social Security Administration, including a hearing office, or with the Appeals Council. The request for hearing must be filed within 60 days after the date of receipt of notice of the reconsidered determination or revised determination as provided in § 416.1483(c), or within 60 days after the date of receipt of notice of the initial determination that blindness or disability has ceased due to medical improvement. For purposes of this section, the date of receipt of notice of the reconsidered, or revised determination, or of the initial determination regarding the cessation of blindness or disability due to medical improvement, shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

21. Section 416.1487 is revised to read as follows:

§ 416.1487 Time and place of requesting reconsideration or hearing on revised determination.

The request for reconsideration or hearing shall be made in writing and filed at an office of the Social Security Administration, or with a presiding officer, or the Appeals Council, within 60 days after the date of receipt of notice of the revised determination. Upon the filing of such request, the reconsideration or hearing with respect to such revision shall be processed and a determination or decision made in accordance with the provisions of § 416.1416 or § 416.1457, respectively. For purposes of this section, the date of receipt of notice of the revised determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

[FR Doc.76-31887 Filed 10-29-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0080]

PART 310—NEW DRUGS

Labeling for Digoxin Products for Oral Use

Correction

In FR Doc. 76-28559 appearing on page 43135 in the issue for Thursday, September 30, 1976, in § 310.500(e), in the material under "Treatment of Arrhythmias Produced by Overdosages" appearing on page 43138, in the third paragraph, 6th line, the lines now reading "(30 milliequivalents per 500 milliequivalents) is given at the rate of 20 milliequivalents per 500 milliliters)" should have read "(30 milliequivalents per 500 milliliters)".

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Regulation 11]

PART 211—TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT, AND OTHER ASSISTANCE

The purpose of this revision is to incorporate the amendment of Pub. L. 480, Title II contained in Pub. L. 94-161, dated December 20, 1975. The most important features of the new legislation are that the minimum quantity of agricultural commodities distributed under Pub. L. 480, Title II shall be 1,300,000 tons in each fiscal year; and a provision to permit the sales of commodities with the use of proceeds for self-help purposes.

Other major changes are (1) a shift from an annual voluntary agency internal audit requirement to internal reviews or examinations at intervals mutually agreed upon by the USAIDs or Diplomatic Posts, (2) changes relative to claims (and the documentation thereof) arising from shipments under Pub. L. 480, Title II, and (3) certain changes in the language for clarification purposes.

Title 22, Chapter II, Part 211 (A.I.D. Regulation 11) is revised to read as follows:

Sec.

AUTHORITY: Secs. 105, 201, 202, 203, and 305, Agricultural Trade Development and Assistance Act of 1954, as amended, 7 U.S.C. 1705, 1721, 1722, 1723, and 1693; 68 Stat. 454, as amended.

§ 211.1 General purpose and scope.

(a) *Terms and conditions.* This Part 211 contains the regulations prescribing the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations (except the World Food Program and United Nations Relief and Works Agency) pursuant to Title II, the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480, 83rd Congress, as amended).

(b) *Legislation.* The legislation implemented by the regulations in this part is as follows:

(1) Section 2.(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides that in furnishing food aid, the President shall:

(3) relate United States food assistance to efforts by aid-receiving countries to increase their own agricultural production, with emphasis on development of small, family farm agriculture, and improve their facilities for transportation, storage, and distribution of food commodities.

(2) Section 201 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

(a) The President is authorized to determine requirements and furnish agricultural commodities on behalf of the people of the United States of America, to meet famine or other urgent or extraordinary relief requirements; to combat malnutrition, especially in children; to promote economic and community development in friendly developing areas, and for needy persons and nonprofit school lunch and preschool feeding programs outside the United States. The Commodity Credit Corporation shall make available to the President such agricultural commodities determined to be available under section 401 as he may request.

(b) The minimum quantity of agricultural commodities distributed under this title shall be 1,300,000 tons of which the minimum distributed through nonprofit voluntary agencies and the World Food Program shall be one million tons in each fiscal year, unless the President determines and reports to the Congress, together with his reasons, that such quantity cannot be used effectively to carry out the purposes of this title: *Provided*, That such minimum quantity shall not exceed the total quantity of commodities determined to be available for

disposition under this Act pursuant to section 401, less the quantity of commodities required to meet famine or other urgent or extraordinary relief requirements.

(3) Section 202 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

The President may furnish commodities for the purposes set forth in section 201 through such friendly governments and such agencies, private or public, including intergovernmental organizations such as the World Food Program and other multilateral organizations in such manner and upon such terms and conditions as he deems appropriate. The President shall, to the extent practicable, utilize nonprofit voluntary agencies registered with, and approved by, the Advisory Committee on Voluntary Foreign Aid. Insofar as practicable, all commodities furnished hereunder shall be clearly identified by appropriate markings on each package or container in the language of the locality where they are distributed as being furnished by the people of the United States of America. The assistance to needy persons shall insofar as practicable be directed toward community and other self-help activities designed to alleviate the causes of the need for such assistance. Except in the case of emergency, the President shall take reasonable precaution to assure that commodities furnished hereunder will not displace or interfere with sales which might otherwise be made.

(4) Section 203 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

The Commodity Credit Corporation may in addition to the cost of acquisition, pay with respect to commodities made available under this title costs for packaging, enrichment, preservation, and fortification, processing, transportation, handling, and other incidental costs up to the time of their delivery free on board vessels in U.S. ports. Ocean freight charges from U.S. ports to designated ports of entry abroad, or, in the case of landlocked countries, transportation from U.S. ports to designated points of entry abroad, and charges for general average contributions arising out of the ocean transport of commodities transferred pursuant thereto.

(5) Section 204 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides in part as follows:

In addition to other funds available for such purposes under any other Act, funds made available under this title may be used in an amount not exceeding $7,500,000 annually to purchase foreign currencies accruing under Title I of this Act in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies, and the costs of construction or maintenance of any church owned or operated edifice or any other edifices to be used for sectarian purposes) designed to assure that commodities made available under this title are used to carry out effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes of the need for such assistance: *Provided, however,* That such funds shall be used only to supplement and not substitute for funds normally available for such purposes from other non-United States Government sources.

(6) Section 206 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides in part as follows:

Except to meet famine or other urgent or extraordinary relief requirements, no assistance under this title shall be provided under an agreement permitting generation of foreign currency proceeds unless (1) the country receiving the assistance is undertaking self-help measures in accordance with section 109 of this Act, (2) the specific uses to which the foreign currencies are to be put are set forth in a written agreement between the United States and the recipient country, and (3) such agreement provides that the currencies will be used for purposes specified in section 103 of the Foreign Assistance Act of 1961. The President shall include information on currencies used in accordance with this section in the reports required under section 408 of this Act and section 657 of the Foreign Assistance Act of 1961.

(7) Section 401 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

After consulting with other agencies of the Government affected and within policies laid down by the President for implementing this Act, and after taking into account productive capacity, domestic requirements, farm and consumer price levels, commercial exports and adequate carryover, the Secretary of Agriculture shall determine the agricultural commodities and quantities thereof available for disposition under this Act, and the commodities and quantities thereof which may be included in the negotiations with each country. No commodity shall be available for disposition under this Act if such disposition would reduce the domestic supply of such commodity below that needed to meet domestic requirements, adequate carryover, and anticipated exports for dollars as determined by the Secretary of Agriculture at the time of exportation of such commodity.

(8) Section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

The term "agricultural commodity" as used in this Act shall include any agricultural commodity produced in the United States or product thereof produced in the United States: *Provided,* however, That the term "agricultural commodity" shall not include alcoholic beverages, and for the purposes of Title II of this Act, tobacco or products thereof. Subject to the availability of appropriations therefor, any domestically produced fishery product may be made available under this Act.

(9) Section 404 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

The programs of assistance undertaken pursuant to this Act shall be directed toward the attainment of the humanitarian objectives and national interest of the United States.

(10) Section 405 of the Agricultural Trade Development and Assistance Act of 1954, as amended, provides as follows:

The authority and funds provided by this Act shall be utilized in a manner that will assist friendly countries that are determined to help themselves toward a greater degree of self-reliance in providing enough food to meet the needs of their people and in resolving their problems relative to population growth.

§ 211.2 Definitions.

(a) "AID" means the Agency for International Development or any successor agency, including, when applicable, each USAID. "USAID" means an office of AID located in a foreign country. "AID/W" means the Office of AID located in Washington, D.C.

(b) "CCC" means the Commodity Credit Corporation, a corporate agency and instrumentality of the United States within the U.S. Department of Agriculture.

(c) "Cooperating sponsor" means the foreign government, the U.S. registered voluntary agency, the American National Red Cross, or the intergovernmental organization, which enters into an agreement with the U.S. Government for the use of agricultural commodities and/or funds (including local currencies), and which is directly responsible under the agreement for administration and implementation of and reporting on programs involving the use of the commodities and/or funds made available to meet the requirements of eligible recipients.

(d) "Diplomatic Posts" means the offices of the Department of State located in foreign countries, and may include Embassies, Legations, and Consular offices.

(e) "Disaster relief organizations" means organizations which are authorized by AID/W, USAID, or by a Diplomatic Post to assist disaster victims.

(f) "Disaster victims" means persons who, because of flood, drought, fire, earthquake, other natural or manmade disasters, or extraordinary relief requirements, are in need of food, feed, or fiber assistance.

(g) "Duty free" means exempt from all customs duties, duties, tolls, taxes or governmental impositions levied on the act of importation.

(h) "Food for Peace Program Agreement" constitutes the agreement between the cooperating sponsor(s) and the U.S. Government. The Food for Peace Program Agreement may be specific, listing the kinds and quantities of commodities to be supplied, program objectives, criteria for eligibility of recipients, plan for distribution of commodities, and other specific program provisions in addition to the provisions set forth in this part; or it will state that the cooperating sponsor will comply with this part and such other terms and conditions as set forth in other AID programming documents.

(i) "Institutions" means nonpenal, public or nonprofit private establishments that are operated for charitable or welfare purposes where needy persons reside and receive meals, including, but not limited to, homes for the aged, mentally and physically handicapped, refugee camps, and leprosy asylums.

(j) "Intergovernmental organizations" means agencies sponsored and supported by the United Nations organization or by two or more nations, one of which is the United States of America.

(k) "Maternal-child feeding, primary school and other child feeding programs":

(1) Maternal and preschool feeding programs means programs conducted for expecting and lactating mothers, for mothers with preschool children, and for children below the usual enrollment age for the primary grade at public schools.

(2) School feeding programs refers to programs conducted for the benefit of children enrolled in primary schools.

(3) Other child feeding programs refers to programs designed to reach preschool or primary school age, needy children in child care centers, orphanages, institutions, nurseries, kindergartens, and similar activities.

(l) "Nonprofit" means that the residue of income over operating expenses accruing in any activity, project, or program is used solely for the operation of such activity, project, or program.

(m) "Primary School" means a public or nonprofit facility, or an activity within such facility, which has as its primary purpose the education of children at education levels which are generally comparable to those of elementary schools in the United States.

(n) "Recipient agencies" means schools, institutions, welfare agencies, disaster relief organizations, and public or private agencies whose food distribution functions are sponsored by the cooperating sponsor and who receive commodities for distribution to eligible recipients. A cooperating sponsor may be a recipient agency.

(o) "Recipients" means persons who are in need of food assistance because of their economic condition or who are otherwise eligible to receive commodities for their own use in accordance with the terms and conditions of the Food for Peace Program Agreement.

(p) "Refugee" means persons who fled or were forced to leave their country of nationality or residence and are living in a country other than that of which they hold or have held citizenship or in a part of their country of nationality or residence other than that which they normally consider their residence, and become eligible recipients.

(q) "USDA" means the U.S. Department of Agriculture.

(r) "Voluntary Agency" means the American National Red Cross and any U.S. voluntary nonprofit agency registered with, and approved by, the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development.

(s) "Welfare agencies" means public or nonprofit private agencies that provide care, including food assistance, to needy persons who are not residents of institutions.

§ 211.3 Cooperating sponsor agreements.

(a) *Food for Peace Program Agreement.* The cooperating sponsor shall enter into a written agreement with AID by signing a Food for Peace Program Agreement which shall incorporate by reference or otherwise the terms and conditions set forth in this part.

(b) *Individual Country Food for Peace Program Agreement.* Voluntary agencies or intergovernmental organizations shall, in addition to the Food for Peace Program Agreement, enter into a separate written Food for Peace Agreement with the foreign government of each cooperating country. This agreement shall incorporate by reference or otherwise the terms and conditions set forth in this part; Provided, however, that where such written agreement is not feasible or practicable, the USAID or Diplomatic Post shall assure AID/W that the program can be effectively operated without such an agreement.

§ 211.4 Availability of Commodities.

(a) *Distribution and use of commodities.* Commodities shall be available for distribution and use in accordance with the provisions of the Food for Peace Program Agreement and this part.

(b) *Transfer of title and delivery.* (1) Unless the Food for Peace Program Agreement provides otherwise, title to the commodity shall pass to the cooperating sponsor at the time and place of delivery f.o.b. or f.a.s. vessels at the U.S. ports except that in the case of voluntary agencies and intergovernmental organizations, title may pass at the discretion of USDA at other points in the United States.

(2) Voluntary agencies and intergovernmental organizations shall make the necessary arrangements to accept commodities at the points of delivery designated by the USDA.

(c) *Processing, handling, transportation and other costs.* (1) The United States will pay processing, handling, transportation, and other incidental costs incurred in making commodities available to cooperating sponsors free on board (f.o.b.) or free along side (f.a.s.) vessel at U.S. ports, or free at inland destinations in the United States except as otherwise provided in this paragraph (c).

(2) Voluntary agencies and intergovernmental organizations shall reimburse the United States for expenses incurred at their request and for their accommodation which are in excess of those which the United States would have otherwise incurred in making delivery (i) at the lowest combination of inland and ocean transportation costs to the United States as determined by the United States or (ii) in sizes and types of packages announced as available.

(3) All costs and expenses incurred subsequent to the transfer of title in the United States to cooperating sponsors, except general average contributions and marine salvage costs, shall be borne by them: *Provided,* That, upon the determination that it is in the interests of the program to do so, the United States may pay or make reimbursement for ocean transportation costs from U.S. ports to the designated ports of entry abroad or in the case of landlocked countries, transportation charges from U.S. ports to designated points of entry abroad.

(d) *Transportation authorization.* A transportation authorization will be issued to cover the ocean freight paid directly by the United States. When CCC contracts for ocean carriage, disbursement to the carriers shall be made by CCC upon presentation of Standard Form 1113 and three copies of 1113A (Public Voucher for Transportation Charges), together with three copies of the related onboard ocean bill of lading, one copy of which must contain the following certification signed by an authorized representative of the steamship company:

I certify that this document is a true and correct copy of the original onboard ocean bill of lading under which the goods herein described were loaded on the above-named vessel and that the original and all other copies thereof have been clearly marked as not to be certified for billing.

_____
(Name of steamship co.)
By _____
(Authorized representative)

Such vouchers should be submitted to: Director Ocean Transportation Division, Office of the General Sales Manager, U.S. Department of Agriculture, Washington, D.C. 20250.

Except for duty, taxes, and other costs exempted in § 211.7 (a) and (b) of this part, voluntary agencies booking their own vessels will be reimbursed as provided in AID Regulation 2 (Part 202 of this chapter) for ocean freight authorized by the United States upon presentation to AID/W (or to a U.S. Bank holding an AID Letter of Commitment) of proof of payment to the ocean carrier.

(e) *General average.* CCC shall (1) be responsible for settling general average and marine salvage claims, (2) retain the authority to make or authorize any disposition of commodities which have not commenced ocean transit or of which the ocean transit is interrupted, and receive and retain any monetary proceeds resulting from such disposition, (3) in the event of a declaration of general average, initiate and prosecute, and retain all proceeds of, cargo loss and damage claims against ocean carriers and (4) receive and retain any allowance in general average.

(f) *Shipping instructions*—(1) *Shipments booked by CCC.* Request for shipment of commodities shall originate with the cooperating sponsor and shall be submitted to USAID or Diplomatic Post for clearance and transmittal to AID/W. AID/W shall, through cables, airgrams or letters to USAID or Diplomatic Posts, provide cooperating sponsors (and where applicable voluntary agency headquarters) with names of vessels, expected times of arrival (ETAs), and other pertinent information on shipments booked by CCC. At the time of exportation of commodities, applicable ocean bills of lading shall be sent airmail, or by the fastest means available, by the freight forwarder, representing CCC, to USDA, to USAID or Diplomatic Posts (and where applicable to USAID Controller, voluntary agency headquarters, and voluntary agency field representatives), and to the consignee in sufficient time to advise of the arrival of the shipment.

(2) *Shipments booked by voluntary agency or intergovernmental organization.* Requests for shipment of commodities shall originate with the cooperating sponsor and shall be cleared by the USAID or Diplomatic Post before transmittal to the voluntary agency's or intergovernmental organization's headquar-

ters for concurrence and issuance. USAID or Diplomatic Post shall promptly clear voluntary agency and intergovernmental organization requests for shipment of commodities or, if there is reason for delay or disapproval, advise the cooperating sponsor and AID/W within seven (7) days of receipt of requests for shipment. After the voluntary agency or intergovernmental organization headquarters concurs in the request and issues the order, the original will be sent promptly to USDA with a copy to the USAID or Diplomatic Posts. Headquarters of voluntary agencies and intergovernmental organizations which book their own shipments shall provide their representatives and the USAID or Diplomatic Posts with the names of vessels, expected times of arrival (ETAs) and other pertinent information on shipments booked. At the time of exportation of commodities, applicable ocean bills of lading shall be sent airmail or by the fastest means available by the freight forwarder, representing the voluntary agency or intergovernmental organization, to USDA to the USAID or Diplomatic Post (and where applicable to USAID Controller and voluntary agencies' representatives), and to the consignee in the country of destination in sufficient time to advise of the arrival of the shipment. However, voluntary agencies will also forward cable advice of actual exportation to their program directors in countries within the Caribbean area which are supplied by vessels having a rapid and short run from U.S. port to destination.

(g) *Tolerances.* Delivery by the United States to the cooperating sponsor at point of transfer of title within a tolerance of 5 percent (2 percent in the case of quantities over 10,000 metric tons) plus or minus, of the quantity ordered for shipment shall be regarded as completion of delivery. There shall be no tolerance with respect to the ocean carrier's responsibility to deliver the entire cargo shipped and the United States assumes no obligation for failure by an ocean carrier to complete delivery to port of discharge.

§ 211.5 Obligations of cooperating sponsor.

(a) *Plan of operation.* Each cooperating sponsor shall submit to the USAID or Diplomatic Post for the approval of AID/W, within such times and on the forms prescribed by AID/W, a description of the programs it is sponsoring or proposes to sponsor. This description will provide basic information for preparation and amendment of Food for Peace Program Agreements and Individual Country Food for Peace Program Agreements and will include program purposes and goals, criteria for measuring program effectiveness, and other specific provisions in addition to those set forth in this Part.

(b) *Program supervision.* Cooperating sponsors shall provide adequate supervisory personnel for the efficient operation of the program, including personnel to plan, organize, implement, control, and evaluate programs involving distribution of commodities, and, in accordance with AID guidelines, to make internal reviews, including warehouse inspections, physical inventories, and end-use checks. Maximum use of volunteer personnel shall be encouraged, but voluntary agencies shall be represented by a U.S. citizen, resident in the country of distribution or other nearby country approved by AID/W, who is appointed by and responsible to the voluntary agency for distribution of commodities in accordance with the provisions of this part. Intergovernmental organizations and the American National Red Cross shall be represented by a person appointed by and responsible to these organizations for the supervision and control of the program in the country of distributions in accordance with the provisions of this part.

(c) *Internal Reviews*—(1) *Voluntary Agencies.* At intervals mutually agreed upon in writing by USAIDs or the Diplomatic Post and the voluntary agency as appropriate for good management, the voluntary agencies shall conduct or arrange to have conducted comprehensive internal reviews or a series of examinations which, when combined, will represent a complete review of the Title II program(s) under their jurisdiction. Copies of reports of these comprehensive examinations shall be submitted to USAIDs or Diplomatic Posts as required in § 211.10(b)(3).

(2) *Other Cooperating Sponsor.* In the case of programs administered by cooperating governments and intergovernmental organizations, responsibility for conducting internal audit examinations shall be determined by AID/W on a case by case basis.

(d) *Commodity requirements.* Each cooperating sponsor shall submit to the USAID or Diplomatic Post, within such times and on the form prescribed by AID/W, estimates of requirements showing the quantities of commodities required for each program proposed. Requirements shall be summarized for all programs in the country on a form prescribed by AID/W.

(e) *Determination of eligibility.* Cooperating sponsors shall be responsible for determining that the recipients and recipient agencies to whom they distribute commodities are eligible in accordance with the terms and conditions of the Food for Peace Program Agreement and this part. Cooperating sponsor shall impose upon recipient agencies responsibility for determining that the recipients to whom they distribute commodities are eligible. Commodities shall be distributed free of charge except as provided in paragraph (i) of this section, or as otherwise authorized by AID/W.

(f) *No discrimination.* Cooperating sponsors shall distribute commodities only to eligible recipient agencies and eligible recipients without regard to nationality, race, color, sex, or religious or political beliefs, and shall impose similar conditions upon distribution by recipient agencies.

(g) *Public recognition.* To the maximum extent practicable, and with the cooperation of the host government, adequate public recognition shall be given in the press, by radio, and other media that the commodities have been furnished by the people of the United States. At distribution centers the cooperating sponsor shall, to the extent feasible, display banners, posters, or similar media which shall contain information similar to that prescribed for containers in § 211.6(c). Recipients' individual identification cards shall, insofar as practicable be imprinted to contain such information.

(h) *Containers*—(1) *Markings.* Unless otherwise specified in the Food for Peace Program Agreement, when commodities are packaged for shipment from the United States, bags and other containers shall be marked with the CCC contract number or other identification, the AID emblem and the following information stated in English and, as far as practicable, in the language of the country receiving the commodity:

(1) Name of the commodity.

(2) Furnished by the people of the United States of America.

(3) Not to be sold or exchanged (where applicable). Emblems or other identification of voluntary agencies and intergovernmental organizations may also be added.

(2) *Disposal of containers.* Cooperating sponsors may dispose of containers, other than containers provided by carriers, in which commodities are received in countries having approved Title II programs, by sale or exchange, or distribute the containers free of charge to eligible food or fiber recipients for their personal use. If the containers are to be used commercially, the cooperating sponsor must arrange for the removal or obliteration of U.S. Government markings from the containers prior to such use.

(i) *Use of funds.* In addition to funds accruing to cooperating sponsors from the sale of containers, funds may also be available from charges made in maternal, preschool, school, and other child feeding programs where payments by the recipients will be encouraged on the basis of ability to pay. Funds from these sources shall be used for payment of program costs such as transportation, storage (including the improvement of storage facilities and the construction of warehouses), handling, insect and rodent control, rebagging of damaged or infested commodities, and other program expenses specifically authorized by AID to carry out the objectives of the program for which the commodities were furnished. Funds may also be used for payment of indigenous and/or third country personnel employed by cooperating sponsors or recipient agencies in support of Title II programs. However, such funds may not be used to purchase land for sectarian purposes, to acquire or construct church buildings, or to make alterations in existing church-owned buildings. Actual out-of-pocket expenses incurred in effecting any sale of containers may be deducted from the sales proceeds.

(j) *No displacement of sales.* Except in the case of emergency or disaster situations, the donation of commodities furnished for these programs shall not result in increased availability for export by the foreign country of the same or like commodities and shall not interfere with or displace sales in the recipient country which might otherwise take place. A country may be exempt from this proviso if circumstances warrant. Missions should seek AID/W guidance on this matter.

(k) *Commodities borrowed or exchanged.* After the date of program approval by AID/W, but before arrival at the distribution point of the commodities authorized herein, the cooperating sponsor may, with prior approval of the USAID or Diplomatic Post, borrow same or similar commodities from local sources to meet program requirements provided that: (1) Such of the commodities borrowed as are used in accordance with the terms of the applicable Food for Peace Program Agreement will be replaced with commodities authorized herein on an equivalent value basis at the time and place that the exchange takes place as determined by mutual agreement between the cooperating sponsor and the USAID or Diplomatic Post except, that at the request of the cooperating sponsor the USAID or Diplomatic Post may determine that such replacement may be made on some other justifiable basis; (2) packaged commodities which are borrowed shall be appropriately identified in the language of the country of distribution as having been furnished by the people of the United States; and (3) suitable publicity shall be given to the exchange of commodities as provided in paragraph (g) of this section and containers for borrowed commodities shall be marked to the extent practicable in accordance with § 211.6(c)

(l) *Commodity Transfer.* After the date of program approval by AID/W, but before distribution of the commodities authorized herein by the recipient agency, the USAID or the Diplomatic Post, or the cooperating sponsor with prior approval of the USAID or Diplomatic Post, may transfer commodities between approved Title II programs to meet emergency disaster requirements or to improve efficiency of operation; for example, to meet temporary shortages due to delays in ocean transportation, or to provide for rapid distribution of stocks in danger of deterioration. Transfers may also be made to disaster organizations for use in meeting exceptional circumstances. Commodity transfers shall be made at no cost to the U.S. Government and with the concurrence of the cooperating sponsor or disaster organization concerned. The USAID or the Diplomatic Post may, however, provide funds to pay the costs of transfers to meet extraordinary relief requirements in which case AID/W shall be advised promptly of the details of the transfer. Commodities transferred as described above shall not be replaced by the U.S. Government unless AID/W authorizes such replacement.

(m) *Disposal of excessive stock of commodities.* If commodities are on hand which cannot be utilized in accordance with the applicable Food for Peace Program Agreement, the cooperating sponsor shall promptly advise USAID or the Diplomatic Post of the quantities, location, and condition of such commodities, and, where possible shall propose an alternate use of the excess stocks. USAID or Diplomatic Post shall determine the most appropriate use of the excess stocks, and with prior AID/W concurrence, shall issue instructions for disposition. Transportation costs and other charges attributable to transferring commodities from one program to another within the country shall be the responsibility of the cooperating sponsor, except that in case of disaster or emergency, AID/W may authorize the use of disaster or emergency funds to pay for the costs of such transfers.

§ 211.6 Processing, repackaging, and labeling commodities.

(a) *Commercial processing and repackaging.* Cooperating sponsors may arrange for processing commodities into different end products and for packaging or repackaging commodities prior to distribution. When commercial facilities are used for processing, packaging or repackaging, cooperating sponsors shall enter into written agreements for such services. Except in the case of commodities and/or containers provided to foreign governments for sale under section 206 of the Act, the agreements must have the prior approval of USAID or Diplomatic Post in the country of distribution. Copies of the executed agreements shall be provided to the USAID or Diplomatic Post. Agreements for such services shall provide as a minimum that:

(1) No part of the commodities delivered to the processing, packaging, or repackaging company shall be used to defray processing, packaging, repackaging, or other costs, except as provided in paragraph (a)(2) of this section.

(2) When the milling of grain is authorized in the cooperating country, the United States will not pay any part of the processing costs, directly or indirectly, except that with the prior approval of AID/W, the value of the offal may be used to offset such part of the processing costs as it may cover.

(3) The party providing such services shall:

(i) Fully account to the cooperating sponsor for all commodities delivered to the processor's possession and shall maintain adequate records and submit periodic reports pertaining to the performance of the agreement;

(ii) Be liable for the value of all commodities not accounted for as provided in § 211.9(g);

(iii) Return or dispose of the containers in which the commodity is received from the cooperating sponsor according to instructions from the cooperating sponsor; and

(iv) Plainly label cartons, sacks, or other containers containing the end product in accordance with paragraph (c) of this section

(b) *Use of cooperating sponsors facilities.* When cooperating sponsors utilize their own facilities to process, package, or repackage commodities into different end products, and when such products are distributed for consumption off the premises of the cooperating sponsor, the cooperating sponsor shall plainly label the containers as provided in paragraph (c) of this section, and banners, posters, or similar media which shall contain information similar to that prescribed in paragraph (c) of this section, shall be displayed at the distribution center. Recipients' individual identification cards shall to the maximum extent practicable be imprinted to contain such information.

(c) *Labeling.* If prior to distribution the cooperating sponsor arranges for packaging or repackaging donated commodities the cartons, sacks, or other containers in which the commodities are packed shall be plainly labeled with the AID emblem, in the language of the country in which the commodities are to be distributed with the following information:

(1) Name of commodity;

(2) Furnished by the people of the United States of America; and

(3) Not to be sold or exchanged (where applicable). Emblems or other identification of voluntary agencies and intergovernmental organizations may also be added.

(d) *Where commodity containers are not used.* When the usual practice in a country is not to enclose the end product in a container, wrapper, sack, etc., the cooperating sponsor shall, to the extent practicable, display banners, posters, or other media, and imprint on individual recipient identification cards information similar to that prescribed in paragraph (c) of this section.

§ 211.7 Arrangements for entry and handling in foreign country.

(a) *Costs at discharge ports.* Except as otherwise agreed upon by AID/W and provided in the applicable shipping contract or in paragraph (d) of this section, the cooperating sponsor shall be responsible for all costs, other than those assessed by the delivering carrier either in accordance with its applicable tariff for delivery to the discharge port or in accordance with the applicable charter or booking contract. The cooperating sponsor shall be responsible for all costs for (1) distributing the commodity as provided in the Food for Peace Program Agreement to end users, and (2) for demurage, detention, and overtime, and (3) for obtaining independent discharge survey reports as provided in § 211.9. The cooperating sponsor shall also be responsible for wharfage, taxes, dues, and port charges assessed against the cargo whenever assessed and collected by local authorities from the consignee, and for lighterage (when not a custom of the port), and lightening costs when assessed as a charge separate from the freight rate.

(b) *Duty, taxes, and consular invoices.* Commodities shall be admitted duty free and exempt from all taxes. Consular in-

voices shall not be required unless specific provision is made in the Food for Peace Program Agreement. If required, they shall be issued without cost to the cooperating sponsor or to the Government of the United States.

(c) *Storage facilities and transportation in foreign countries.* Cooperating sponsors shall make all necessary arrangements for receiving the commodities and assume full responsibility for storage and maintenance of commodities from time of delivery at port of entry abroad or, in the case of landlocked countries, other designated points of entry abroad agreed upon between the cooperating sponsor and AID. Before recommending approval of a program to AID/W, USAID, or Diplomatic Post shall obtain from the cooperating sponsor, assurance that provision has been made for internal transportation, and for storage and handling which are adequate by local commercial standards. The cooperating sponsor shall be responsible for the maintenance of commodities in such manner as to assure distribution of the commodities in good condition to recipient agencies or eligible recipients.

(d) *Inland transportation in intermediate countries.* In the case of landlocked countries, transportation in the intermediate country to a designated inland point of entry in the recipient country shall be arranged by the cooperating sponsor unless otherwise provided in the Food for Peace Program Agreement or other program document. Voluntary agencies and intergovernmental organizations shall handle claims arising from loss or damage in the intermediate country, in accordance with § 211.9(e). Other cooperating sponsors shall assign any rights that they may have to any claims that arise in the intermediate country to USAID which shall pursue and retain the proceeds of such claims.

§ 211.8 Disposition of commodities unfit for authorized use.

(a) *Prior to delivery to cooperating sponsor at discharge port or point of entry.* If the commodity is damaged prior to delivery to the cooperating sponsor (other than a voluntary agency or an intergovernmental organization) at discharge port or point of entry overseas, the USAID or Diplomatic Post shall immediately arrange for inspection by a public health official or other competent authority. If the commodity is determined to be unfit for human consumption, the USAID or Diplomatic Post shall dispose of it in accordance with the priority set forth in paragraph (b) of this section. Expenses incidental to the handling and disposition of the damaged commodity shall be paid by USAID or the Diplomatic Post from the sales proceeds, from CCC Account No. 20 FT 401 or from special Title II, Pub. L. 480 Agricultural Commodity Account. The net proceeds of sales shall be deposited with the U.S. Disbursing Officer American Embassy, for the credit of CCC Account No 20 FT 401.

(b) *After delivery to cooperating sponsor.* If after arrival in a foreign country it appears that the commodity, or any part thereof, may be unfit for the use authorized in the Food for Peace Program Agreement, the cooperating sponsor shall immediately arrange for inspection of the commodity by a public health official or other competent authority approved by USAID or the Diplomatic Post. If no competent local authority is available, the USAID or Diplomatic Post may determine whether the commodities are unfit for human consumption, and if so may direct disposal in accordance with paragraphs (b) (1) through (4) of this section. The cooperating sponsor shall arrange for the recovery for authorized use of that part designated during the inspection as suitable for program use. If, after inspection, the commodity (or any part thereof) is determined to be unfit for authorized use the cooperating sponsor shall notify USAID or the Diplomatic Post of the circumstances pertaining to the loss or damage as prescribed in § 211.9(f). With the concurrence of USAID or the Diplomatic Post, the commodity determined to be unfit for authorized use shall be disposed of in the following order of priority:

(1) By transfer to an approved Food for Peace Program for use as livestock feed. AID/W shall be advised promptly of any such transfer so that shipments from the United States to the livestock feeding program can be reduced by an equivalent amount;

(2) Sale for the most appropriate use, i.e., animal feed, fertilizer, or industrial use, at the highest obtainable price. When the commodity is sold all U.S. Government markings shall be obliterated;

(3) By donation to a governmental or charitable organization for use as animal feed or for other nonfood use; and

(4) If the commodity is unfit for any use or if disposal in accordance with subparagraph (b) (1), (2), or (3) of this section is not possible, the commodity shall be destroyed under the observation of a representative of USAID or Diplomatic Post, if practicable, in such manner as to prevent its use for any purpose. Expenses incidental to the handling and disposition of the damaged commodity shall be paid by the cooperating sponsor unless it is determined by the USAID or the Diplomatic Post that the damage could not have been prevented by the proper exercise of the cooperating sponsor's responsibility under the terms of the Food for Peace Program Agreement. Actual expenses incurred in effecting any sale may be deducted from the sales proceeds and the net proceeds shall be deposited with the U.S. Disbursing Officer, American Embassy, with instructions to credit the deposit to CCC Account No. 20 FT 401. The cooperating sponsor shall promptly furnish USAID or the Diplomatic Post a written report of all circumstances relating to the loss and damage and shall include in this report, or a supplemental report, a certification by a public health official or other competent authority of the exact quantity of the damaged commodity disposed of because it was determined to be unfit for human consumption.

§ 211.9 Liability for loss and damage or improper distribution of commodities.

(a) *Fault cooperating sponsor prior to loading on ocean vessel.* If a voluntary agency or intergovernmental organization books cargo for ocean transportation and is unable to have a vessel at the U.S. port of export for loading in accordance with the agreed shipping schedule, the voluntary agencies and intergovernmental organizations shall immediately notify the USDA. The USDA will determine whether the commodity shall be (1) moved to another available outlet; (2) stored at the port for delivery to the voluntary agencies or intergovernmental organization until a vessel is available for loading; or (3) disposed of as the USDA may deem proper. When additional expenses are incurred by CCC as a result of a failure of the voluntary agency or intergovernmental organization, or their agent; (4) to meet the agreed shipping schedule, or (5) to make necessary arrangements to accept commodities at the points of delivery designated by CCC, and it is determined by CCC that the expenses were incurred because of the fault or negligence of the voluntary agency or intergovernmental organization, or their agents, the voluntary agency or intergovernmental organization shall reimburse CCC for such expenses or take such action as directed by CCC.

(b) *Fault of others prior to loading on ocean vessel.* Upon the happening of any event creating any rights against a warehouseman, carrier, or other person for the loss of or damage to a commodity occurring between the time title is transferred to a voluntary agency or intergovernmental organization and the time the commodity is loaded on board vessel at designated port of export, the voluntary agencies or intergovernmental organizations shall immediately notify CCC and promptly assign to CCC any rights to claims which may accrue to them as a result of such loss or damage and shall promptly forward to CCC all documents pertaining thereto. CCC shall have the right to initiate and prosecute, and retain the proceeds of all claims for such loss or damage.

(c) *Ocean carrier loss and damage.* (1) Survey and outturn reports. (i) Cooperating sponsors shall arrange for an independent cargo surveyor to attend the discharge of the cargo and to count or weigh the cargo and examine its condition, unless USAID or the Diplomatic Post determines that such examination is not feasible, or if CCC has made other provisions for such examinations and reports. The surveyor shall prepare a report of his findings showing the quantity and condition of the commodities discharged. The report shall also show the probable cause of any damage noted, and set forth the time and place of the examination. If practicable, the examination of the cargo shall be conducted jointly by the surveyor, the consignee, and the ocean carrier, and the survey report shall be signed by all parties. Customs receipts, port authority reports,

shortlanding certificates, cargo boat notes, stevedore's tallies, etc., where applicable, shall be obtained and furnished with the report of the surveyor. The cooperating sponsor shall obtain a certification by public health official or similar competent authority as to (*a*) the condition of the commodity in any case when a damaged commodity appears to be unfit for its intended use; and (*b*) a certificate of disposition in the event the commodity is determined to be unfit for its intended use. Such certificates shall be obtained as soon as possible after discharge of the cargo. In any case where the cooperating sponsor can provide a narrative chronology or other commentary to assist in the adjudication of ocean transportation claims, such information should be forwarded. Cooperating sponsors shall prepare such a statement in any case where the loss is estimated to be in excess of $5,000.00. All documentation shall be in English or supported by an English translation and shall be forwarded as set forth in paragraph (c)(1)(iii) and (iv) of this section. The cooperating sponsor may, at his option, also engage the independent surveyor to supervise clearance and delivery of the cargo from customs or port areas to the cooperating sponsor or its agent and to issue delivery survey reports thereon.

(ii) In the event of cargo loss and damage, the cooperating sponsor shall provide the names and addresses of individuals who were present at the time of discharge and during survey and can verify the quantity lost or damaged. In the case of bulk grain shipments, the cooperating sponsor shall, if reasonably obtainable, provide certificates of the accuracy of the scale weights used to determine the quantity offloaded, and the moisture content of the grain when unloaded. In the case of shipments arriving in container vans, cooperating sponsors shall require the independent surveyor to list the container van numbers and seal numbers shown on the container vans, and indicate whether the seals were intact at the time the container vans were opened, and whether the container vans were in any way damaged.

(iii) Voluntary agencies and intergovernmental organizations shall send copies of all reports and documents pertaining to the discharge of commodities to USDA.

(iv) Cooperating sponsors other than voluntary agencies and intergovernmental organizations shall promptly furnish the above-described reports and documents to the USAID or Diplomatic Posts who will transmit to Chief, Claims and Collections Division, Prairie Village ASCS Commodity Office, P.O. Box 8377, Shawnee Mission, Kansas 66208 with duplicate copies of such documents to the Office of Food for Peace, Food for Development Division, AID/Washington, with pertinent comments.

(v) CCC will reimburse the voluntary agencies and intergovernmental organizations for the costs incurred by them in obtaining the services of an independent surveyor to conduct examinations of the cargo and render the reports set forth above. Reimbursement will be made when the surveyor's invoice or other documents that establish the survey costs are furnished to CCC. However, CCC will not reimburse voluntary agencies or intergovernmental organizations for the costs of only a delivery survey, in the absence of a discharge survey, or for any other survey not taken contemporaneously with the discharge of the vessel, unless such deviation from the documentation requirements of § 211.9(c)(1) is justified to the satisfaction of CCC.

(2) *Claims against ocean carriers.* (i) Irrespective of transfer of title to the commodities, CCC shall have the right to initiate and prosecute, and retain the proceeds of, all claims against ocean carriers for cargo loss and damage on cargoes for which CCC contracts for ocean transportation.

(ii) (*a*) Unless otherwise provided in the Food for Peace Program Agreement or other program document, voluntary agencies and intergovernmental organizations shall file notice of any cargo loss and damage with the carrier immediately upon discovery of any such loss and damage and shall promptly initiate claims against the ocean carriers for cargo loss and damage, and shall take all necessary action to obtain restitution for losses within any applicable periods of limitations and shall transmit to CCC copies of all such claims. However, the voluntary agencies or intergovernmental organizations need not file a claim where the cargo loss is not in excess of $25, or in any case when the loss is in excess of $25, but not in excess of $100 and it is determined by the voluntary agencies or intergovernmental organizations that the cost of filing and collecting the claim will exceed the amount of the claim. The voluntary agenices and intergovernmental organizations shall transmit to CCC copies of all claims filed with the ocean carriers for cargo loss and damage, as well as information and/or documentation on shipments where no claim is to be filed. When General Average has been declared, no action will be taken by the voluntary agencies or intergovernmental organizations to file or collect claims for loss or damage to commodities. (See paragraph (c)(2)(iii) of this section.)

(*b*) *Determination of value.* (1) When payment is made for commodities misused, lost or damaged, the value shall be determined on the basis of the domestic market price at the time an dplace the misuse, loss or damage occurred, or, in case it is not feasible to obtain or determine such market price, the f.o.b. or f.a.s. commercial export price of the commodity at the time and place of export, plus ocean freight charges and other costs incurred by the Government of the United States in making delivery to the cooperating sponsor. When the value is determined on a cost basis, the voluntary agencies or intergovernmental organizations may add to the value any provable costs they have incurred prior to delivery by the ocean carrier. In preparing the claim statement, these costs shall be clearly segregated from costs incurred by the Government of the United States. With respect to claims other than ocean carrier loss and/or damage claims, at the request of the cooperating sponsor and/or upon the recommendation of the USAID or Diplomatic Post, AID/W may determine that such value may be determined on some other justifiable basis. When replacements are made, the value of commodities misused, lost or damaged, shall be their value at the time and place the misuse, loss, or damage occurred and the value of the replacement commodities shall be their value at the time and place replacement is made

(2) In the settlement of general average and marine salvage claims, the value of the cargo and the commodities lost or damaged, shall be determined by CCC on such basis as may be legally applicable.

(*c*) Amounts collected by voluntary agencies and intergovernmental organizations on claims against ocean carriers not in excess of $100 may be retained by the voluntary agencies or intergovernmental organizations.

On claims involving loss or damage having a value in excess of $100 the voluntary agencies or intergovernmental organizations may retain from collections received by them, the larger of (1) the amount of $100, plus 10 percent of the difference between $100 and the total amount collected on the claim, up to a maximum of $350, or (2) actual administrative expenses incurred in collecting the claim; provided retention of such expenses is approved by CCC. Collection costs shall not be deemed to include attorneys fees, fees of collection agencies, and the like. In no event will collection costs in excess of the amount collected on the claim be paid by CCC. The voluntary agencies or intergovernmental organizations may also retain from claim recoveries remaining after allowable deductions for administrative expenses of collection, the amount of any special charges, such as handling, packing, and insurance costs, which the voluntary agency or intergovernmental organization has incurred on the lost or damaged commodity and which are included in the claim and paid by the liable party.

(*d*) The voluntary agencies and intergovernmental organizations may redetermine claims on the basis of additional documentation or information, not considered when the claims were originally filed, when such documentation or information clearly changes the ocean carriers liability. Approval of such changes by CCC is not required regardless of amount. However, copies of redetermined claims and supporting documentation or information shall be furnished to CCC.

(*e*) Voluntary agencies or intergovernmental organizations may negotiate compromise settlements of claims regardless of the amount thereof, except that proposed compromise settlements of claims having a value in excess of $5,000 shall not be accepted until such action has been approved in writing, by CCC. When a claim is compromised, the voluntary

agency or intergovernmental organization may retain from the amount collected, the amounts authorized in (c)(2)(ii)(c) of this section and in addition, an amount representing the percentage of the special charges described in (c)(2)(ii)(c) of this section as the compromised amount is to the full amount of the claim.

When a claim is not in excess of $400, the voluntary agencies or intergovernmental organizations may terminate collection activity on the claim according to the standards set forth in 4 CFR 104.3 (1972). Approval of such termination by CCC is not required but the voluntary agencies or intergovernmental organizations shall notify CCC when collection activity on a claim is terminated.

(f) All amounts collected in excess of the amounts authorized herein to be retained shall be remitted to CCC. For the purpose of determining the amount to be retained by the voluntary agencies or intergovernmental organizations from the proceeds of claims filed against ocean carriers, the word "claim" shall refer to the loss and damage to commodities which are shipped on the same voyage of the same vessel to the same port destination, irrespective of the kinds of commodities shipped or the number of different bills of lading issued by the carrier. If a voluntary agency or intergovernmental organization is unable to effect collection of a claim or negotiate an acceptable compromise settlement within the applicable period of limitation or any extension thereof granted in writing by the liable party or parties, the rights of the voluntary agencies or intergovernmental organizations to the claim shall be assigned to CCC in sufficient time to permit the filing of legal action prior to the expiration of the period of limitation or any extension thereof. Voluntary agencies or intergovernmental organizations shall promptly assign their claim rights to CCC upon request. In the event CCC effects collection or other settlement of the claim after the rights of the voluntary agency or intergovernmental organization to the claim have been assigned to CCC, CCC shall, except as shown below, pay to the voluntary agency or intergovernmental organization the amount the agency or organization would have been entitled to retain had they collected the same amount. However, the additional 10 percent on amounts collected in excess of $100 will be payable only if CCC determines that reasonable efforts were made to collect the claim prior to the assignment, or if payment is deemed to be commensurate with the extra efforts exerted in further documenting claims. Further, if CCC determines that the documentation requirements of § 211.9(c)(1) have not been fulfilled and the lack of such documentation has not been justified to the satisfaction of CCC, CCC reserves the right to deny payment of all allowances to the voluntary agency.

(g) When voluntary agencies or intergovernmental organizations fail to file claims, or permit claims to become time-barred, or fail to provide for the right of CCC to assert such claims, as provided in this § 211.9 and it is determined by CCC that such failure was due to the fault or negligence of the voluntary agency or intergovernmental organization, the agency or organization shall be liable to the United States for the cost and freight (C&F) value of the commodities lost to the program.

(iii) If a cargo loss has been incurred on a voluntary agency or intergovernmental organization shipment, and general average has been declared, the voluntary agency or intergovernmental organization shall furnish to the Chief, Claims and Collections Division, Prairie Village ASCS Commodity Office, P.O. Box 8377, Shawnee Mission, Kansas, ZIP 66208, with a duplicate copy to AID/W-FFP/FDD, (a) copies of booking confirmations and the applicable on-board bill(s) of lading, (b) the related outturn or survey report(s), (c) evidence showing the amount of ocean transportation charges paid to the carrier(s), and (d) an assignment to CCC of the cooperating sponsor's rights to the claim(s) for such loss.

(d) *Fault of cooperating sponsor in country of distribution.* If the cooperating sponsor improperly distributes a commodity or knowingly permits it to be used for a purpose not permitted under the Food for Peace Program Agreement or this part, or causes loss or damage to a commodity through any act or omission or fails to provide proper storage, care, and handling, the cooperating sponsor shall pay to the United States the value of the commodities lost, damaged, or misused (or may, with prior USAID approval, replace such commodities with similar commodities of equal value), unless it is determined by AID that such improper distribution or use, or such loss or damage, could not have been prevented by proper exercise of the cooperating sponsor's responsibility under the terms of the agreement. Normal commercial practices in the country of distribution shall be considered in determining that there was a proper exercise of the cooperating sponsor's responsibility. Payment by the cooperating sponsor shall be made in accordance with paragraph (b) of this section.

(e) *Fault of others in country of distribution and in intermediate country.* (1) In addition to survey and/or outturn reports to determine ocean carrier loss and damage, the cooperating sponsor shall, in the case of land-locked countries, arrange for an independent survey at the point of entry into the country and to make a report as set forth in § 211.9(c)(1). CCC will reimburse the cooperating sponsor for the costs of survey as set forth in § 211.9(c)(1)(v).

(2) Upon the happening of any event creating any rights against a warehouseman, carrier or other person for the loss of, damage to, or misuse of any commodity, the cooperating sponsor shall make every reasonable effort to pursue collection of claims against the liable party or parties for the value of the commodity lost, damaged, or misused and furnish a copy of the claim and related documents to USAID or Diplomatic Post. Cooperating sponsors who fail to file or pursue such claims shall be liable to AID for the value of the commodities lost, damaged, or misused: *Provided, however,* That the cooperating sponsor may elect not to file a claim if the loss is less than $300 and such action is not detrimental to the program. Cooperating sponsors may retain $100 of any amount collected on a claim. In addition, cooperating sponsors may, with the written approval of the USAID or Diplomatic Post, retain special costs such as legal fees that they have incurred in the collection of a claim. Any proposed settlement for less than the full amount of the claim must be approved by the USAID or Diplomatic Post prior to acceptance. When the cooperating sponsor has exhausted all reasonable attempts to collect a claim, it shall request the USAID or Diplomatic Post to provide further instructions.

(f) *Reporting losses to USAID or Diplomatic Post.* The cooperating sponsor shall promptly notify USAID or the Diplomatic Post in writing of the circumstances pertaining to any loss, damage, or misuse occurring within the country of distribution or intermediate country and shall include information as to the name of the responsible party; kind and quantities of commodities; size, and type of containers; the time and place of misuse, loss, or damage; the current location of the commodity; and the Food for Peace Program Agreement number, the CCC contract numbers, if known, or if unknown, other identifying numbers printed on the commodity containers; the action taken by the cooperating sponsor with respect to recovery or disposal; and the estimated value of the commodity. If any of the above information is not available, an explanation of its unavailability shall be made by the cooperating sponsor. Proceeds from sale and the disposition of the proceeds if any, should also be reported.

(g) *Handling claims proceeds.* Claims against ocean carriers shall be collected in U.S. dollars (or in currency in which freight is paid, or a pro rata share of each) and shall be remitted (less amounts authorized to be retained) by voluntary agencies and intergovernmental organizations to CCC. Claims against voluntary agencies and intergovermental organizations shall be paid to AID/W in U.S. dollars. Amounts paid by other cooperating sponsors and third parties in the country of distribution shall be deposited with the U.S. Disbursing Officer, American Embassy, preferably, in U.S. dollars with instructions to credit the deposit to CCC Account No. 12X4336, or in local currency at the official exchange rate applicable to dollar imports at the time of deposit with instructions to credit the deposit to Treasury sales account 20FT401.

§ 211.10 Records and reporting requirements of cooperating sponsor.

(a) *Records.* Cooperating sponsors shall maintain records and documents in a manner which will accurately reflect all transactions pertaining to the

receipt, storage, distribution, sale and inspection of commodities. This shall include a periodic summary report and records of receipt and distribursement of any funds accruing from the operation of the program. Such records shall be retained for a period of 3 years from the close of the U.S. fiscal year to which they pertain.

(b) *Reports.* Cooperating sponsors shall submit reports to the USAID or Diplomatic Post, at such times and on such forms as prescribed by AID. The following is a list of the principal types of reports that are to be submitted:

(1) Periodic summary reports showing receipt, distribution, and inventory of commodities and proposed schedules of shipments or call forwards.

(2) In the case of Title II sales agreements under section 206 of the Act, the foreign government is directly responsible for reporting on programs involving the use of funds for purposes specified in the agreement and in section 103 of the Foreign Assistance Act of 1961.

(3) Reports relating to progress and problems in the implementation and operation of the program, and inspection reports, as may be required from time to time by AID/W, or as may be agreed upon between the USAID or Diplomatic Post and the cooperating sponsor and approved by AID/W.

(4) Reports of all comprehensive internal reviews prepared in accordance with § 211.5(c) shall be submitted to the USAID or Diplomatic Post for review as soon as completed and in sufficient detail to enable the USAID or Diplomatic Post to assess and to make recommendations as to the ability of the cooperating sponsors to effectively plan, manage, control and evaluate the Food for Peace programs under their administration.

(c) *Inspection and audit.* Cooperating sponsors shall cooperate with and give reasonable assistance to U.S. Government representatives to enable them at any reasonable time to examine activities of the cooperating sponsors, processors, or others, pertaining to the receipt, distribution, processing, repackaging, and use of commodities by recipients; to inspect commodities in storage, or the facilities used in the handling or storage of commodities; to inspect and audit records, including financial records and reports pertaining to storage, transportation, processing, repackaging, distribution and use of commodities; the deposit of and use of any Title II generated local currencies; to review the overall effectiveness of the program as it relates to the objectives set forth in the Food for Peace Program Agreement; and to examine or audit the procedure and methods used in carrying out the requirements of this Part.

§ 211.11 Termination of this part.

All or any part of the assistance provided under the program, including commodities in transit, may be terminated by AID at its discretion if the cooperating sponsor fails to comply with the provisions of the Food for Peace Program Agreement, this part, or if it is determined by AID that the continuation of such assistance is no longer necessary or desirable. Under such circumstances title to commodities which have been transferred to the cooperating sponsor shall at the written request of USAID, the Diplomatic Post, or AID/W, be re-transferred to the U.S. Government by the cooperating sponsor. Any excess commodities on hand at the time the program is terminated shall be disposed of in accordance with § 211.5(1). If it is determined that any commodity to be supplied under the Food for Peace Program Agreement is no longer available for Food for Peace Programs, such authorization shall terminate with respect to any commodities which, as of the date of such determination have not been delivered f.o.b. or f.a.s. vessel, provided every effort will be made to give adequate advance notice to protect cooperating sponsors against unnecessary booking vessels.

§ 211.12 Waiver and amendment authority.

AID may waive, withdraw, or amend, at any time, any or all of the provisions of this Part 211 if such provision is not statutory and if AID determines it is in the best interest of the U.S. Government to do so. Any cooperating sponsor which has failed to comply with the provisions of this part or any instructions or procedures issued in connection herewith, or any agreements entered into pursuant hereto may at the discretion of AID be suspended or disqualified from further participation in any distribution program. Reinstatement may be made at the option of AID. Disqualification shall not prevent AID from taking other action through other available means when considered necessary.

Effective date. This revision shall become effective November 1, 1976.

Dated: October 15, 1976.

JOHN E. MURPHY,
Acting Administrator, Agency for International Development.

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Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

CLARIFICATION OF MEASUREMENT CRITERIA AND OTHER TECHNICAL MATTERS

On page 14396 of the FEDERAL REGISTER of April 5, 1976, there was published a notice of proposed regulatory development to amend Part 21 of the Code of Federal Regulations to clarify and update existing provisions.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. A total of seven comments were received. The comments speak only to the proposed changes to §§ 21.4272 and 21.4280. The other proposed changes to §§ 21.3041, 21.4131, 21.4203, 21. 4233, 21.4235, 21.4271, 21.4274 and 21.4279 did not result in comments by interested persons. Rather than attempt to respond to each comment letter individually, this response will attempt to respond to the distinct issues raised by them, since some of the letters raise the same, or similar issues. The common threat in all of the comments is dissatisfaction with the standards utilized by the Veterans Administration for determining the method of measurement of courses for benefits payments purposes. The most explicit statement of the position of the persons commenting is that the procedures followed in these regulations unfairly discriminate against those educational institutions which have degree-granting authority accorded to them by the appropriate State authority, but, which do not have accredited status with the appropriate accrediting association. It should be noted that some of the educational institutions affected by these regulations have applied for accreditation and have been denied it at this time, while others have never applied and many may not intend to do so.

As the United State Offie of Education states in its June 1975 edition of "Criteria and Procedures for Listing by the U.S. Commissioner of Education and Current List":

The United States has no Federal ministry of education or other authority exercising single national control over educational institutions in this country. The States assume varying degrees of control over education, but, in general, institutions of higher education are permitted to operate with considerable independence and autonomy. As a consequence, American educational institutions vary widely in the character and quality of their programs.

In order to insure a basic level of quality, the practice of accreditation arose in the United States as a means of conducting nongovernmental, peer evaluation of educational institutions and programs. Private educational associations of regional or national scope have adopted criteria reflecting the qualities of a sound educational program and have developed procedures for evaluating institutions or programs to determine whether or not they are operating at basic levels of quality.

One of the distinctive features of American education is that the development and maintenance of educational standards are the responsibilities of nongovernmental, voluntary accrediting associations. The Office of Education is cognizant of the invaluable contribution which the voluntary accrediting associations have made to the development of educational quality in the Nation. It is the policy of the Office of Education generally to support and encourage the various recognized voluntary accrediting associations in their role as the primary agents in the development and maintenance of educational standards in the United States.

The Veterans Administration, too, recognizes that voluntary accrediting associations perform a valid and essential function in determining which standard of quality or level of competence a course may have at a given educational institu-

tion. The law provides in section 1775, title 38, United States Code, that the State approving agencies may consider the accreditation status of a school's courses in determining if the course is approvable for Veterans Administration purposes. Therefore, the Veterans Administration believes that its use of the accreditation status of the school, to determine if the courses of the school should be measured on a clock-hour or a credit-hour basis, is no less valid.

Interested persons should note that the list of the Office of Education, referred to above, recognizes that there are different kinds of accrediting groups with diverse standards and lists them accordingly. The regional accrediting associations and some of the nationally recognized accrediting associations have standards which recognize more than one level, or status, for the educational institutions evaluated by them. The educational institution which meets the most rigorous and the most complete criteria of the accrediting association is usually considered to be "fully" accredited. Other schools may have applied for accreditation and met certain minimum criteria to be considered for accreditation, but may still be required to improve the standards of the particular school in order to qualify for fully accredited status. Generally the associations designate that such an educational institution has attained "candidate" status. Some such educational institutions complete the requirements for full accreditation after becoming candidates, but some cannot, or elect not to do so. The individual accrediting criteria which candidate schools fail to meet are deemed important and significant to the associations.

The Veterans Administration, by these regulations, merely recognizes these distinctions. The VA Regulations are not intended to be a value judgment by the Agency of the relative value of the training offered by the schools. They are merely an application of the accepted distinctions of the voluntary accrediting associations to the necessity for determining which courses should be measured on a credit-hour basis. The intent is to apply the distinctions mandated by Congress in the enactment of section 1788, title 38, United States Code. The provisions of this portion of the law make clear that Congress intended that the type of training and the type of institution offering it are significant in determining the method of measurement. The power of the Administrator, included in subsection (b) of that section, to define the rules for measurement for all types of courses not specifically set forth in subsection (a) must be exercised in a like manner.

However, to conform to the currently recognized listing approved by the Office of Education and which became known to the Veterans Administration after the proposed changes had been approved for publication, the amendments to § 21.4272 must be altered. The Office of Education now recognizes the validity of the criteria for candidate status for at least one nationally recognized accrediting agency which is not a "regional" group. While the standards of all nationally recognized accrediting agencies do not have the acceptance of the Office of Education and do not compare to those of the regional agencies, the Veterans Administration is willing to accept, for the purpose of determining course measurement under § 21.4272, that some of the nationally recognized accrediting agencies may have standards for according candidate status comparable to those required by the regional accrediting agencies. Therefore, the final version of § 21.4272 is further amended to so indicate. Two of the comment letters reminded the Agency of this problem in reference to paragraph (a) and one pointed out the deficiency in reference to paragraph (b).

There were three comments objecting to the requirement of § 21.4272(b) that the candidate schools shall demonstrate that three students shall have in fact transferred to each of three schools. The basis of the comments is that the requirement of nine transfer students is not per se objectionable but that geographical distance might prevent transfers from occurring to as many as three different educational institutions. The contention is rejected, for the regulation provides an adequate substitute by permitting transfer to take place at a single educational institution when the transfer is made to a State university.

Four of the comments object to the immediate effect of the change as to so-called three letter schools. The objectors argue that, if a school is not now a degree-granting school or has only recently become authorized to grant degrees, a significant time lag will occur before the minimum number of qualified transfers shall have occurred. Obviously any change in rules is apt to work to the temporary disadvantage of some affected persons. However, we do not believe that the proprietary school newly granted degree status will be affected adversely. Such an institution will not be qualified to offer the course for veterans, unless the course is similar in character to one previously given by the institution. Otherwise, the course would have to be in operation for 2 years under section 1789, title 38, United States Code, anyway. Therefore, courses should have been in existence for a sufficient time for the requisite transfer students to have entered other qualified institutions. If, as feared by the objectors, a course fails to qualify, the failure is no more a penalty than the other ramifications of not reaching fully accredited status and is based upon the same deficiencies which have prevented such accreditation.

One of the comments objects to the effect that the new more rigorous requirements as to three letter schools may have upon those educational institutions which have succeeded in qualifying under the old rules, but which may not be able to qualify under the new. The Veterans Administration intends that the courses for students enrolled at such an institution, on the date that these changes are effective may continue to be measured on a credit-hour basis so long as their enrollment in the course is not interrupted. The courses may not, however, be so measured for students first enrolled in a program, or reentering the course, upon a date on or after the date upon which these changes become effective, unless the course also qualifies under the new rules. Two of the comments object because the nature of the curricula at these schools may not enable the State university to accept 40 percent of the courses for transfer. However, these schools may still qualify under the alternative requirements for three letters from qualified schools none of which need be a State university.

Other objections related to this provision, § 21.4272, include the implication that the regulation accords a higher value to State universities than to private universities. Such is not the intent. The regulation merely recognizes the fact that in most States a student who meets the admissions and transfer policies for the State universities will meet the similar policies for other State institutions. Thus, the second and third letters from additional State schools would be in a sense redundant. The lack of uniformity in the area of policies among private schools precludes this procedure and makes the consensus of three letters a more accurate appraisal of the transferability of the credits in question.

The same comment objects to a portion of the regulation which is unchanged—that the transfer credits must apply to a baccalaureate or higher degree. This rule has been in effect for some time and no immediate need for change is demonstrated. This person also questions the intent of the regulation as to the number of persons and the number of institutions which are required to be represented by the three letters. It is correct that the intent is that there shall be three persons who shall have actually transferred to each of three schools, if none of the schools is a State university. The correct understanding of the intent of the use of the phrase "fully" accredited is that the school must meet the highest degree of criteria required for accreditation by the accrediting group involved. Mere "candidate" status is not sufficient wherever fully accredited is referred to. The additional requirement of the proposed regulation that the school to which the student has transferred must certify that the credits are accepted without reservation, has been made necessary by the increasing practice of some educational institutions. They may recognize the transferred credits for admission or class standing, but not for meeting the minimum requirements toward a degree. In that event the credits are not really comparable to credits earned by students in similar courses taken by students at the school to which the student has transferred. Therefore, the purpose of the three letters to establish comparability of the training is defeated. The comment also objects on basic philosophical grounds to the fact that the law affords

a difference between courses measured on a clock-hour basis and courses measured on a credit-hour basis. The law would have to be changed to amend this practice which the individual finds so abhorrent, since the distinction is a part of section 1788, title 38, United States Code.

Finally, two of the comments object to the change proposed to § 21.4280 which merely deletes the reference to a particular number of regional accrediting associations. This change is proposed because the number fluctuates. The objectors would broaden the provision to include the nationally recognized accrediting groups, as well. The Veterans Administration does not believe that such a change should be made at this time. The only independent study courses which have been submitted for consideration by educational institutions are courses offered by schools which are accredited by or subject to accreditation by the regional accrediting associations. Until an opportunity has arisen to review programs of independent study offered by other types of institutions approved by other accrediting groups, the Veterans Administration will not consider amending the regulation in this regard.

Effective date: These VA Regulations are effective October 26, 1976.

Approved: October 26, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 21.3041, paragraph (e)(2) is revised to read as follows:

§ 21.3041 Periods of eligibility; child.

* * * * *

(e) * * *

(2) Processing time: Extended by length of processing time, but not beyond age 31, § 21.3040(d). "Processing time" means the period of time which elapses between the eligible person's 18th birthday or the date of receipt of the application, whichever is later, and the date on which the program of education is approved. Such an extension shall only be made if Veterans Administration processing time has shortened the eligible person's period of eligibility or reduced the benefits otherwise payable.

* * * * *

2. In § 21.3042, paragraphs (a), (b) and (d) are revised to read as follows:

§ 21.3042 Service with Armed Forces.

(a) No educational assistance under chapter 35 may be provided an otherwise eligible person during any period he or she is on duty with the Armed Forces. See § 21.3021 (e) and (f). This does not apply to brief periods of active duty for training. See § 21.4135(n). (38 U.S.C. 1701(d)) For chapter 34 benefits see § 21.4235.

(b) If the eligible person served with the Armed Forces, his or her discharge or release from each period of service must have been under conditions other than dishonorable. (38 U.S.C. 1701(d))

* * * * *

(d) For the eligible child called to active duty after July 30, 1961, and before August 1, 1962, by (1) an order issued to him or her as a Reserve or (2) an extension of an enlistment, appointment or period of duty pursuant to section 2 of Public Law 87-117, 75 Stat. 242 ("Berlin Crisis"), the extended period under § 21.3041 will be further extended by the number of months and days served during such period.

3. Section 21.3043 is revised to read as follows:

§ 21.3043 Suspension of program; child.

For an eligible person who suspends his or her program due to conditions determined by the Veterans Administration to have been beyond his or her control the period of eligibility may, upon request, be extended by the number of months and days intervening the date the suspension began and the date the reason for suspension ceased to exist. The burden of proof is on the eligible person to establish that suspension of a program was due to conditions beyond his or her control. The period of suspension shall be considered to have ended as of the date of the person's first available opportunity to resume training after the condition which caused it ceased to exist. The following circumstances may be considered as beyond the eligible person's control:

(a) While in active pursuit of a program of education he or she is appointed by the responsible governing body of an established church, officially charged with the selection and designation of missionary representatives, in keeping with its traditional practice, to serve the church in an official missionary capacity and is thereby prevented from pursuit of his or her program of studies.

(b) Immediate family or financial obligations beyond his or her control require the eligible person to take employment, or otherwise preclude pursuit of his or her program.

(c) Unavoidable conditions arising in connection with the eligible person's employment which preclude pursuit of his or her program.

(d) Pursuit of his or her program is precluded because of the eligible person's own illness or illness or death in his or her immediate family.

(e) Active duty, including active duty for training in the Armed Forces.

4. In § 21.3044, paragraphs (b) and (c)(1) are revised:

§ 21.3044 Entitlement.

* * * * *

(b) The 36-month period of entitlement is any 36 months within the period of eligibility. The eligible person is not required to pursue his or her program in the period of 36 consecutive months.

(c) The 36-months limitation may be exceeded only in the following cases:

(1) Where no charge against entitlement is made based on a course or courses pursued by a wife, husband, widow, or widower under the Special Assistance for the Educationally Disadvantaged program. (See § 21.4237); or

* * * * *

5. In § 21.4131, paragraphs (a)(2) and (d) are revised to read as follows:

§ 21.4131 Commencing dates.

The commencing date of an award or increased award of educational assistance allowance will be determined under this section.

(a) * * *

(2) Date 1 year prior to date of receipt of the application or enrollment certification, whichever is later. (See §§ 21.1032 and 21.3032.)

* * * * *

(d) *Reopened application after abandonment (§§ 21.1032 and 21.3032).* The date of receipt of application or enrollment certification, whichever is later, if pursuing an approved course.

* * * * *

6. In § 21.4203, paragraphs (e) and (f)(1) are revised to read as follows:

§ 21.4203 Reports by schools; requirements.

* * * * *

(e) *Correspondence courses.* Where the course in which a veteran is enrolled under 38 U.S.C. ch. 34 or a wife, husband, widow or widower is enrolled under 38 U.S.C. ch. 35 is pursued exclusively by correspondence, the school will report by an endorsement on the veteran's or eligible wife's, husband's, widow's or widower's certification the number of lessons completed by the veteran, wife, husband, widow or widower and serviced by the school. Such reports will be submitted quarterly. (38 U.S.C. 1780)

(f) *Certification*—(1) *Courses not leading to a standard college degree.* A certification must be submitted quarterly for each veteran and eligible person enrolled in a course not leading to a standard college degree, even if the course is pursued on a quarter, semester or term basis or even if the course is measured on a credit-hour basis, except for those courses pursued on less than one-half time basis or by servicemen or servicewomen while on active duty, and except as provided in paragraphs (e) and (g) of this section. (See § 21.4204.) A report also will be required before release of the final allowance check. The report will consist of a certification containing the information required for release of payment, signed by the veteran or eligible person and the school on or after the final date of the reporting period. The date on which each person signed must be clearly shown. The only exception to the requirement of two signatures is a certification of interruption of training when the veteran or eligible person is not available for signature.

* * * * *

7. In § 21.4204, paragraph (a) is revised to read as follows:

§ 21.4204 Periodic certifications.

* * * * *

(a) *Reports by schools, veterans and eligible persons.* For a veteran or eligible person enrolled in a course which leads to a standard college degree, excepting those on active duty and veter-

ans or eligible persons pursuing the course on a less than half-time basis there must be verification of continued enrollment in and pursuit of the course for the entire enrollment period. Verification of continued enrollment will be made by a Veterans Administration representative in direct contact with the school at least once a year and in the last month of enrollment if the enrollment period ends more than 3 months after the last verification. In the case of a veteran or eligible person who completed, interrupted or terminated his or her course, any communication from the student or other authorized person notifying the Veterans Administration of the veterans' or eligible person's completion of course as scheduled or earlier termination date, will be accepted to terminate payments accordingly. Reports by other veterans and eligible persons will be submitted in accordance with § 21.4203 (e), (f) and (g).

* * * * *

8. In § 21.4233, paragraph (c)(1) (introduction) is revised to read as follows:

§ 21.4233 Combination.

* * * * *

(c) *Television*—(1) *Open circuit telecast.* A program may be pursued in part by open circuit telecast when:

* * * * *

9. In § 21.4235, paragraph (e) is revised to read as follows:

§ 21.4235 Predischarge Education Program (PREP) and Special Assistance for Educationally Disadvantaged Veterans; chapter 34.

* * * * *

(e) *Certifications.* Certifications as to the serviceman's or servicewoman's need for deficiency and/or remedial courses in basic English language skills and mathematic skills under paragraph (a)(1) of this section may be made by either the service education officer, by a Veterans Administration counseling psychologist or by the educational institution administering the course or to which the student has made application for admission. Certifications as to the veteran's need for deficiency and/or remedial courses in basic English language skills under paragraph (a)(2) and (3) of this section may be made by a Veterans Administration counseling psychologist or by the educational institution administering the course or to which the student has made application for admission. Certifications as to need for other refresher, remedial and/or deficiency course requirements under paragraph (a)(1), (2) and (3) of this section are to be made by the educational institution administering the course which the student is preparing to enter, or to which the student has made application for admission.

* * * * *

10. In § 21.4271, paragraphs (a) and (b) are revised to read as follows:

§ 21.4271 Trade or technical; high schools.

(a) *Shop practice predominates.* Trade or technical courses, which include shop practice as an integral part of the course, will be measured on a basis of clock hours of attendance per week. This includes such courses under the supervision of a college or university where credit is not given towards a standard college degree.

(b) *Theoretical or classroom instruction predominates.* A technical course in which theoretical or classroom instruction constitutes more than 50 percent of the required hours per week, will be measured on the basis of clock hours of net instruction per week. This includes such courses given by a college or university for which credit is not granted towards a standard college degree.

* * * * *

11. In § 21.4272, the introductory portion preceding paragraph (a), paragraphs (a) through (e) and (f)(2) are revised to read as follows:

§ 21.4272 Collegiate undergraduate; credit-hour basis.

An undergraduate college level course in an institution of higher learning will be measured on a credit-hour basis provided all the conditions under paragraphs (a), (b), (c)(1) or (c)(2) of this section are met.

(a) *Degree courses; accredited or candidate.* The course is offered by a college or university and is accredited by a nationally recognized association for degree level programs or by one of the nationally recognized Regional Accrediting Associations or is offered by a college or university which is a "Candidate for Accreditation" by one of the nationally recognized Regional Accrediting Associations or one of the other nationally recognized accrediting associations with standards for candidate status comparable to those of a Regional Accrediting Association.

(1) The course is offered on a semester- or quarter-hour basis, and

(2) The course leads to an associate, baccalaureate, or higher degree which is granted by the school offering the course.

(b) *Degree courses; nonaccredited.* The course is not accredited at a college degree level by a recognized accrediting association and is offered by a college or university which is not accredited or a recognized candidate for accreditation by one of the nationally recognized Regional Accrediting Associations or by one of the other nationally recognized accrediting associations with standards for candidate status comparable to those of a Regional Accrediting Association.

(1) The course is offered on a semester- or quarter-hour basis, and,

(2) The course leads to an associate, baccalaureate, or higher degree, which is granted by the school offering the degree under authority specifically conferred by a State education agency, and

(3) The school will furnish a letter from a State university or letters from three schools that are full members of a nationally recognized accrediting association certifying that credits have been accepted on transfer at full value without reservations, in partial fulfillment of the requirements for a baccalaureate or higher degree for at least three students within the last 5 years, and at least 40 percent of the subjects within each curriculum, desired to be measured on a credit-hour basis, shall have been so accepted by the certifying State university or each of the three accredited schools.

(c) *Nondegree courses*—(1) *Accredited school.* The nondegree course is offered by a degree granting college or university which is accredited as a degree granting school by a nationally recognized accrediting association, and

(i) The course is offered on a semester- or quarter-hour basis, and

(ii) The course requires not less than high school graduation or equivalent for admission, and

(iii) The school certifies that credit for the subjects within the curriculum, desired to be measured on a credit-hour basis, is granted upon transfer to the element of the school which offers an associate or higher degree, and credit is awarded at full value, i.e., credit hour for credit hour toward partial fulfillment of the requirements for an associate or higher degree, or

(2) *Nonaccredited school.* The nondegree course is offered by a degree granting college or university which is not accredited as a degree granting institution, and the school meets the conditions of paragraph (c)(1) (i), (ii) and (iii) of this section and furnishes proper certification for its degree courses to which the credits transfer as provided in paragraph (b)(3) of this section.

(d) *Courses; measurement equivalency.* Where a term is not a standard semester or quarter as defined in § 21.4200(b), the equivalent for full-time training will be measured by multiplying the credits to be earned in the session by 18 if credit is granted in semester hours, or by 12 if credit is granted in quarters, and dividing the product by the number of whole weeks in the session. The resulting quotient will be the semester hours on which educational assistance allowance will be computed using the criteria of § 21.4270 proper or the criteria of footnote 3 to that section, whichever is appropriate. In determining whole weeks for this formula, 3 days or less will be disregarded and 4 days or more will be considered a full week. In no case will a course be measured as full-time when less than 14 standard class sessions per week (or 12 standard class sessions if 12 credit hours is full time at the school) are required.

(e) *Credit courses; special.* Where the course is acceptable for credit but credit may not be awarded to the veteran or eligible person because he or she has not met college entrance requirements or for some other valid reason, the course will be measured the same as if it were pursued for credit provided the veteran or eligible person performs all of the work prescribed for other students who are enrolled for credit.

(f) *Noncredit deficiency courses.* * * *

(2) *Entitlement charge.* For awards to eligible children under chapter 35, the entitlement charge will be made on the same basis as measurement for payment purposes. For awards under chapter 34 and for wives, husbands, widows and widowers under chapter 35, no entitlement charge will be made for any noncredit deficiency course on a secondary school level.

* * * * *

12. In § 21.4274, paragraph (b) is revised to read as follows:

§ 21.4274 Law courses.

* * * * *

(b) *Nonaccredited.* A law course leading to a professional law degree, completion of which will satisfy State educational requirements for admission to legal practice, pursued in a nonaccredited law school which requires for admission to the course at least 60 standard semester units of credit or the equivalent in quarter units of credit, will be assessed on the basis of 12 class sessions per week for full-time attendance. If the course does not meet these requirements it will be assessed on the basis of clock hours of attendance per week.

13. In § 21.4279, paragraph (b)(1) is revised to read as follows:

§ 21.4279 Combination correspondence-residence program.

* * * * *

(b) The rate of educational assistance allowance payable shall be computed as set forth in §§ 21.4270 and 21.4136(a).

(1) The charges for that portion of the program pursued exclusively by correspondence will be in accordance with § 21.4136(a) with 1 month of entitlement charged for each $270 of cost reimbursed.

* * * * *

14. In § 21.4280, paragraph (a)(1) is revised to read as follows:

§ 21.4280 Independent study leading to a standard college degree.

(a) An eligible veteran or person may receive an educational assistance allowance for pursuit of an independent study course under the following conditions:

(1) The course is offered by a college or university which is fully accredited by one of the regional accrediting agencies;

* * * * *

[FR Doc.76-31868 Filed 10-29-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-962]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Special Application Information Required for Applicants in Chicago Region; Deletion

Adopted: October 21, 1976.

Released: October 27, 1976.

Order. In the matter of amendment of Part 21 of the Commission's rules to delete § 21.10 requiring applicants in the Domestic Public Land Mobile Radio Services located in the Chicago Region to submit special application information.

1. The Mobile Services Division of the Common Carrier Bureau has recently begun to computerize its licensing and data compilation to assist in the administrative handling and processing of all Domestic Public Land Mobile Radio Service applications. Although it will take some time until a complete data base is acquired, certain vital information of new applicants and existing licensees is presently available from our computerized data base. As new applications are filed additional information will then be available. The information presently available is similar to the information of that collected by the Chicago Regional Office of the Spectrum Management Task Force (CRO/SMTF) from FCC Form 425.

2. On June 25, 1976, the FCC voted to reconfirm its commitment to the regional spectrum management program, but has decided to make extensive changes to the prototype system. Many of the personnel in the CRO will be reassigned to Washington to implement a nationwide automated system for spectrum management. This office will be established as part of the Safety and Special Radio Services Bureau.

3. To eliminate the Commission's burdens of the duplication of the collection of the same information and to eliminate multiple filings of repetitive information by Domestic Public Land Mobile Radio Service applicants, with the concurrence of the Safety and Special Radio Service Bureau, the Commission has decided to delete the requirement for filing FCC Form 425 for Chicago area applicants. If at some future time the spectrum management group has need for updated data on Common Carrier spectrum utilization, it will be readily available.

4. *Accordingly, it is hereby ordered,* That pursuant to the authority contained in sections 4(i), 4(j) and 303 of the Communications Act of 1934 (47 U.S.C. 154(i), 154(j), 303), § 21.10 of the Commission's Rules and Regulations is deleted, see below effective December 3, 1976.

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

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

Part 21 of Chapter I, Title 47, of the Code of Federal Regulations is amended to read as follows:

1. Subpart B of the Table of Contents to Part 21 is revised to read as follows:

* * * * *

Subpart B—Applications and Licenses

* * * * *

Sec. 21.10 [Reserved]

[1] Commissioner Lee absent; Commissioner White not participating.

§ 21.10 [Deleted] and [Reserved].

2. Section 21.10 is deleted and reserved.

[FR Doc.76-31888 Filed 10-29-76;8:45 am]

[Docket No. 20834]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Muncie, Indiana

Adopted: October 18, 1976.

Released: October 28, 1976.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Muncie, Indiana), Docket No. 20834, RM-2413.

Report and order—Proceeding Terminated.

1. The Commission has before it the notice of proposed rulemaking adopted in this proceeding on June 1, 1976 (41 FR 24186), and responsive filings from petitioner, Muncie Broadcasting Corporation ("MBC"), Booth American Company ("Booth"), Twin Cities Broadcasting, Inc. ("Twin Cities") and Three J. Radio Corp. ("Three J."). At issue was the proposed assignment of Channel 285A to Muncie, Indiana, and various other changes in the FM Table necessary in order to assign that channel to Muncie.[1] No counterproposals were filed. Thus, we examine (in sequence) the various changes in the FM Table which were proposed, finally turning to the proposed additional channel for Muncie.

2. One proposal was to substitute Channel 228A at Hartford City, Indiana, for Channel 285A now assigned to Marion, Indiana. Since the Marion channel is already being used under the 10-mile rule at Hartford City, the change in location proposed would do no more than conform the FM Table to the actual pattern of usage. As to the change in frequency, the affected party (Three J.) indicates a willingness to change channels provided its costs in effecting the change are reimbursed. Three J. asks the Commission to order MBC to provide reimbursement and to enumerate the expenses which are properly reimbursable. Except as to the matter of reimbursement which is discussed further below, it is clear that there is no problem[2] raised in the substitution proposed at Hartford City.

3. The Notice also proposed the deletion of Channel 228A from Berne, Indiana. This is the only channel assigned there, and no replacement channel appeared to be available. Even so, the deletion was proposed since no

[1] In a separate proceeding, Channel 221A was assigned to Muncie, but it was reserved for educational use. MBC had sought to use that channel commercially, but that possibility was foreclosed when the channel was reserved. However, we promised prompt action here on MBC's long standing effort to obtain a second FM assignment for Muncie.

[2] None of the channel changes here considered would be expected to cause any problem by way of increased preclusion, either co-channel or on adjacent channels. (41 FR 32434, August 2, 1976).

interest in the channel had ever been shown after it originally had been assigned some years ago. Moreover, no filing in this proceeding opposed the deletion. After examining the facts we are of the belief that the channel should be deleted from this small community since only by doing so do we make other important changes possible.

4. A change in frequency of the Kokomo, Indiana, station now operating on Channel 288A would also be necessary in order to accommodate the Muncie assignment. Booth, licensee of the station, expressed a willingness to make the change to Channel 224A, provided it were reimbursed for the expenses of the change and provided provision were made for a possible future change in transmitter site even if thereby a possible short spacing were created. No specific proposal in this latter regard was advanced. Instead, Booth offered a showing that its choice of site in and around Kokomo would be more restricted on the proposed channel (224A) as contrasted with the existing channel (228A) on which the station now operates.

5. MBC responded to the Booth argument about choice of future transmitter site by stating that on the new channel Booth could change the station's site to a location anywhere in Kokomo or even move the site a mile or two outside of town in the direction of the pertinent cochannel station and still not create a shortage. That being the case, MBC saw no problem in this regard [3] being posed by the change in channel.

6. The only point at issue in regard to the Kokomo substitution is the acceptance of a possible future short-spacing on the new channel if Booth desires to pursue such a change in site. While we recognize that Booth would have somewhat less latitude in choice of site on the new channel, it has not shown that any severe or even serious restriction would result. Thus, even if waiver were appropriate to consider at this juncture, which it clearly is not, we have no facts before us to examine to see if waiver is warranted. No site has been proposed, and as a result we have no notion of the degree of shortage that might be involved. Nor do we know what benefits, if any, would attach to use of this site. Clearly, we have evidence on none of the important points we would need to consider in such a case. In their absence, no judgment about waiver could be reached. In any event, such a waiver request would have to be judged in the context in which it is made, the application to change site. Since we can now give no assurance in that regard, we read Booth's pleading as objecting to the proposed modification. However, the only basis offered for objection is the waiver issue, and we do not believe that it is sufficient to warrant refusing the relief sought by MBC. Thus, with the expiration of Booth's license, its right to continue use of the old channel expired, and the renewal of its license was conditioned on the outcome of this proceeding. Since all the affected stations received such conditioned renewals, the modifications can be effected promptly.

7. The final issue relates to the need for and amount of reimbursement required in connection with the proposed substitution of Channel 228A for 224A at Lafayette, Indiana. Twin Cities only recently became the licensee of the affected FM station, and it urges the need for special relief in connection with the costs which can be anticipated in connection with changing channels and for which reimbursement would be expected. According to Twin Cities, it is at an early and difficult stage of establishing the station under its tutelage as licensee. In its view, it is preferable for stations to make a channel change early rather than waiting, and with this point in mind it asks us to order MBC to reimburse the applicable expenses now and not wait until a permit is granted to MBC for a station in Muncie. Twin Cities argues that it is unfair to expect it to shoulder the burden of covering the expenses of the change and then be required to wait quite some time to recover these expenses. It asserts that the burden should be shifted to MBC, as movant in this proceeding, and as prospective applicant. Twin Cities also is concerned that if it proceeds immediately it may expend money for costs later disallowed.

8. MBC's view of the situation is different. It is not willing to reimburse now when it has no certainty that it will be the permittee on a Muncie channel. Unless and until it is permittee, MBC states that it has no obligation to provide reimbursement. Thus, it asserts, if the preference of Twin Cities is to make the change now, the costs would have to be borne by the licensee until a permittee is selected which would become responsible for reimbursement. It also points out that Twin Cities is under no obligation to proceed now, and it notes the Commission's observation that licensees may find it advantageous to wait to further establish their service rather than effecting an early change. This was premised on the view that more loyalty to the station would attach during the period of operation on the old channel and as a result more listeners would be expected to follow the station to its new frequency.

9. As to these arguments, the Commission need only offer a few observations now. The basic issues regarding reimbursement have long since been resolved. While the station required to change channel cannot be expected to do so without having an assurance that there is a party obliged to reimburse it, it is also true that a prospective applicant cannot be expected to commit itself to provide reimbursement before it has the assurance that it would be the one to become the responsible party. Twin Cities is not obliged to make the change now, and its preference for doing so cannot turn the process upside down as it apparently wishes were the case. Whether parties could properly agree in advance of the selection of a permittee is not the issue, as no such agreement exists in this case. Without such an agreement, there can be no doubt that a station's preference for dispatch cannot be controlling. While our decision does not rest on this point, we believe that Twin Cities' interests might well be better served by a delay until some time after a grant of a permit to the successful Muncie applicant. In any event, by virtue of our conclusion that reimbursement should not be ordered now, it is not necessary to deal with the remaining argument that Twin Cities would expend money in making the change only to discover that some of the items were not properly subject to reimbursement. Since it is not required to proceed, it neither has to worry about funding the costs without assurance of reimbursement nor about being caught in the middle by having paid for non-reimbursable items. No purpose would be served by an attempt to enumerate at this stage the items for which reimbursement would be proper. As is the customary practice, that is left to the parties to resolve, with the Commission's becoming involved only when a dispute arises which requires resolution. Such a point has not been reached, so our comments on this matter are premature.

10. The final point and the central one in this proceeding is the need for the proposed assignment at Muncie. Having established that the changes in other assignments which also are required would not be an impediment, we turn to an examination of Muncie's need. Our observations on this point which were made in the Notice have not been disputed. Muncie is a large city which could warrant as many as four channels but until now has only been able to have a single FM commercial assignment. MBC tried several approaches over the years to obtain a second channel, and only through the approach offered here has it become possible to find a method of doing so successfully. The need for the service is incontrovertible, and the loss of an assignment at Berne loses importance in view of the total lack of interest in activating the channel long assigned there. As to Muncie itself we do not believe that the intermixture of classes of channels involved in this Class A assignment is a problem when no Class B channel is available for use and the petitioner is willing to accept the risks of attempting to utilize the proposed Class A channel to serve the community. Since a willingness to reimburse has been indicated, it is clear that except for some inconvenience in the channel changes, the assignment can be made without serious problem. Overall, the facts support the proposal, and it will be adopted.

11. *Therefore it is ordered*, That effective December 2, 1976, the FM Table of Assignments (§ 73.202(b) of the Commission's rules) is amended as follows with regard to the communities listed below:

[3] Booth also mentioned the matter of reimbursement and MBC responded by reiterating its willingness to comply with Commission policy in this regard. The parties appear to be in agreement on this issue.

City:	Channel No.
Berne, Indiana	------
Hartford City, Indiana	228A
Kokomo, Indiana	224A
Lafayette, Indiana	228A
Marion, Indiana	------
Muncie, Indiana	[1] 221A, 281, 285A

[1] In a separate proceeding, Channel 221A was assigned to Muncie, but it was reserved for educational use. MBC had sought to use that channel commercially, but that possibility was foreclosed when the channel was reserved. However, we promised prompt action here on MBC's long standing effort to obtain a second FM assignment for Muncie.

12. *It is further ordered,* That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Three J. Radio Corporation for Station WWHC, Hartford City, Indiana, is modified effective December 2, 1976, to specify operation on Channel 228A instead of Channel 285A. The licensee shall inform the Commission in writing by no later than December 2, 1976, of its acceptance of this modification. Station WWHC may continue to operate on Channel 285A subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 228A, the licensee of Station WWHC shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 228A;

(b) At least 10 days prior to commencing operation on Channel 228A, the licensee of Station WWHC shall submit the measurement data required of an applicant for an FM broadcast station; and

(c) The licensee of Station WWHC shall not commence operation on Channel 228A without prior Commission authorization.

13. *It is further ordered,* That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding licensee held by Booth American Company for Station WKMO, Kokomo, Indiana, is modified effective December 2, 1976, to specify operation on Channel 224A instead of Channel 228A. The licensee shall inform the Commission in writing by no later than December 2, 1976, of its acceptance of this modification. Station WKMO may continue to operate on Channel 228A subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 224A, the licensee of Station WKMO shall submit to the Commission the technical information normally requested of an applicant;

(b) At least 10 days prior to commencing operation on Channel 224A, the licensee of Station WKMO shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee of Station WKMO shall not commence operation on Channel 224A without prior Commission authorization.

14. *It is further ordered,* That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding licensee held by Twin Cities Broadcasting, Inc. for Station WXUS, Lafayette, Indiana, is modified effective December 2, 1976, to specify operation on Channel 228A instead of Channel 224A. The licensee shall inform the Commission in writing by no later than December 2, 1976, of its acceptance of this modification. Station WXUS may continue to operate on Channel 224A subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 228A, the licensee of Station WXUS shall submit to the Commission the technical information normally requested of an applicant;

(b) At least 10 days prior to commencing operation on Channel 228A, the licensee of Station WXUS shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee of Station WXUS shall not commence operation on Channel 228A without prior Commission authorization.

15. Authority for the actions taken here is found in sections 4(i), 303 (g) and (r), 307(b), and 316(a) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations.

16. It is directed, That the Secretary of the Commission send a copy of this "Report and Order" by certified mail, return receipt requested to Three J. Radio Corporation, Station WWHC, Hartford City, Indiana, Booth American Company, Station WKMO, Kokomo, Indiana, and Twin Cities Broadcasting, Inc., Station WXUS, Lafayette, Indiana.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

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

[FR Doc.76-31889 Filed 10-29-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Miscellaneous Amendments

• *Purpose.* The purpose of this notice is to amend Part 501 of Title 49, Code of Federal Regulations, to reflect changes in organization and delegation of powers and duties within the National Highway Traffic Safety Administration, resulting from the passage of the Energy Policy and Conservation Act (Pub. L. 94-163; 89 Stat. 871). Title III of Public Law 94-163 amended the Motor Vehicle Information and Cost Savings Act of 1972 (49 U.S.C. 1902 et. seq.), by providing for a new Title V, Part A, Automotive Fuel Economy. The powers and duties for administering this title, with the exception of section 512, were delegated by the Secretary to the National Highway Traffic Safety Administrator in section 150(f) of Title 49, Code of Federal Regulations, by FR Doc. No. 76-18060, Volume 41, No. 121, page 25015, June 22, 1976. •

The notice also incorporates recent changes in delegations of authority from the Administrator to other officials in the agency.

The amendment set forth in this notice relates solely to the organization and assignment of duties within the agency and has no substantive regulatory effect. Notice and public procedure are, therefore, not required and the amendment may be made effective in less than 30 days after publication.

In consideration of the foregoing, Part 501 of Title 49, Code of Federal Regulations is amended as set forth below:

1. In § 501.2, *General,* substitute the following new wording for paragraph (f):

§ 501.2 General.

* * * * *

(f) Carry out the functions vested in the Secretary by the Motor Vehicle Information and Cost Savings Act of 1972, as amended (49 U.S.C. 1902 et. seq.) except section 512.

* * * * *

2. Section 501.3 is amended as follows:

a. In the introductory paragraph, after the second parenthesis, the following lines below are substituted;

b. In paragraph (a)(1)(i), after the second semicolon, the following lines below are substituted; and

c. Designate paragraph (b)(6) as paragraph (C) and add a new paragraph (b)(6); as amended parts of the introductory paragraph; paragraphs (a)(1)(i) and (b)(6) of § 501.3 reads as follows:

§ 501.3 Organization and general responsibilities.

* * *, the offices of the Associate Administrators, the Chief Counsel, and the Director, Office of Automotive Fuel Economy, are as follows:

(a) * * *

(1) * * *

(i) * * *; to motor vehicle and consumer information functions under the Motor Vehicle Information and Cost Savings Act of 1972, as amended; and to such other authorities as delegated by the Secretary of Transportation (49 CFR 1.51):

* * * * *

(b) * * *

(6) Director, Office of Automotive Fuel Economy. Acts as principal advisor to the Administrator and Deputy Administer on all matters as they relate to fuel economy for new passenger and non-passenger vehicles. Directs programs relating to mandatory automotive fuel economy standards for both passenger and non-passenger automobiles less than 10,000 pounds gross vehicle weight for model years 1978 and beyond.

* * * * *

3. Section 501.7 (c)(2) and (c)(3) is renumbered (c)(3) and (c)(4) and new paragraphs (c), (c)(1), and (c)(2) are added as follows:

§ 501.7 Administrator's reservations of authority.

* * * * *

(c) The authority under the Motor Vehicle Information and Cost Savings

Act of 1972, as amended (49 U.S.C. 1902 et. seq.), to:

(1) Establish, amend, revoke, or grant exemptions from the final motor vehicle standards;

(2) Establish, amend, revoke, or grant exemptions from final automotive fuel economy standards;

4. In § 501.8 substitute the following for paragraphs (e)(1) and (f)(2):

§ 501.8 Delegations.

* * * * *

(e) * * *

(1) Develop and conduct research and development programs and projects necessary to support the purposes of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Highway Safety Act of 1966, as amended, and the Motor Vehicle Information and Cost Savings Act, as amended, in coordination with the appropriate Associate Administrators, the Chief Counsel, and the Director, Office of Automotive Fuel Economy;

* * * * *

(f) * * *

(1) * * *

(2) Develop, manage, and conduct impact analyses of regulatory, grant, legislative, and program proposals for integrated program planning and evaluation throughout the NHTSA.

* * * * *

Effective date: This amendment is effective as of September 22, 1976.

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

Issued on: October 22, 1976.

CHARLES E. DUKE,
Acting Administrator, National Highway Traffic Safety Administration.

[FR Doc.76-31898 Filed 10-29-76;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

[Parts 4, 5 and 9]

PROCEDURES FOR CORPORATE ACTIVITIES

Description of Office, Procedures, Public Information; Supplemental Application Procedures for Charters, Branches, Mergers and Relocations; Fiduciary Powers of National Banks and Collective Investment Funds

These amendments are issued under authority of the National Bank Act and related statutes, 12 U.S.C. 1 et seq., pursuant to the requirement of 5 U.S.C. 552 that each agency publish in the FEDERAL REGISTER, for the guidance of the public, both a description of the methods employed by its central and field organization so that the public may make submissions or requests or obtain decisions, and a description of the formal procedures used by the agency.

The amendments establish revised Office procedures regarding charters, branches, conversions, mergers, fiduciary powers, operating subsidiaries, title changes, relocations, and changes in capital structure.

The purposes of the amendments are to clarify and consolidate into Part 4 of the application procedures relating to the various activities subject to the approval of the Comptroller; to expand the scope of Part 5 to include additional activities within the hearing procedures; and to conform Part 9 to the revised Office procedures.

The Administrative Procedure Act does not require public procedures and delayed effectiveness in connection with rules of agency organization, procedure or practice. The amendments will therefore become effective November 1, 1976.

PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

The following is a brief description of the major changes to 12 CFR Part 4:

1. §§ 4.2 trhough 4.8 have been revised to provide that the Regional Administrator will furnish to the applicant appropriate forms for all corporate activity applications. The Regional Administrator will accept all applications, except merger applications.

2. §§ 4.2, 4.5 and 4.6 have been revised to provide for a time period of 18 months from the date of approval of the charter, branch or relocation application within which the new office must have commenced business.

3. §§ 4.2, 4.3, 4.5, 4.6, 4.7 and 4.8 have been revised to include a new paragraph outlining the procedures and practices in the event an application has been disapproved.

4. § 4.3 has been revised to include both conversions of state banks into national banks and national banks tinto state banks by incorporating into it the former § 4.8.

5. §§ 4.3 and 4.4 have been revised to provide that if an examination of a state-chartered institution is conducted in connection with a conversion or merger application the cost of such examination shall be paid by the applicant.

6. § 4.6 has been revised to include reference to three new application forms in connection with relocations.

7. § 4.7a has been added outlining the procedures and practices with regard to changes in capital structure.

8. § 4.7b has been added outlining the procedures and practices with regard to requests to exercise fiduciary powers.

9. A new § 4.8 has been added outlining procedures with regard to the establishment or acquisition of domestic operating subsidiaries.

PART 5—SUPPLEMENTAL APPLICATION PROCEDURES FOR CHARTERS, BRANCHES, MERGERS AND RELOCATIONS

The following is a brief description of the major changes to 12 CFR Part 5:

1. § 5.1 has been revised to include within the scope of Part 5 applications to convert state-chartered institutions to national banks, to establish or acquire domestic operating subsidiaries, to exercise fiduciary powers, and to change corporate title.

2. § 5.2 has been revised to provide that the applicant shall furnish the Regional Administrator with an affidavit evidencing the required publication of notice.

3. § 5.2 has been revised to provide that notice of a pending application will also be given to all other interested parties as determined by the Regional Administrator within his sole discretion.

4. § 5.4 has been revised to provide for 21 days (instead of the former 10 days) by which interested persons may submit written comments and/or a written request for an opportunity to be heard.

5. § 5.8 has been revised to provide that each person desiring to attend a hearing shall notify the Regional Administrator within 10 days (instead of the former 5 days) of his intention to attend; and shall submit to the designated persons the names of witnesses and a copy of each exhibit he wishes to present, such information to be received at least 5 days prior to the hearing.

6. § 5.11 has been revised to provide that upon request the public file shall remain open for 15 days (instead of the former 5 days).

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

The following is a brief description of the changes to 12 CFR Part 9:

1. § 9.2 has been revised to refer applicants desiring to apply for trust powers to Part 4 of the Comptroller's regulations.

2. § 9.2 has also been revised by deleting paragraphs (b) and (c), the provisions of which have been incorporated into the new application forms and procedures.

3. §§ 9.5 and 9.6 have been deleted as a result of their provisions being incorporated into the new application forms and procedures.

PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

12 CFR Part 4 is amended by revising the table of contents and §§ 4.2 through 4.8 to read as follows:

Sec.

AUTHORITY: 12 U.S.C. 1 et seq.

§ 4.2 Organization of national bank.

(a) *Application.* Persons desiring to organize a national bank should submit to the Regional Administrator of National Banks for the region in which the proposed bank is to be located, an "Application to Organize a National Bank." This application, instructions and supporting documents are furnished by the Regional Administrator upon request.

(b) *Investigation.* An investigation may be conducted to the extent necessary including the gathering of information as provided in Part 5 of this chapter.

(c) *Preliminary approval.* The Comptroller of the Currency determines whether or not preliminary approval of the application should be granted. If preliminary approval is granted, the Comptroller may, if it is determined that such action is necessary or desirable for the protection of the public interest, at any time withdraw such approval or provide that the issuance of a charter shall be subject to the fulfillment of specified conditions. The time allowed to open for business normally will be 18 months from the date of preliminary approval. Preliminary approval ordinarily will be rescinded if the bank is not open for business within this 18-month period.

(d) *Corporate organization.* If preliminary approval is granted the applicants will be furnished with suggested forms and documents necessary for the corporate organization of a national banking association and instructions for their preparation and filing. The proposed bank does not become a body corporate until certain of these documents have been accepted for filing by the Regional Administrator.

(e) *Commencement of business.* The Comptroller of the Currency determines whether or not the national banking association is entitled to commence the business of banking. If the Comptroller's determination is favorable, a certificate, known as a charter, will be issued which provides that the national banking association is authorized to commence the business of banking.

(f) *Disapproval.* (1) When a charter application is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant. Opinions will be published when the Comptroller determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry.

(2) Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the Comptroller will consider and incorporate the prior administrative record. The normal filing fee will be required.

§ 4.3 Conversion.

(a) State-chartered to national bank. (1) *Application.* A state-chartered institution desiring to become a national bank should submit to the Regional Administrator an "Application to Convert to a National Bank." This application, instructions and supporting documents are furnished by the Regional Administrator upon request.

(2) *Examination and investigation.* An examination and investigation may be conducted to the extent deemed necessary including the gathering of information as provided in Part 5 of this chapter. The cost of any such examination shall be paid by the applicant.

(3) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted.

(4) *Corporate documents.* If approval is granted, the applicant is furnished with suggested forms of documents necessary to complete its conversion into a national banking association and instructions for their preparation and filing.

(5) *Commencement of business as national bank.* When the Comptroller of the Currency determines that all statutory requirements have been complied with, a certificate, known as a charter, will be issued, which provides that the institution is authorized to commence the business of banking as a national bank as of a specified date.

(6) *Disapproval.* (i) When a conversion application is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant. Opinions will be published when the Comptroller determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. In such instances, identification of the applicant will not be disclosed.

(ii) Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the Comptroller will consider and incorporate the prior administrative record. The normal filing fee will be required.

(b) *National bank to a state bank.* A national bank desiring to become a state bank should submit to the Regional Administrator notification of its intent to convert. The bank will be furnished with instructions regarding steps to be followed to terminate its status as a national bank.

§ 4.4 Merger, consolidation, purchase and assumption.

(a) *Definition.* For purposes of this section, the term merger includes a merger, consolidation or purchase of assets in which the resulting bank is a national bank.

(b) *Application.* National banks desiring to merge should submit to the Comptroller of the Currency, Washington, D.C., an "Application for Approval to Merge, Consolidate, or Purchase." This application, instructions and supporting documents are furnished by the Regional Administrator upon request.

(c) *National bank as seller.* In the case of a purchase and assumption, if the selling bank is a national bank, it will be furnished with suggested forms of documents and instructions for the voluntary liquidation of the bank. See § 4.9.

(d) *Examination and investigation.* An examination and investigation may be conducted to the extent deemed necessary including the gathering of information as provided in Part 5 of this chapter. When the merger involves a state bank, the Comptroller may conduct an examination into the condition of the state bank to the extent deemed necessary. The cost of such examination shall be charged to the applicants in addition to the normal merger fee.

(e) *Approval and disapproval.* The Comptroller of the Currency determines whether or not approval of the application should be granted. Opinions are published by the Comptroller in all merger decisions.

(f) *Certification.* If the determination of the Comptroller of the Currency is favorable, the following will be issued:

(1) *Merger.* Certificates to the resulting bank to evidence approval of the merger and to authorize operation of permitted branches incident thereto, or

(2) *Purchase and assumption.* A certificate to the purchasing bank to authorize operation of permitted branches incident to the purchase and assumption.

§ 4.5 Establishment of domestic branches and seasonal agencies.

(a) *Application.* A national bank desiring to establish and operate a domestic branch or seasonal agency should submit to the Regional Administrator of National Banks for the region in which the bank is located an "Application to Establish a Branch." This application, instructions and supporting documents are furnished by the Regional Administrator upon request.

(b) *Investigation.* An investigation may be conducted to the extent deemed necessary including the gathering of information as provided in Part 5 of this chapter.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted. An approval will ordinarily be rescinded if the branch has not commenced business within 18 months from the date of approval.

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable, a certificate will be issued evidencing approval for the establishment and operation of the branch or seasonal agency at the designated location.

(e) *Disapproval.* (1) When a branch application is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant. Opinions will be published when the Comptroller determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the Comptroller deems it to be in the public interest the name of the bank will not be disclosed.

(2) Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. The the extent relevant, the Comptroller will consider and incorporate the prior administrative record. The normal filing fee will be required.

§ 4.6 Change of location of head office or domestic branch.

(a) *Application.* A national bank desiring to relocate its head office or domestic branch should submit to the Regional Administrator an "Application for a Change in Location of Head Office or Branch", an "Application for a New Head Office (New Primary Service Area)", or an "Application for a Branch Relocation," as appropriate. This application, instructions and supporting documents are furnished by the Regional Administrator upon request.

(b) *Investigation.* An investigation may be conducted to the extent deemed necessary including the gathering of information as provided in Part 5 of this chapter.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted. An approval will ordinarily be rescinded if the new office has not commenced business within 18 months from the date of approval.

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable, certification evidencing approval of the change of location will be made.

(e) *Disapproval.* (1) When a relocation application is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant. Opinions will be published when the Comptroller determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the Comptroller deems it to be in the public interest the name of the bank will not be disclosed.

(2) Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the Comptroller will consider and incorporate the prior administrative record. The normal filing fee will be required.

§ 4.7 Change of corporate title.

(a) *Application.* A national bank desiring to change its corporate title should submit to the Regional Administrator an "Application for a Change in Corporate Title." This application, instructions and supporting documents are furnished by the Regional Administrator upon request.

(b) *Investigation.* An investigation may be conducted to the extent deemed necessary including the gathering of information as provided in Part 5 of this chapter.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted.

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable, a certificate will be issued evidencing approval for the change of corporate title.

(e) *Disapproval.* Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the Comptroller will consider and incorporate the prior administrative record. The nomal filing fee will be required.

§ 4.7a Change in capital structure.

(a) *Application.* A national bank desiring to change its capital structure should submit to the Regional Administrator the appropriate application depending on the type of capital change desired. This application, instructions and supporting documents are furnished by the Regional Administrator upon request.

(b) *Investigation.* An investigation may be conducted to the extent deemed necessary including the gathering of information as provided in Part 5 of this chapter.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted..

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable, a certificate will be issued evidencing approval for a change of capital structure.

§ 4.7b Fiduciary powers.

(a) *Application.* A national bank desiring to exercise fiduciary powers should submit to the Regional Administrator an "Application for Fiduciary Powers". This application, instructions and supporting documents are furnished by the Regional Administrator upon request.

(b) *Investigation.* An investigation may be conducted to the extent necessary including the gathering of information as provided in Part 5 of this chapter.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of an application to exercise fiduciary powers should be granted. An approval will ordinarily be rescinded if the trust department has not commenced business within 12 months from the date of approval.

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable a certificate will be issued evidencing approval to exercise fiduciary powers.

(e) *Disapproval.* (1) When an application to exercise fiduciary powers is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant. Opinions will be published when the Comptroller determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the Comptroller deems it to be in the public interest the name of the bank will not be disclosed.

(2) Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the Comptroller will consider and incorporate the prior administrative record. The normal filing fee will be required.

§ 4.8 Domestic operating subsidiaries.

(a) *Application.* A national bank desiring to establish or acquire a domestic operating subsidiary should submit to the Regional Administrator an "Application to Establish an Operating Subsidiary" or an "Application to Acquire an Operating Subsidiary" as appropriate. This application, instructions and supporting documents are furnished by the Regional Administrator upon request.

(b) *Examination and Investigation.* An examination and investigation may be conducted to the extent necessary including the gathering of information as provided in Part 5 of this chapter. The cost of such examination into the condition of the operating subsidiary proposed to be acquired shall be paid by the applicant.

(c) *Approval.* (1) The Regional Administrator determines whether or not the approval of an application to establish a domestic operating subsidiary for activities previously authorized by the Comptroller should be granted.

(2) The Comptroller of the Currency determines whether or not approval of all other applications for domestic operating subsidiaries should be granted.

(d) *Disapproval.* (1) When an operating subsidiary application is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant. Opinions will be published when the Comptroller determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the Comptroller deems it to be in the public interest the name of the bank will not be disclosed.

(2) Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the Comptroller will consider and incorporate the prior administrative record. The normal filing fee will be required.

PART 5—SUPPLEMENTAL APPLICATION PROCEDURES FOR CHARTERS, DOMESTIC BRANCHES, MERGERS, RELOCATIONS, CONVERSIONS, DOMESTIC OPERATING SUBSIDIARIES, FIDUCIARY POWERS AND TITLE CHANGES

12 CFR Part 5 is amended by revising the heading and §§ 5.1, 5.2, 5.4, 5.8, 5.11 and 5.13 to read as follows:

§ 5.1 Scope of Part.

This Part contains procedures by which the Comptroller of the Currency may reach informed decisions with respect to applications to charter national banks, to establish domestic branches of national banks, to merge or consolidate with or purchase the assets of another bank where the resulting bank is a national

bank, to relocate offices of national banks, to establish or acquire domestic operating subsidiaries, to exercise fiduciary powers, to change corporate title, and in other such cases as the Comptroller in his sole discretion shall deem appropriate. These procedures provide a method by which all persons interested in the subject matter of such applications may present their views. Nothing contained herein shall be construed to prevent interested persons from presenting their views in a more informal manner when deemed appropriate by the Comptroller, his deputy, or by the Regional Administrator of National Banks, or to prevent the Comptroller or the Regional Administrator from conducting such other investigations as may be deemed appropriate.

§ 5.2 Notice of filing of application.

(a) Applications described in § 5.1 of this Part shall be filed as provided in 12 CFR Part 4.

(b) *By publication.* Except in the case of proposed transactions where notice by publication is governed by statute, the applicant shall, within 15 days after receipt of a notice in writing that an application has been accepted for filing, publish one time in a newspaper of general circulation in the community in which the applicant's head office is located and in a newspaper of general circulation in the community in which the applicant proposes to engage in business (or engages in business in the case of a title change) a notice containing the name of the applicant or applicants, the subject matter of the application, and the date upon which the application was accepted for filing. Immediately thereafter, the applicant shall furnish the Regional Administrator with an affidavit evidencing such publication.

(c) *By the Regional Administrator.* The Regional Administrator shall give timely notice to the state official who supervises commercial banks in the state in which the applicant is or will be located, and to any other person requesting such written notification. Notice may also be given to other parties who the Regional Administrator believes, in his sole discretion, might have an interest in the pending application.

* * * * *

§ 5.4 Written comments and requests for an opportunity to be heard.

Within 21 days after the notice by publication described in § 5.2(b) of this Part, any interested person may submit to the Regional Administrator written comments concerning the application and/or a written request for an opportunity to be heard before the Regional Administrator or his designee. This time may be extended by the Regional Administrator in his sole discretion if the applicant has failed to file all required supporting data in time to permit review by interested persons or for other extenuating circumstances. In the absence of a request, the Regional Administrator or the Comptroller of the Currency, when either believes it to be in the public interest, may order a hearing to be held.

* * * * *

§ 5.8 Attendance at hearing.

Each person who wishes to be heard shall notify the Regional Administrator within 10 days after the date of the notice described in § 5.7 of this Part of his intention to attend; and shall submit to the Regional Administrator, the applicant(s) and the protestant(s) the number and names of witnesses and a copy of each exhibit he wishes to present, such information to be received at least 5 days prior to the hearing.

* * * * *

§ 5.11 Closing of the public file.

If requested by any participant, the public file shall remain open for 15 days following receipt of the transcript by the Regional Administrator during which time the applicant and protestants may submit additional written statements. A copy of any statement so submitted during this period of time shall also be sent simultaneously to the other persons represented at the hearing.

* * * * *

§ 5.13 Comptroller's decision.

The applicant and all persons so requesting in writing shall be notified of the final disposition of the application.

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

12 CFR Part 9 is amended by revising the table of contents and § 9.2 and by rescinding §§ 9.5 and 9.6 to read as follows:

Sec.
9.1 Definition.
9.2 Applications.
9.3 Consideration of applications.
9.4 Consolidation or merger of two or more national banks.
9.5 [Reserved]
9.6 [Reserved]
9.7 Administration of fiduciary powers.
9.8 Books and accounts.
9.9 Audit of trust department.
9.10 Funds awaiting investment or distribution.
9.11 Investment of funds held as fiduciary.
9.12 Self-dealing.
9.13 Custody of investments.
9.14 Deposit of securities with state authorities.
9.15 Compensation of bank.
9.16 Receivership or voluntary liquidation of bank.
9.17 Surrender of fiduciary powers.
9.18 Collective investment.
9.19 Forms.
9.20 Registration of national bank transfer agents.
9.101 Policy on disclosure of assets.
9.102 Reports to the Comptroller of the Currency.
9.103 Exemptions.
9.104 Information filed with the Comptroller of the Currency.

AUTHORITY: 12 U.S.C. 1 et seq.

* * * * *

§ 9.2 Applications.

A national bank desiring to exercise fiduciary powers shall file an application with the Comptroller of the Currency pursuant to 12 CFR 4.7b.

* * * * *

§ 9.5 [Reserved]

§ 9.6 [Reserved]

* * * * *

Effective date: These amendments are effective November 1, 1976.

Dated: October 26, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-31912 Filed 10-29-76;8:45 am]

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Funds Operated by Affiliated Banks; Investment of Gifts to Minors

Recent amendments to section 584(a) of the Internal Revenue Code of 1954, (26 U.S.C. 584(a)) (relating to common trust funds) provide the necessary authority in the tax law to permit (1) affiliated banks to invest trust funds in a common trust fund operated by one or more of their number (Sec. 1, Pub. L. 94-414, Approved September 17, 1976); and (2) banks to invest funds held as custodian under a uniform gifts to minors act in a common trust fund (Sec. 2708, Pub. L. 94-455, Approved Oct. 4, 1976). The Comptroller of the Currency is making the necessary corresponding amendments in Part 9 which contains the regulations relating to investments in and the operation of collective investment funds by national banks (issued under sec. 1, 76 Stat. 668; 12 U.S.C. 92a; and R.S. 5240, as amended; 12 U.S.C. 481).

Since this amendment provides the necessary fiduciary rules to permit banks to do what the tax law now authorizes, further notice, public participation and delayed effectiveness would not be in the public interest. This amendment, therefore, will become effective October 4, 1976.

12 CFR Part 9 is amended by:

1. Adding at the end of § 9.1, two new paragraphs (l) and (m), and

2. Revising subparagraph (1) of paragraph (a) of § 9.18.

The amended text is as follows:

§ 9.1 Definitions.

* * * * *

(l) "Bank" shall include two or more banks which are members of the same affiliated group with respect to any fund established pursuant to § 9.18 of which any of such affiliated banks is trustee, or two or more of such affiliated banks are co-trustees.

(m) "Custodian under a uniform gifts to minors act" means an account established pursuant to a state law which is substantially similar to the Uniform Gifts to Minors Act as published by the

American Law Institute and with respect to which the bank operating such account has established to the satisfaction of the Secretary of the Treasury that it has duties and responsibilities similar to duties and responsibilities of a trustee or guardian.

§ 9.18 Collective investment.

(a) * * *

(1) In a common trust fund maintained by the bank exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as trustee, executor, administrator, guardian or custodian under a uniform gifts to minors act.

* * * * *

Effective date: October 4, 1976.

Dated: October 26, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-31869 Filed 10-29-76;8:45 am]

Title 45—Public Welfare

CHAPTER VIII—UNITED STATES CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Texas

Appendix A to Part 801 is amended as set out below to show under the heading "Dates, Times, and Places for Filing", three additional places for filing in Texas:

§ 801.202 Appendix A [amended]

* * * * *

TEXAS

County; Place for filing; Beginning date
Bee; Beeville—Agriculture Plant and Animal Inspection Service; Basement, U.S. Post Office, 111 N. St. Mary's Street; November 2, 1976.
* * * * *
Frio; Pearsall—Federal Building, 411 East Colorado Avenue; November 2, 1976.
La Salle; Cotulla—U.S. Border Patrol Station, Federal Building, North Main Street; November 2, 1976.

(Secs. 7, 9, 79 Stat. 440; 42 U.S.C. 1973e, 1973g.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-32137 Filed 10-29-76;10:51 am]

proposed rules

JUSTICE DEPARTMENT

Immigration and Naturalization Service

[8 CFR Parts 3 and 292]

[Order No. 666–76]

SUSPENSION OR DISBARMENT OF PERSONS PERMITTED TO PRACTICE BEFORE THE IMMIGRATION AND NATURALIZATION SERVICE AND THE BOARD OF IMMIGRATION APPEALS

Proposed Rule Making

Pursuant to 5 U.S.C. 553, notice is hereby given of proposed amendments to the regulations pertaining to the suspension or disbarment of attorneys and other representatives permitted to practice before the Immigration and Naturalization Service and the Board of Immigration Appeals contained in 8 CFR Parts 3 and 292, as set forth below.

Interested parties may submit written data, views or arguments relative to the proposed rules to the Chairman, Board of Immigration Appeals, Room 1104, 521 Twelfth Street, N.W., Washington, D.C. 20530. All relevant material received by November 22, 1976, will be considered.

Dated: October 21, 1976.

EDWARD H. LEVI,
Attorney General.

PART 3—BOARD OF IMMIGRATION APPEALS

1. By adding at the end of § 3.1(b) the following new paragraph (b)(9):

§ 3.1 Board of Immigration Appeals.

* * * * *

(b) * * *

(9) Decisions involving suspension or disbarment of attorneys or representatives as provided in part 292 of this chapter.

* * * * *

PART 292—REPRESENTATION AND APPEARANCES

2. By revising the indicated portions of § 292.3 to read as follows:

§ 292.3 Suspension or disbarment.

(a) *Grounds.* An attorney or representative may be suspended or barred from further practice as provided in paragraph (b) if such suspension or disbarment is found to be in the public interest. The suspension or disbarment of an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of this part, but this enumeration does not establish the exclusive grounds for suspension or disbarment in the public interest:

(1) Who charges or receives either directly or indirectly any fee or compensation for services performed in any case or proceeding before the Service or the Board which may be deemed to be grossly excessive in relation to the services performed or who, being an accredited representative of an organization recognized under § 292.2 of this part, charges or receives either directly or indirectly any fee or compensation for services rendered to any person in connection with any such case or proceeding, or who, being an attorney acting in behalf of such organization in such case or proceeding, charges or receives either directly or indirectly any fee or compensation for services rendered to any person in that case or proceeding, except that such representative or attorney may be regularly compensated by the organization as its accredited representative or attorney. If any organization has chosen to obtain accreditation for any attorney acting on its behalf, such attorney shall be treated as an "accredited representative" for purposes of this paragraph.

* * * * *

(7) Who has been convicted of a crime for activities relating to immigration and nationality matters or who, having been convicted of any crime, is sentenced to imprisonment for a term of more than one year, or any attorney in the United States who has been suspended or disbarred by a court of the United States or of any state, territory, district, commonwealth, or possession, or any attorney outside the United States who has been suspended or disbarred by any court of general jurisdiction. A disbarment, suspension or conviction within the meaning of this paragraph shall be deemed to have occurred when the disbarring, suspending or convicting agency or tribunal enters its judgment or order, regardless of whether appeal is pending or could be taken, and includes a judgment or order on a plea of nolo contendere, but the attorney or representative shall have a right to a hearing under paragraph (b) of this section in which he shall have an opportunity to show that the suspension or disbarment order or conviction was obtained without minimum procedural fairness or on the basis of patently inadequate evidence. Any person so disqualified shall be reinstated by the Board, on appropriate application, if the basis for the Board's disqualification is subsequently removed by a reversal of the underlying suspension, disbarment, or conviction.

* * * * *

(11) Who is disrespectful, disorderly, contumacious or contemptuous at any proceeding before the Service or the Board if such conduct would constitute a contempt of court if the case were before a court. Such conduct may also constitute grounds for immediate exclusion of any attorney or representative from such proceeding and for his summary suspension without hearing for the duration of the proceeding by direction of the officer or officers before whom such conduct occurs.

(12) Who has falsely certified a copy of a document as being a true and complete copy of an original.

(13) Who has filed with the Service or the Board in the same case repeated dilatory motions or appeals which do not raise any substantial issue.

(b) If an investigation establishes to the satisfaction of a regional commissioner that suspension or disbarment proceedings should be instituted, he shall cause a copy of the written charges to be served upon the attorney or representative, either personally or by registered mail, with notice to show cause within a specified time, not less than 30 days, why he should not be suspended or disbarred. The notice shall also state that after answer has been made and the matter is at issue a hearing may be requested. When a hearing is requested, the regional commissioner shall specify the time and place therefor and shall designate a special inquiry officer to preside and the officer who shall present the evidence. At the conclusion of the hearing the special inquiry officer shall render a written decision and order. If an answer is not received within three days after expiration of the period prescribed to show cause, defense to the charges shall be deemed waived. When a hearing is not requested in the answer, the regional commissioner shall enter an appropriate order containing findings of fact and conclusions of law. The order of the regional commissioner or special inquiry officer shall be final except when the case is certified to the Board as provided in part 3 of this chapter or an appeal is taken to the Board as provided in this part. An appeal to the Board by either the Service or the attorney or representative shall lie from a decision under this section. An appeal shall be taken within 30 days after the personal service or mailing of a written decision. The attorney or representative, either with or without counsel, and the regional commissioner through the Service officer designated pursuant to § 3.1(e) of this chapter, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board.

The Board shall consider the record and render its decision. When the final order is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice until authorized by the Board.

(Secs. 103, 292, 66 Stat. 173, 235 (8 U.S.C. 1103, 1362).)

[FR Doc.76-31879 Filed 10-29-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1033]

[Docket No. AO-166-A49]

MILK IN OHIO VALLEY MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Ohio Valley marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before November 16, 1976. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary Statement

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Columbus, Ohio, on May 4, 1976, pursuant to notice thereof which was issued March 30, 1976 (41 FR 14192).

The material issues on the record of the hearing relate to:

1. Payment procedures which would permit handlers to make pavments to nonmmeber producers directly rather than through the market administrator.

2. Procedure for pooling a plant that qualified under the Ohio Valley order and another order in the same month.

3. Modification of the pooling procedure to consider as one plant the operation of two or more distributing plants for purposes of pool qualification.

4. Inclusion of interplant transfers of packaged fluid milk products as a route disposition from the transferor-plant for purposes of determining such plant's status as a pool plant.

5. Classifying in Class III the skim milk and butterfat in products containing less than 6.5 percent nonfat milk solids.

6. Classifying in Class III the skim milk and butterfat in products in hermetically sealed containers.

7. Conforming changes.

This decision deals with all the above issues except Issue No. 2. The latter issue was dealt with separately in a prior partial decision on this record.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Enabling handlers to make payments directly to nonmember producers.* Under certain conditions payments for producers' milk for whom a cooperative is not receiving payment from the market administrator should be made by the market administrator to the handler who receives such producers' milk for distribution to the producers. The producers to whom this would apply are generally only those who are not members of a cooperative. Of the 6,279 producers on the market in February 1976, 752 were not members of a cooperative.

Under the present order, handlers must pay all order obligations for milk to the market administrator. Payment is then made by him, in terms of the uniform price, directly to producers or to a cooperative for the milk of those producers for whom the cooperative is authorized to collect payment.

A handler who receives milk from more than 150 nonmember producers proposed that a handler, if he so requested, receive from the market administrator the payments due his nonmember producers. The handler would then pay such producers directly. Proponent contended that the present provision, which was adopted in 1970 and which requires the market administrator to pay nonmember producers directly, interferes with the normal handler-producer relations that have been built up over a number of years. Also, enabling him to pay his nonmember producers directly, he held, would facilitate the money transactions between him and his producers. The proponent handler must now issue separate checks to each of his producers for his payments to them in excess of the order's uniform price. This, he contends, is confusing to producers since they receive this third check in addition to the two (a partial and a final payment) received directly from the market administrator. If he were permitted to pay his producers directly, as proposed, the amount in excess of the order's uniform price that he pays them could be included in the check for the final payment to such producers under the order rather than issuing them additional checks.

Prior to the dates when payments are due under the order, the proponent handler (and apparently others receiving milk from nonmember producers) advances funds to some producers and pays producers' creditors (e.g., for assignments and hauling). The amounts thus paid by a handler, which are deducted from his payment obligation to the market administrator for producer milk, are in turn deducted by the market administrator from the payments for milk due the producer. Proponent handler claimed that enabling him to make payments directly to his producers (instead of having the market administrator making such payments) could avoid much of the confusion that he now claims exists.

The spokesman for a cooperative that supplies milk to the proponent handler expressed the view that it is inequitable not to allow handlers to pay nonmember producers directly while cooperatives may pay their producers directly.

A handler who receives milk from 42 nonmember producers and three of those producers testified in support of the proposal. They contended that if producers were paid by the handler instead of by the market administrator, the producers would receive their payments more promptly than at present. The producers stated that the checks mailed to them from the market administrator's office are often delayed and that any questions regarding them must involve extensive correspondence with the market administrator. Producers expressed the view that if the handler were allowed to pay them directly, they would be assured of being paid promptly because the checks could be hand-delivered to them by the handler. Also, they claimed, any questions regarding payments for their milk could be readily resolved locally with the handler instead of through time-consuming correspondence with the market administrator.

A handler receiving milk from about 100 nonmember producers also supported the proposal. He indicated, however, that if a handler who elected to pay producers directly became delinquent in making such payments, that handler should be precluded from continuing to make such direct payments until he subsequently established over a reasonable period of time a record of compliance with the order's payment provisions.

The major cooperatives in the market opposed any order change that would enable a proprietary handler to pay his nonmember producers directly. In their view, the present system is operating satisfactorily and should not be disturbed. However, they held that if the proposed change is adopted, appropriate safeguards should be provided to assure that the payments to nonmembers are being made on time. They also urged (if the proposal is adopted) that any handler who became delinquent in his payments to the market administrator or to nonmember producers not be eligible to receive payments from the market administrator to make such direct payments until he had made such payments when due for several consecutive months.

It is reasonable that handlers be permitted to receive payment from the market administrator for distribution to nonmember producers. Although opposed by cooperatives, it was not established that the change adopted herein would

adversely affect any producers or handlers on the market. On the other hand, enabling a handler to pay his nonmember producers directly will facilitate the money transactions between them.

It is necessary, however, that appropriate safeguards be provided to assure that such payments to producers are made when due. Otherwise, the order could place those handlers who are in compliance with the payment provisions at a competitive disadvantage with those delinquent handlers who are using money due producers as a free source of funds for operating expenses.

A handler who the market administrator determines is delinquent in any payment obligations under the order should not be eligible to receive money from the market administrator for payment to producers. Any transfer of money by the market administrator to a handler in this circumstance would remove much of the incentive for a handler to consistently comply with the order's payment requirements. So that there might be a reasonable demonstration of compliance with the order, a delinquent handler should not be eligible to pay his producers until he has met all prescribed payment obligations for three consecutive months.

3. *Modification of the pooling procedure to consider as one plant the operation of two or more distributing plants for purposes of pool qualifications.* The operator of two or more distributing plants should be permitted to consider them collectively as one plant for the purpose of meeting the total monthly route disposition percentage requirement (50 percent in September-February and 45 percent in other months) for pooling a single plant. Each plant in such a unit would have to meet individually the present requirement that at least 15 percent of the total monthly route disposition from a plant be made in the marketing area. It was not proposed that this latter requirement be changed.

The handler who proposed unit pooling operates six pool distributing plants. He contended that requiring him to qualify each plant separately necessitates his making uneconomic movements of milk between plants. Proponent handler claimed that the pooling provisions unwarrantedly set a higher performance standard to qualify his total operation for pooling than is required of an operation comparable to it in a single plant. Allowing him to qualify his plants as a unit, he argued, would put him on essentially the same basis as a handler operating one plant.

The handler maintains a substantial manufacturing operation at one of his six distributing plants. Cottage cheese, a principal product made at that plant (in New Bremen, Ohio), is produced there for other plants. The other five plants are essentially Class I operations. Each of the six plants meets individually the pooling requirement that at least 15 percent of its total monthly route disposition is in the marketing area. Based on the total quantities of milk physically handled at each plant, all plants except the New Bremen plant easily meet the total monthly route disposition percentage requirement (50 percent in September-February and 45 percent in other months) for pooling.

In order to keep the New Bremen plant pooled, the handler regularly diverts milk to such plant from his other distributing plants rather than associating the milk directly with the New Bremen plant. This is because the diverted milk is considered as a receipt of producer milk at the pool plant from which diverted and is not counted as a receipt at the New Bremen plant in calculating its total route disposition percentage for pooling. In reality, a substantial proportion of the diverted milk received at the New Bremen plant is actually a regular part of that plant's milk supply.

The handler's pooling efforts are further complicated by the order requirement that at least two days' production of a producer be physically received at a pool plant during the month to qualify his remaining production for diversion to other plants. This makes it necessary for producers whose milk regularly goes to the New Bremen plant by diversion to deliver at least two days' production during the month to other pool distributing plants.

Providing for unit pooling will eliminate the shifting of loads of producers' milk between a multi-plant operator's various plants, which is now done to insure the pooling of all the handler's plants. With unit pooling, it will be possible to assign producers regularly to plants where it is most practicable for them to deliver. The increased recordkeeping necessitated by producers delivering to a number of plants during the month would be eliminated.

The shifting of producers' deliveries between a multi-plant operator's plants solely for the purpose of qualifying such plant individually, and the added recordkeeping caused by it, is of no practical benefit to handlers or producers. Removing the need for this burdensome practice will facilitate the movement of milk from producers' farms to plants where it is actually needed.

Also, the proposal here adopted, by affording him greater flexibility in operating his plants than is now possible under the order, will enable a multi-plant operator to obtain the optimum utilization of the facilities available at each plant. In effect, it will enable him to achieve an economy of scale comparable to that which would be realized by maintaining his total operation in one plant.

A multi-plant handler may find it impractical and uneconomical to maintain at each of his plants the equipment necessary to process and package (and in each container size) all fluid milk products and other dairy products (e.g., sour cream, cottage cheese, eggnog) commonly distributed to retail and wholesale outlets from such plants. In fact, confining certain specialized operations (e.g., cottage cheese manufacture) to one plant may at times be the only economically feasible means that justifies the investment required to install and maintain the equipment and facilities needed for such specialized operations.

Presently, under the order, a multiplant operator is placed at a disadvantage vis-a-vis a single plant operator. That is, to insure pool plant status for all his plants he may be forced to fragment his other than Class I operations among his various plants or to resort to a program of moving milk between his plants solely for the purpose of qualifying them. Neither of these alternatives, which result in increased costs to a handler, actually serves any useful purpose.

Although a federation of the market's cooperatives did not testify in opposition to the proposal, its spokesman suggested that adopting it could result in attaching unneeded additional milk to the pool. However, it is not apparent that the proposed unit pooling could provide a means of pooling any significant quantities of additional milk. Although unit pooling would provide a handler more flexibility in directing the movement of milk from producers' farms to his various plants, the handler's potential for associating milk supplies with the market actually would be no greater whether he qualifies his distributing plants individually or on a combined basis.

The order accords pool plant status for the month to a distributing plant that failed to meet the total route disposition percentage requirement for pooling if it met that requirement in the three immediately preceding months. This provision, which was adopted to deal with a single plant operation, should not be applicable for the month to a plant that qualified for pooling within a unit in any of the three immediately preceding months. Since the route disposition from such a plant would have been used as a basis to qualify collectively it and and all other plants in the unit, one or more of which apparently would not qualify individually as a pool plant, such plant cannot be reasonably considered as having met the same conditions that a single plant must have met for three consecutive months as a basis for pooling in the following month.

4. *Inclusion of interplant transfers of packaged fluid milk products as a route disposition from the transferor-plant for determining such plant's status as a pool plant.* Packaged fluid milk products transferred to a distributing plant from a plant from which no fluid milk products are distributed to wholesale or retail outlets in the marketing area should not be considered as a route disposition from the transferor-plant in determining its pool plant status. Such transfers to a distributing plant from any plant are now counted as a route disposition in the marketing area from the transferor-plant to the extent of the in-area disposition of the transferee-plant. If the in-area disposition thus assigned to the transferor-plant is at least 15 percent of its total route disposition, and it otherwise meets the order's monthly total route disposition requirement for pooling (50 percent of its receipts in September-February and 45 percent in other

months), the plant qualifies as a pool plant.

A handler proposed that packaged fluid milk products received at a distributing plant from a plant having no distribution in the marketing area be considered an interplant transfer instead of as a route disposition from the transferor-plant in determining its pool plant status. Except for the single purpose of qualifying a distributing plant as a pool plant, such packaged fluid milk products moved between plants are now handled as an interplant transfer.

Cooperatives opposed the handler proposal. They were concerned that it might result in providing a competitive advantage to a nonpool plant from which packaged fluid milk products were transferred to a pool plant. However, their spokesman did not explain how such an advantage could be realized.

Until recently, milk in gallon containers distributed on routes from the proponent handler's Beckley, West Virginia, pool plant was packaged at his plant in Radford, Virginia, a plant from which no fluid milk products are distributed to wholesale or retail outlets in the marketing area. Since these packaged transfers were considered as a route disposition in the Ohio Valley marketing area from the Radford plant in determining its pool status and since they represented more than 15 percent of the Radford plant's total route disposition, it qualified as a pool plant.

When the equipment for packaging milk in gallon containers was moved from Radford to the Beckley plant, the Radford plant became a nonpool plant and its packaged gallon container requirements have since been received from the Beckley plant. The intent of the handler's proposal is to enable him to again package milk in gallon containers for his Beckley and Radford operations at his Radford plant without this affecting the nonpool plant status of the Radford plant.

The present provision was adopted a number of years ago because custom-bottling for other handlers in this market is a substantial part of some plants' operations compared to their own route disposition. In this circumstance, such plants can not always meet the route disposition percentage requirements for pooling without being credited with the route disposition of the handlers for whom they custom-bottle. Counting the custom-packaged fluid milk products as a route disposition from the plant where packaged (the transferor-plant) assures the pooling of such plant.

When the provision that considers transfers of packaged milk as a route disposition from the transferor-plant to qualify it as a pool plant was adopted, it did not contemplate packaged transfers to a pool plant from a nonpool plant (e.g., Radford). Regulating such a plant, from which no fluid milk products are distributed to wholesale or retail outlets in the marketing area, is not necessary to insure the integrity of the regulation. A plant from which a limited quantity of packaged fluid milk products is transferred to a pool distributing plant cannot reasonably be considered an integral part of the regulated market. This would not be the case, however, if a substantial portion of the fluid milk products processed at the plant were transferred to pool distributing plants. In that circumstance, it could qualify for pooling as a supply plant in the same manner as a plant from which bulk fluid milk products are shipped to pool distributing plants.

Under Ohio Valley and all other Federal orders with marketwide pooling, when fluid milk products transferred to pool plants during the month are insufficient to qualify the transferor-plant as a pool plant, such transfers are considered as a receipt of other source milk at the pool plants. On such transfers classified in Class I, a pool plant operator is required to pay the producer-settlement fund the difference between the Class I price and uniform price value for such milk. This compensatory payment rate has been found as a reasonable and equitable basis for removing any price advantage that a pool plant operator may have for obtaining milk from an unregulated plant rather than from producers or from a regulated plant.

5. *Classifying in Class III the skim milk and butterfat in products containing less than 6.5 percent nonfat milk solids.* The order should specify that the skim milk and butterfat in a product containing less than 6.5 percent nonfat milk solids shall be classified in Class III. The present order specifies no minimum percentage of nonfat milk solids as a basis for determining the classification of skim milk and butterfat in the product. In the absence of a designated classification, such a product is now classified as Class I.

The handler who proposed the order change here adopted supplies lowfat milk to a bottler for use in the production of a beverage comparable to soda pop. The beverage, which contains a very limited amount of milk solids, is sold in competition with soda pop. Providing a Class III classification for the skim milk and butterfat used to produce that product will enable the bottler to continue to use dairy products and to compete more equitably with the manufacturers of similar products.

Fluid products that contain only minimal amounts of nonfat milk solids are not milk products and are not considered as being competitive with fluid milk products. It is appropriate, therefore, to provide a reasonable basis to exclude such products from the fluid milk product definition and to classify in Class III the skim milk and butterfat used in their manufacture. Excluding from the fluid milk product definition (and including in the Class III classification) the skim milk and butterfat in a product containing less than 6.5 percent nonfat milk solids is an appropriate standard for this purpose.

The provision here adopted is the same as that adopted for 39 orders in the Assistant Secretary's February 2, 1974, decision (39 FR 8452) of which official notice is taken.

6. *Classifying in Class III the skim milk and butterfat in products in hermetically sealed containers.* No change should be made in the classification of skim milk and butterfat in sterilized products in hermetically sealed containers.

The order excludes dietary products and infant formulas in hermetically sealed containers from the fluid milk product definition. The skim milk and butterfat in such products are classified in Class III. In all other instances, skim milk and butterfat are classified on the same basis whether or not the end product is sterilized and packaged in a hermetically sealed container.

A handler proposed that the skim milk and butterfat in all products in hermetically sealed containers be excluded from the fluid milk product definition. This would have the effect of classifying in Class III the skim milk and butterfat in fluid milk products packaged in hermetically sealed containers for which a Class I classification is now specified in the order.

Milk transferred from proponent's and other handlers' pool plants to a nonpool plant is used in the manufacture of a variety of food products. The milk products made at the nonpool plant, all of which are sterilized and packaged in hermetically sealed containers, include a beverage that is marketed for medicinal purposes. Since this beverage falls in the category of a fluid milk product under the order, the skim milk and butterfat in it are classified in Class I.

The product in question is sold for fluid consumption. The production of it apparently requires milk comparable in quality to that in Class I fluid milk products. It is not a manufactured milk product for which a Class II or Class III classification is provided.

The operator of the nonpool plant contended that since all milk products made in his plant are sterilized and packaged in hermetically sealed containers, they are not competitive with unsterilized products. Accordingly, he argued, any sterilized fluid milk product made at his plant should be classified in Class III and not in Class I, as now provided in the order.

The packaging of fluid milk products in hermetically sealed containers, or the sterilization of such products, does not change the form or purpose of such products. As in the case of the unsterilized fluid milk products that they resemble, such products are disposed of in fluid form for fluid consumption as a beverage.

Returns to producers for milk disposed of in the form of fluid milk products should be the same whether such products are sterilized or unsterilized. Such products in either form are marketed for the same or a comparable beverage use. Classifying all such products in Class I assures that returns from producer milk used in sterilized fluid milk products will contribute on the same basis as returns from producer milk used in unsterilized fluid milk products toward inducing an

adequate supply of milk for fluid use. Except for dietary products and infant formulas the uniform classification plan for 39 orders, adopted in the Assistant Secretarys' February 2, 1974, decision (39 FR 8452), removed any exception to a Class I classification of a fluid milk product that was sterilized or packaged in a hermetically sealed container.

The record of this hearing affords no basis for providing a classification of fluid milk products packaged in hermetically sealed containers different from that which has been found to be appropriate in this and other orders. Accordingly, the proposal to classify the skim milk and butterfat in fluid milk products packaged in hermetically sealed containers in Class III is denied.

7. *Conforming changes.* In § 1033.12 (b) of the order, the term "dairy farmers" should be replaced with the word "producers" and in § 1033.60(g), the term "nonpool plants" should be replaced with the term "unregulated plants". These changes were requested by the Dairy Division to clarify the order language. The wordings adopted will not result in any different application of the order provisions wherein the changes are made. They will, however, remove any ambiguity in the interpretation of the order that might result from the present language.

In § 1033.12(b), which is the definition of a pool supply plant, the word "producers" (which is defined in the order) designates more specifically than "dairy farmers" those persons a specified percentage of whose total deliveries to a supply plant must be transferred to pool distributing plants to qualify the supply plant for pooling.

Paragraph (g) in § 1033.60 is a step in computing the compensatory payment obligation of a handler on milk received from unregulated plants. The present reference to "nonpool plants" instead of "unregulated plants" is technically incorrect. This paragraph has no application to milk received from other order plants, which are nonpool plants but which are not unregulated plants.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Ohio Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1033.7 is revised as follows:

§ 1033.7 Fluid milk product.

"Fluid milk product" means the following products or mixtures in either fluid or frozen form, including such products or mixtures that are flavored, cultured, modified (with added nonfat milk solids), concentrated, or reconstituted: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, milk shake mixes containing less than 20 percent total solids, and mixtures of cream and milk or skim milk containing less than 10.5 percent butterfat. The term "fluid milk product" shall not include eggnog, yogurt, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, any product containing six percent or more nonmilk fat (or oil), and any product that contains by weight less than 6.5 percent nonfat milk solids.

2. Section 1033.8 is revised as follows:

§ 1033.8 Route disposition.

"Route disposition" means a delivery, either directly or through any distribution facility (including disposition from a plant store or by a vendor or vending machine), of a fluid milk product classified as Class I pursuant to § 1033.41(a), except a delivery to a plant. However, for the single purpose of determining the qualification of a plant as a pool distributing plant, packaged fluid milk products transferred as Class I milk from a plant (except a plant from which no fluid milk products are distributed to wholesale or retail outlets in the marketing area) to another plant shall be considered as route disposition of the transferor-plant and shall be considered as route disposition in the marketing area to the extent of the transferee-plant's route disposition in the marketing area.

3. In § 1033.12, paragraph (a)(2)(i), (ii), and (iii) is revised as follows:

§ 1033.12 Pool plant.

* * * * *

(a) * * *

(2) * * *

(i) Both such route disposition and receipts shall be exclusive of filled milk and of packaged fluid milk products received from other plants if priced as Class I milk under this or any other Federal order;

(ii) A distributing plant (except a plant that qualified under paragraph (a)(2)(iii) of this section) that does not meet such percentage requirement in the current month shall not be disqualified under this subparagraph as a pool plant if such percentage was met in each of the three immediately preceding months; and

(iii) Two or more plants of a handler may be considered as a unit for the purpose of meeting the percentage requirement under this subparagraph in any month for which the handler notifies the market administrator that they should be so considered.

* * * * *

4. In § 1033.12, paragraph (b) is amended by replacing the words "dairy farmers" with the word "producers".

5. In § 1033.41, paragraph (c)(1) is revised as follows:

§ 1033.41 Classes of utilization.

* * * * *

(c) * * *

(1) Skim milk and butterfat used to produce butter, nonfat dry milk, dry whole milk, dry whey, dry buttermilk, casein, cheese (except cottage cheese and cottage cheese curd), frozen cream, milk shake mixes containing 20 percent or more total solids, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, any product containing six percent or more nonmilk fat (or oil), and any product that contains by weight less than 6.5 percent nonfat milk solids.

* * * * *

§ 1033.60 [Amended]

6. In § 1033.60, paragraph (g) is amended by replacing the words "nonpool plants" with the words "unregulated supply plants".

7. In § 1033.72, a new paragraph (c–1) is added as follows:

§ 1033.72 Payments from the producer-settlement fund.

* * * * *

(c–1) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the day prior to the dates specified in such paragraphs, to each handler who so requests for milk received by the handler from producers for whom a cooperative association is not collecting payments pursuant to paragraph (c) of this section an amount equal to the sum of the individual payments otherwise due them by the respective dates specified in paragraphs (a) and (b) of this section. Any handler who the market administrator determines is or was delinquent with respect to any payment obligation under this order shall not be eligible to participate in this payment arrangement until the handler has met all prescribed payment obligations for three consecutive months. In making payments to producers pursuant to this paragraph, the handler shall furnish each producer the following information:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and, with respect to final payments, the average butterfat content of the milk for which payment is being made;

(3) The minimum rate of payment required by the order and the rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer; and

(5) The net amount of payment to the producer.

* * * * *

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

Signed at Washington, D.C., on October 27, 1976.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.76–31907 Filed 10–29–76;8:45 am]

Farmers Home Administration

[7 CFR Part 1871]

CHATTEL SECURITY

Securing Emergency Loans, Clarification

Correction

In FR Doc. 76–30236 appearing on page 45576 in the issue for Friday, October 15, 1976, the date in the 9th line of the second paragraph now reading "November 29, 1976" should have read "November 15, 1976".

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 40]

[CGD 76–087]

COAST GUARD ACADEMY

Proposed Amendments in Regulations for Application Requirements

The Coast Guard is considering revising the regulations contained in Part 40 of Title 33, Code of Federal Regulations, concerning application requirements for the U.S. Coast Guard Academy in order to eliminate all references to the sex of the applicant, and to provide medical standards for female applicants.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard, Room 8117, 400 7th Street, S.W., Washington, D.C. 20590. Each person or organization submitting a comment should include their name and address, identify this notice (CGD 76–087), and give reasons for any recommendations made.

Comments received before December 14, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination in room 8117, Department of Transportation, Nassif Building, 400 Seventh St., SW., Washington, D.C. This proposal may be changed in light of comments received.

No hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

The proposed changes in the medical requirements incorporate the present medical standards that are used by the Coast Guard for female Reserve officers and female enlisted personnel.

Other changes are proposed to clarify and update existing regulations.

In consideration of the foregoing, it is proposed that Part 40 of Title 33 of the Code of Federal Regulations be amended as follows:

§ 40.1 [Amended]

1. In § 40.1, by striking the word "men" in the second sentence and inserting the word "Americans" in place thereof; and by striking the words "competitive examinations." in the second sentence, and inserting the words "nationwide competition." in place thereof.

§ 40.2 [Amended]

2. In § 40.2, by striking the word "men".

3. By revising § 40.3 (a), (b), (c) and (e) to read as follows:

§ 40.3 General requirements for eligibility.

(a) A candidate must be a citizen of the United States and must be at least 17 years of age but less than 22 years of age on July 1 of the calendar year in which appointed a cadet. If a candidate is under 18 years of age, the candidate will be required to furnish the written consent of a parent or guardian before admission to the Coast Guard Academy.

(b) The candidate must satisfy the Commandant of the Coast Guard as to good moral character and standing in the community.

(c) The candidate must satisfy the Commandant of the Coast Guard that sufficient credits in prescribed subjects have been taken to justify being designated for examination.

* * * * *

(e) Candidates must be between 5'4'' and 6'6'' in height for men, waiverable to 6'8'' by the Commandant, and 5'0'' and 6'0'' in height for women, with weight suitable to their physique, and be in excellent physical condition.

* * * * *

4. By revising § 40.7(c) to read as follows:

§ 40.7 Physical requirements.

* * * * *

(c) A Service Academy medical examination is required before a candidate may receive an appointment. Medical examinations will be authorized by the Academy to candidates as their records become complete. The examination will be scheduled and reviewed by the Department of Defense Medical Examination Review Board (DODMERB). Once taken, the examination may be used for the other Service Academies and four-year Reserve Officers' Training Corps (ROTC) programs. A preliminary medical examination is not administered by the Coast Guard. It is recommended, however, that candidates obtain an eye examination by either an optometrist or an ophthalmologist for uncorrected and corrected distant vision and a test of their color vision. The vision standards for the Coast Guard Academy are set forth in § 40.8 and also in the Coast Guard Academy Bulletin of Information (CG–147).

* * * * *

5. In § 40.7(e), by striking the second sentence and inserting the words "Decisions to disqualify are based on medical facts revealed through a careful medical examination." in place thereof.

6. In § 40.7(f), by striking the number "89" throughout, and inserting the number "93" in place thereof.

7. By deleting §§ 40.7(g) and 40.7(h).

8. In § 40.8, by revising Tables 40.8 (a1) and 40.8(a2) to read as follows:

§ 40.8 Physical standards and disqualifications.

* * * * *

Table 40.8(a1)

Height (inches)	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
Weight (pounds):																					
Men (minimum)					112	116	120	124	128	132	136	140	144	148	152	156	160	164	168	172	176
Men (maximum)					160	165	170	175	181	186	192	197	203	209	214	219	225	230	235	246	253
Women (minimum)	94	96	98	100	102	104	106	109	112	115	118	122	125								
Women (maximum)	125	127	129	135	136	140	144	147	152	158	162	168	171								

Table 40.8(a2)

[In inches]

	Men	Women
Minimum height	64	60
Maximum height	[1] 78	72
Minimum chest expansion	2	2

[1] Maximum heights waiverable to 80 in by Commandant.

9. In § 40.8(f)(1), by striking the words "1.75 diopters" in the first sentence and inserting the words "2.00 diopters and" in place thereof, and by striking the "," after the word meridian in the first sentence.

10. By amending § 40.8(g) by adding subparagraphs (34) and (35) to read as follows:

* * * * *

(g) * * *

(34) Mastectomy, history of mastectomy, new growth of breast.

(35) Mastitis, acute mastitis; chronic cystic mastitis, if more than mild.

* * * * *

11. By amending § 40.8(k)(2) by adding the following new subdivisions to read as follows:

* * * * *

(k) * * *

(2) * * *

(xx) Ovarian cysts if persistent and considered to be of clinical significance.

(xxi) Dysmenorrhea, incapacitating to a degree which necessitates recurrent absences of more than a few hours from routine activities.

(xxii) Endometriosis, or history thereof.

(xxiii) New growths of the genitalia except single uterine fibroid, sub-serous, asymptomatic, less than 3 centimeters in diameter, with no general enlargement of the uterus.

(xxiv) Bartholinitis; cervicitis, manifested by leukorrhea, oophoritis; salpingitis; or skeneitis.

(xxv) Menopausal syndrome, either physiologic or artificial, if manifested by more than mild constitutional or mental symptoms; or artificial menopause if less than 13 months have elapsed since cessation of menses. In all cases of artificial menopause, the clinical diagnosis will be reported; if accomplished by surgery, the pathologic report will be obtained and recorded.

(xxvi) Irregularities of the menstrual cycle including menorrhagia if excessive; metrorragia; polymenorrhea; amenorrhea, except as noted under menopausal syndrome above.

(xxvii) Pregnancy.

(xxviii) Cervical polyps, cervical ulcer, or marked cervical erosion.

(xxix) Generalized enlargement of the uterus due to any cause.

(xxx) Endocervicitis if more than mild.

(xxxi) Malposition of the uterus if more than mildly symptomatic.

(xxxii) Acute or chronic vaginitis. Congenital abnormalities or lacerations of the vagina or birth canal if symptomatic, or which, in the opinion of the medical examiner are of such a degree as to cause incapacity for duty.

(xxxiii) Acute or chronic vulvitis. Leukplakia.

* * * * *

12. By deleting § 40.8(r)(3).

§ 40.12 [Amended]

13. By deleting § 40.12(g)(1)(iv).

14. By revising § 40.14 to read as follows:

§ 40.14 **Deposit required.**

A cadet, during the initial month(s) of admission to the Academy, will be credited with advance pay, the amount to be established by the Superintendent, to defray the cost of the cadet's initial clothing and equipment. This sum will be deducted subsequently from the cadet's pay in accordance with regulations promulgated by the Commandant. In addition, each cadet upon appointment shall deposit with the Superintendent of the Academy the sum of $300.00, this amount to be used to help defray the initial clothing and equipment costs which exceed the amount credited. One hundred dollars ($100.00) of this sum is required at the time the candidate is tendered the appointment. The Superintendent of the Academy, in exceptional circumstances, is authorized to waive this requirement. A cadet may use so much of this $300.00 as may be necessary to defray traveling expenses to the Academy. The amount thus used will be deposited with the Superintendent of the Academy when the cadet has been paid mileage.

§ 40.22 [Amended]

14. In § 40.22(b)(1)(i), by striking the word "male".

(14 U.S.C. 182, 632, 633; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)).

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

Dated: October 21, 1976.

C. E. LARKIN,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Personnel.

[FR Doc.76-31509 Filed 10-29-76;8:45 am]

Coast Guard

[33 CFR Part 117]

DRAWBRIDGE OPERATION REGULATIONS

Niantic River, Connecticut

At the request of the Connecticut Department of Transportation, the Coast Guard is considering revising the regulations for the Route 156 drawbridge across the Niantic River, mile 0.1, to permit closed periods from 7 a.m. to 8 a.m., and 4 p.m. to 5 p.m., Monday through Friday, except holidays. At all other times, the draw will open on signal. The draw is presently required to open on signal from April 1 through October 31, from 4 a.m. to 8 p.m., and from November 1 through March 31, from 6 a.m. to 6 p.m. At all other times at least one hour notice is required. This change is being considered because of an increase in vehicular traffic during the morning and evening. Editorial revision of this section is also proposed for clarity.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before December 3, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.110 to read as follows:

§ 117.110 **Niantic River, Conn,. bridges.**

(a) The draw of the Route 156 bridge shall open on signal, except that from 7 a.m. to 8 a.m., and from 4 p.m. to 5 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels.

(b) The draw of the CONRAIL (Penn-Central) bridge shall open on signal, except that from 8 p.m. to 4 a.m., from April 1 through October 31, and from 6 p.m. to 6 a.m., from November 1

through March 31, the draw shall open on signal if at least, one hour notice is given.

NOTE.—When a train, scheduled to cross the bridge without stopping, has entered the drawbridge block, a delay in opening the draw may occur until the train has cleared the block.

(c) Signals:

(1) The opening signal for the highway bridge is one long blast followed by one short blast.

(2) The opening signal for the railroad bridge is one long blast followed by two short blasts.

(3) The acknowledging signal from the draw tender of each bridge when the draw shall open is the same as the opening signal.

(4) The acknowledging signal from the draw tender of each when the draw cannot open, or is open and must close, is four blasts.

(d) The owner of or agency controlling each bridge shall conspicuously post notices containing the substances of these regulations pertinent to each bridge, both upstream and downstream, on the bridge or elsewhere in such a manner that they can easily be read from an approaching vessel. This notice shall state who to contact to have the draw opened if advance notice is required.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

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

Dated: October 22, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-31882 Filed 10-29-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-CE-29-AD]

AIRWORTHINESS DIRECTIVES

Beech Models 19, 23 and 24 Airplanes

The FAA is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Beech Models 19, 23 and 24 airplanes (also commonly known as Beech Musketeer series airplanes). Two accidents occurred in 1972 involving Beech Musketeer series airplanes when maintenance personnel interchanged the left and right ailerons during reinstallation. This condition resulted in reversed aileron response causing the aircraft to roll in the opposite direction to that intended when the pilot used the aileron control. Because of these occurrences the manufacturer issued Beechcraft Service Instruction No. 0510-032 calling for modification of the wing trailing edge on these aircraft to prevent interchanging left and right ailerons during reinstallation. In addition, the FAA issued a General Aviation Inspection Aid pertaining to the same maintenance problem. In June, 1976, another accident occurred involving a Beech Musketeer airplane which was also the result of the left and right aileron having been interchanged during reinstallation just prior to the accident. This latest occurrence indicates that the wing trailing edge modification recommended in the manufacturer's service instructions has not been accomplished in all instances. Accordingly, an AD is being proposed, applicable to Beech Model 19, 23, and 24 airplanes, making compliance with the aforementioned service instruction mandatory.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before December 1, 1976 will be considered before action is taken upon the proposed Rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

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

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

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

BEECH. Applies to Models A23-19, 19A, M19A and B19 (Serial Numbers MB-1 thru MB-545 and MB-547), Models 23, A23, A23A, B23 and C23 (Serial Numbers M-2 thru M-1415), Models A-23-24 and A24 (Serial Numbers MA-1 thru MA-368), and Model A24R (Serial Numbers MC-2 thru MC-127) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent interchanging left and right ailerons during reinstallation and resulting reversed aileron control response, accomplish the following:

(A) Within the next 100 hours' time in service after the effective date of this AD or at the next removal of the ailerons or within one year after the effective date of this AD, whichever occurs first, install one each Beech P/N 169-110000-481 strap in the left and right wing trailing edge in accordance with Beechcraft Service Instruction 0510-032 or later approved revisions.

(B) Any alternate method of compliance with this AD must be approved by the Chief, Engineering and -Manufacturing Branch, FAA, Central Region.

Issued in Kansas City, Missouri, on October 21, 1976.

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

[FR Doc.76-31794 Filed 10-29-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-CE-31 AD]

AIRWORTHINESS DIRECTIVES

Collins Model 51RV-1 VOR/ILS Receiver

The Federal Aviation Administration is considering rule making action with respect to the Collins Radio Group Model 51RV-1 Navigation Receiver. This action would contemplate amending Part 39 of the Federal Aviation Regulation by issuing an Airworthiness Directive (AD) to correct a problem of cross modulation interference. The subject problem has been observed when this model receiver's performance deteriorated during an extended period of in-service use. This problem may also involve communications and navigational airborne receiving equipment of other manufacturers.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public rule making proceedings. An "advance" notice is issued when it is found that the resources of the FAA and reasonable inquiry outside of the FAA do not yield a sufficient basis to identify and select a tentative course or alternate courses of action. It is also used when it would be helpful to invite public participation in the identification and selection of a course or alternative courses of action with respect to a particular rule making problem. This notice involves a situation contemplated by that policy.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1548 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before January 3, 1977 will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Regional Office for examination by interested persons. After consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued if determined in the public interest.

There are approximately 18,000 Collins Model 51RV-1 Navigation Receivers in service on various air carrier and general aviation airplanes. Since early 1975 certain units of this model receiver have provided improper course information when flown on one of two different ILS localizers. In each case, the improper

course indication resulted from cross modulation interference from an unwanted high power signal source whose frequency separation from the localizer being used was .6MH:. The source of the unwanted signal in one instance was identified as another ILS localizer, and in the second instance it was an FM broadcasting station. Investigations at these locations showed that each receiver exhibiting this problem had deteriorated through in-service use. To reduce the possibility of cross modulation interference in this model receiver, Collins Radio Group issued Service Bulletin No. 36 on June 30, 1975. Maintenance procedures specified in this service bulletin assure circuit alignment that will provide optimum protection against unwanted signals affecting the receiver's operation. These alignment procedures were incorporated into the 51RV–1 VOR/ILS Overhaul Manual, Revision 10 dated August 1, 1975.

At each of the two known locations where cross modulation occurred, corrective action was accomplished by making changes to the ground equipment and no unsafe interference conditions now exist. However, cross modulation interference involving this receiver or other airborne equipment could exist at other locations.

In view of the potential safety hazard that may be created at other locations by the increasing number of higher powered FM radio broadcast stations being approved, the FAA is interested in opinions from owners, operators, maintenance personnel and other interested parties as to the desirability of regulatory action by issuance of an AD to correct this problem. In this regard the agency is especially interested in the following information:

(1) Were there other occurrences of unsatisfactory performance of the Collins Model 51RV–1 receiver that may have resulted from interference from other signal sources and what was the identified or suspected source of the interference? When the incident occurred:

(A) Had the receiver been aligned per either Collins Service Bulletin No. 36 or Revision 10 of the VOR/ILS Overhaul Manual?

(B) How long had the receiver been in service since the last maintenance was performed?

(C) What was the receiver's condition? FAA is particularly interested in knowing if detuning and component failures had occurred through in-service use.

(D) Were any tests made to determine if the receiver met TSO standards?

(2) Describe any instance where any other airplanes or airborne receivers experienced an interference problem at the location identified in Question 1.

(3) Describe any instances at other locations where interference resulted in airborne navigation or communication receivers operating unsatisfactorily.

(4) Should the maintenance requirements for the Collins 51RV–1 receiver or any other type of electronic equipment be revised to establish maintenance time schedules for these units: (Requiring equipment to be removed and maintained at specified time intervals would assure that in-service deterioration does not result in the use of equipment that no longer meets the manufacturers specification.)

(5) If you feel that maintenance time schedules should be established, what are your recommendations for time intervals that will prevent unwanted deterioration from occurring?

The purpose of an advance notice is to obtain public participation in the identification or selection of a course or courses of action and the agency asks that comments contain sufficient supporting statements and data to justify all recommendations and conclusions. The FAA is concerned about any incidents of interference and would appreciate receiving any available information on occurrences of this type. Available information on each incident such as date and/or location of the occurrence, make, model and serial number of the affected receiver or the identity of the airplane involved, frequencies of the facilities involved, and the distance from the suspected interference source when the incident occurred would also be appreciated.

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

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

Issued at Kansas City, Missouri on October 22. 1976.

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

[FR Doc.76–31795 Filed 10–29–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–GL–24]

VOR FEDERAL AIRWAY

Alteration and Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V–97 between Janesville, Wis., and Lone Rock, Wis., and designate a west alternate airway.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before December 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would realign V–97 from Lone Rock, Wis., direct to Janesville, Wis., and designate a west alternate V–97W from Janesville, Wis., via the Janesville 281° T (278° M) and Lone Rock 147° T (143° M) radials, to Lone Rock.

The direct route would eliminate the present dogleg between these locations, thereby improving flight planning; the west alternate would improve traffic flow and ATC procedures in Rockford terminal area.

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

Issued in Washington, D.C., on October 26, 1976.

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

[FR Doc.76–31793 Filed 10–29–76;8:45 am]

[14 CFR Part 39]

[Docket No. 76–NE–35]

AIRWORTHINESS DIRECTIVES

Pratt and Whitney JT8D Aircraft Engines

Amendment 39–2099 (39 FR 7626), AD 75–05–06, as amended by Amendment 39–2604 (41 FR 19619), requires quadruple torquing within 1500 hours time in service, of certain JT8D engine fuel manifold "B" nuts, which were single or double torqued at original manufacture and have not been retorqued in service. A daily inspection for fuel leakage on engines with over 1000 hours time in service is also required until quadruple torquing is accomplished. After issuing Amendment 39–2604, several undetected fuel leaks have occurred on fuel manifold "B" nuts that were quadruple torqued at original manufacture, four of which resulted in fires. Therefore, the agency is considering amending Amendment 39–2099, as amended by Amendment 39–2604 to require quadruple torquing of all fuel manifold "B" nuts that have not been retorqued in service within 1500 hours time in service.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before December 1, 1976, will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All com-

ments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested persons.

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

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

§ 39.13 [Amended]

In consideration of the foregoing, it is proposed to further amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2099, AD 75-05-06, as amended by Amendment 39-2604, as follows:

A. Delete the words "were single or double torqued at original manufacture and" from the applicability paragraph.

B. Delete the word "torque" from Paragraph 1 and "torqued" from Paragraph 2, and insert the word "retorque" and "retorqued", respectively.

C. Delete the words "the effective date of this AD, unless already accomplished" from Paragraph 1 and insert the words "March 12, 1976, for fuel manifolds with "B" nuts which were single or double torqued at original manufacture and within the next 1500 hours time in service after the effective date of this amendment for fuel manifolds with "B" nuts which were quadruple torqued at original manufacture, unless already accomplished."

Issued in Burlington, Massachusetts, on October 20, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

[FR Doc.76-31574 Filed 10-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-PC-8]

TRANSITION AREA

Honolulu, Hawaii (Wheeler AFB)

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulation to alter the transition area at the Wheeler AFB, Island of Oahu, Hawaii.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace, Procedures and Operations Branch, Air Traffic Division, Pacific-Asia Region, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813. All communications received on or before December 1, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace, Procedures and Operations Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Pacific-Asia Region, Federal Aviation Administration, 1833 Kalakaua Avenue, Honolulu, Hawaii. An informal docket will also be available for examination at the Office of the Chief, Airspace, Procedures and Operations Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

§ 71.181 [Amended]

In 71.181 (41FR513), the Honolulu, Hawaii (Wheeler AFB) transition area is amended as follows:

HONOLULU, HAWAII

(WHEELER AFB)

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Honolulu VORTAC 358° radial extending from the arc of a 3-mile radius circle centered on Wheeler AFB (latitude 21° 29'00" N, longitude 158°02'30" W) to the INT of the Honolulu, Hawaii, VORTAC 358° and the Koko Head, Hawaii VORTAC 298° radials, and that airspace extending upward from 700 feet above the surface within 2 miles northwest of and parallel to the centerline of Runway 06 (068°38'40" true bearing) beginning at the 3-mile radius arc and extending northeast to intercept an arc of a 5-mile radius circle centered on Wheeler AFB (latitude 21°29'00" N, longitude 158° 02'30" W) thence clockwise along the 5-mile arc to the Koko Head, Hawaii, VORTAC 305° radial; thence notrhwest along the Koko Head, Hawaii, VORTAC 305° radial to the arc of the 3-mile radius circle.

The proposed amendment of the Wheeler AFB transition area will provide controlled airspace for aircraft executing the missed approach segment of the VOR-A(TAC) approach to Wheeler AFB. It will also provide additional controlled airspace for aircraft utilizing the Standard Instrument Departure procedures designated for Wheeler AFB.

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

Issued in Honolulu, Hawaii, on October 19, 1976.

R. O. ZIEGLER,
Regional Director,
Pacific-Asia Region.

[FR Doc.76-31575 Filed 10-29-76;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-66; Notice No. 76-22]

MOTOR CARRIER SAFETY; PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Location of Rear Side-Marker Lamps on Large Semitrailers and Full Trailers

• *Purpose.* This proposal would require large semitrailers and full trailers to have their rear side-marker lamps located at a point which would enable drivers, at night and in foul weather, to easily see if the trailer is tracking well. •

This proposal follows, and is drafted in, the light of favorable responses to an Advance Notice published in the FEDERAL REGISTER on July 30, 1975 (40 FR 31959). That Notice was issued on the basis of an International Brotherhood of Teamsters' Union petition, and on the Bureau of Motor Carrier Safety's own initiative. The petition requested a revision of the rear side-marker lamp location required by 49 CFR 393.14 of the Federal Motor Carrier Safety Regulations. Under the present regulation, the lower location of this equipment is an available option. As proposed, the requirement would apply only to new trailers subject to the Bureau's regulations, although retrofit is encouraged as cost effectiveness permits. The National Highway Traffic Safety Administration intends to propose in the near future a companion amendment of 49 CFR 571.108, Federal Motor Vehicle Safety Standard No. 108, designed to remove any conflict between its requirements and this proposal.

Accordingly, it is proposed that 49 CFR 393.14 be amended by revising paragraph (c) to read:

§ 393.14 Lamps and reflectors, large semitrailers and full trailers.

* * * * * *

(c) On each side, one side-marker lamp at or near the front; one side-marker lamp at or near is practicable to the lower rear corner, and visible in the truck tractor's rearview mirror when the trailer is tracking straight; one reflector at * * *

* * * * * *

Written data, views, or arguments relating to this proposed rule are invited. Communications should identify the docket number and notice number appearing at the top of this document, and be submitted (three copies) to the Director, Bureau of Motor Carrier Safety, Room 3402, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. Comments received before the close of business on December 31, 1976, will be considered before final action is taken on this proposal. All comments received will be available for examination in the docket

room of the Bureau of Motor Carrier Safety, Room 3402, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for comments.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655); and delegations of authority at 49 CFR 1.48 and 301.60, respectively.)

Issued on October 19, 1976.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.76-31881 Filed 10-29-76:8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

[FRL 636-1]

Revision to Calaveras County Rules and Regulations in the State of California

On July 25, 1973 and July 22, 1975, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Calaveras County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the July 22, 1975 submission supersedes the July 25, 1973 submission, only the latter submission will be addressed in this notice, except when such latter submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Calaveras County new source review rules (Regulation V), submitted on July 25, 1973 and July 22, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 22, 1975 submission and being acted upon by this package include the following: addition and deletion of certain definitions; addition of exemptions from visible emissions regulation; addition of requirement for periodic source recordkeeping and reporting; exemption of emission data from confidentiality clauses; addition of authority for APCO and staff to inspect sources once a permit is issued; addition of many requirements for open burning; and other minor changes of a procedural nature, including minor rewording and renumbering of certain regulations.

In addition to the changes noted above, the following rules were deleted from the July 22, 1975 submission: Rule 105, Order of Abatement; Rule 106, Land Use; Rule 110, Equipment Shutdown, and Start-up and Breakdown; Rule 407(b), Combustion Contaminants; Rule 409, Organic Solvents; Rule 409.1, Architectural Coatings; Rule 409.2, Disposal and Evaporation of Solvents; Rule 412, Organic Liquid Loading; and Rule 413, Effluent Oil Water Separators. The revocation of Rules 105, 106, and 110 is proposed to be approved because such revocation does not conflict with any 40 CFR Part 51 requirements. The revocation of Rules 409, 409.1, and 409.2 is proposed to be approved since a corresponding Federal regulation (40 CFR 52.254) remains in effect. The revocation of Rules 407(b) (as submitted on June 30, 1972), 412, and 413 is proposed to be disapproved since it has not been demonstrated that such revocation will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards. For Federal enforcement purposes, the Rules 407(b), 412, and 413, submitted on June 30, 1972, and approved as part of the SIP, should remain in effect and to be reaffirmed as a portion of the SIP.

It is the purpose of this notice to propose approval of all the changes included in the July 22, 1975 submission with the following execptions: the revocations noted above, the addition of Rule 209, Fossil Fuel-Steam Generator Facility, and the rules specified above that are not being acted upon at this time. Rule 209, Fossil Fuel-Steam Generator Facility, formerly, Rule 408, Fuel Burning Equipment, has been revised to exempt wood-fired boilers. Because wood-fired boilers would no longer be subject to the prohibitions of this regulation and no control strategy demonstration has been presented, this revision is proposed to be disapproved. For Federal enforcement purposes, the Rule 408, submitted on June 30, 1972, should remain in effect and be reaffirmed as a portion of the approved SIP.

Rule 408, Source Recordkeeping and Reporting, requires submission by source operators of periodic reports and requires retention of records for periods specified. This is consistent with the requirements of 40 CFR 51.19(a); therefore, it is proposed to approve Rule 408, rescind the current disapproval notice in 40 CFR 52.234(a), and rescind the substitute regulation in 40 CFR 52.234(d) for Calaveras County.

Rule 409, Public Records, now allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); it is proposed to approve Rule 409, rescind the current disapproval notice in 40 CFR 52.224(a), and rescind the substitute regulation in 40 CFR 52.224(b) for Calaveras County.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Calaveras County Air Pollution Control District, Government Center, San Andreas CA 95249.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, California 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.76-31922 Filed 10-29-76;8:45 am]

[40 CFR Part 52]

[FRL 636-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Colusa County Rules and Regulations in the State of California

On July 25, 1973, January 10, 1975, and February 10, 1976 the Air Resources Board of the State of California submitted revised Rules and Regulations of the Colusa County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). The above submissions will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The changes contained in the July 25, 1973, January 10, 1975, and February 10, 1976 submissions being acted upon by this package include the following: additions and revisions to agricultural burning requirements and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, January 10, 1975, and February 10, 1976 submissions; and to propose disapproval of the existing Rule 4.4(g). Disapproval is proposed for Rule 4.4(g), Exceptions (originally approved under 40 CFR 52.223 [37 FR 10842], because adequate measures are not included to prevent abuse of the exemption provisions that might result in continued, repeated, or excessive violations of the emission limits. Therefore, it is proposed to disapprove Rule 4.4(g), since all approved emission limiting regulations are rendered potentially unenforceable.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during

normal business hours at the following locations:

Colusa County Air Pollution Control District, 751 Fremont Street, Colusa CA 95932.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit Room 2922 (EPA Library), 401 M Street, S.W., Washington D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; EPA, Region IX; 100 California Street, San Francisco, CA. 94111. Relevant comments received December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.76-31923 Filed 10-29-76;8:45 am]

[40 CFR Part 52]

[FRL 636-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Fresno County Rules and Regulations in the State of California

On July 25, 1973, October 23, 1974, January 10, 1975, and February 10, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Fresno County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the October 23, 1974, January 10, 1975, and February 10, 1976, submissions supersede the July 25, 1973 submission, only the most recent submissions listed above will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

On April 21, 1976, revisions to Rules 411 and 411.1 concerning transfer of gasoline into stationary storage containers and vehicle fuel tanks were submitted by the Air Resources Board. These rules are not being acted upon in this notice because of the many unique questions involved in this area of air pollution control. These rules are to be addressed in a separate FEDERAL REGISTER notice.

Regulation VI, submitted on October 23, 1974, dealing with the Air Pollution Emergency Contingency Plan, is not being acted upon at this time because the Air Resources Board has indicated to EPA that a revision is forthcoming of all local agency regulations addressing the emergency episode requirements. This action by the State is in response to the recent approval by EPA of the State of California Emergency Episode Plan. The State's plan sets forth requirements which the local agencies' plans must meet. A separate FEDERAL REGISTER notice addressing this issue will be published after the submission to EPA of the local agency emergency episode regulations by the State.

Additionally, the significant changes to the Fresno County new source review rules (Regulation II), submitted on October 23, 1974 and January 10, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the October 23, 1974, January 10, 1975, and February 10, 1976 submissions being acted upon by this package include the following: additions, changes, and deletions of certain definitions; exemption of emission data from confidentiality clauses; addition of exemptions from the visible emissions regulation, addition of an emission limited from non-photochemically reactive organic solvents; addition of regulations controlling the use of architectural coatings and the disposal and evaporation of solvents; addition of standards of performance for new and modified sources of air pollution; addition of emission standards for hazardous air pollutants and other minor changes of a procedural nature including, among other things, renumbering of certain regulations.

It is the purpose of this notice to propose approval of all the changes included in the October 23, 1974, January 10, 1975, and February 10, 1976 submissions with the exception of the February 10, 1976 changes to Rule 407, Disposal of Solid or Liquid Waste, the existing Rule 110, Equipment Shutdown, Startup, and Breakdown, and the rules specified above which are not being acted upon at this time. The February 10, 1976 revision to Rule 407 provides less stringent controls for equipment used to process or dispose of combustible refuse by burning. Since the national standards for particulate matter are being violated in Fresno County and no control strategy demonstration was presented, this rule is proposed to be disapproved. Because the earlier submission (Rule 407.1 as submitted on June 30, 1972) did not include this relaxation, that submission should be reaffirmed as a portion of the State Implementation Plan. Additionally, for Federal enforcement purposes, the Rule 407.1 submitted on June 30, 1972 and approved as part of the State Implementation Plan should remain in effect. Disapproval is proposed for Rule 110, Equipment Shutdown, Startup, and Breakdown (originally approved under 40 CFR 52.223 (37 FR 19812)), because adequate measures are not included to prevent abuse of the exemption provisions that might result in continued, repeated, or excessive violations of the emission limits. Therefore, it is proposed to disapprove Rule 110, since all approved emission limiting regulations are rendered potentially unenforceable.

Rule 103, Confidential Information, now allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); it is proposed to approve Rule 103, rescind the current disapproval notice in 40 CFR 52.224(a), and rescind the substitute regulation in 40 CFR 52.224(b) for Fresno County.

Rule 409, Organic Solvents, has been revised to be consistent with the organic solvent portion of the Federally promulgated regulation contained in 40 CFR 52.254. Furthermore, with the addition of Rules 409.1 and 409.2, which control the use of architectural coatings and the disposal and evaporation of solvents, the Fresno County rules are identical to the Federal regulation. Therefore, it is proposed to approve Rules 409, 409.1, and 409.2, and revise the Federal regulation to rescind Fresno County from 40 CFR 52.254.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations.

Fresno County Department of Health, Environmental Health Services, 1246 "L" Street, Fresno CA 93721.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; EPA, Region IX 100 California Street, San Francisco, California 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.76-31924 Filed 10-29-76;8:45 am]

[40 CFR Part 52]

[FRL 636-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Kern County Rules and Regulations in the State of California

On July 25, 1973, July 19, 1974, January 10, 1975 and July 22, 1975 the Air Resources Board of the State of Califor-

nia submitted revised Rules and Regulations of the Kern County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the July 19, 1974, January 10, 1975 and July 22, 1975 submissions supersede the July 25, 1973 submission, only those will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

On April 21, 1976 revisions to Rules 412 and 412.1 concerning transfer of gasoline into stationary source containers and vehicle fuel tanks were submitted by the Air Resources Board. These rules are not being acted upon in this notice because of the many unique questions involved in this area of air pollution control. These rules are to be addressed in a separate FEDERAL REGISTER notice.

Regulation VI, submitted on July 19, 1974, dealing with the Air Pollution Emergency Contingency Plan, is not being acted upon at this time because the Air Resources Board has indicated to EPA that a revision is forthcoming of all local agency regulations addressing the emergency episode requirements. This action by the State is in response to the recent approval by EPA of the State of California Emergency Episode Plan. The State's plan sets forth requirements which the local agencies' plans must meet. A separate FEDERAL REGISTER notice addressing this issue will be published after the submission to EPA of the local agency emergency episode regulations by the State.

Additionally, the significant changes to the Kern County new source review rules (Regulation II), submitted on July 25, 1973, July 19, 1974, and January 10, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 19, 1974, January 10, 1975, and July 22, 1975 submissions being acted upon by this package include the following: addition, deletion, and clarification of certain definitions; exemption of emission data from confidentiality clauses; addition of a severability provision; addition of regulations controlling hydrocarbon emissions, addition of regulations dealing with New Source Performance Standards and Emission Standards for Hazardous Air Pollutants; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes included in the July 19, 1974, January 10, 1975, and July 22, 1975 submissions with the exception of the changes to Rule 407.1, Disposal of Solid and Liquid Waste, Rule 407.3, Scavenger Plants, the existing Rule 111, Equipment Shutdown, Breakdown, and Startup; revised Rule 111, Equipment Shutdown, Startup, and Breakdown submitted on July 19, 1974, and the rules specified above which are not being acted upon at this time. The July 22, 1975 revision to Rule 407.1 allows refuse burning equipment of less than 100 lbs/hour burning rate to meet a less stringent emission limitation than previously required. Since the national standards for particulate matter are being violated in Kern County, and no control strategy demonstration was presented, this rule is proposed to be disapproved. Rule 407.3 has been added to specify that a permit may be granted to a scavenger plant even though such source may not be in compliance with applicable sulfur compound emission limit of 0.2 percent by volume. Since this rule does not assure that the granting of a permit will not cause violations of National Ambient Air Quality Standards, it is proposed to be disapproved. For Federal enforcement purposes, the Rule 407.1 submitted on June 30, 1972 and approved as part of the SIP should remain in effect and be reaffirmed as a portion of the SIP.

Disapproval is proposed for Rule 111, Equipment Shutdown, Breakdown, and Startup (originally approved under 40 CFR 52.223 (37 FR 19812)) and revised Rule 111, Equipment Shutdown, Startup, adn Breakdown (submitted on July 19, 1974), because adequate measures are not included to prevent abuse of the exemption provisions that might result in continued, repeated, or excessive violations of the emission limits. Therefore, it is proposed to disapprove the existing and revised Rule 111, since all approved emission limiting regulations are rendered potentially unenforceable.

Rule 103, Confidential Information, now allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); it is proposed to approve Rule 103, rescind the current disapproval notice in 40 CFR 52.224(a), and rescind the substitute regulation in 40 CFR 52.224(b) for Kern County

Rule 410, Organic Solvents, has been revised to be consistent with the organic solvent portion of the Federally promulgated regulation not appearing in 40 CFR 52.254. Furthermore, with the addition of Rules 410.1 and 410.2, which control the use of architectural coatings and the disposal and evaporation of solvents, the Kern County rules are identical to the Federal regulation. Therefore, it is proposed to approve Rule 410 and revise the Federal regulation to rescind Kern County from 40 CFR 52.254.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR 51, the Administrator is required to approve or disapprove the regulations as an SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations.

Kern County Air Pollution Control District, 1700 Flower Street, Bakersfield CA 93302.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency Region IX, 100 California Street, San Francisco CA 94111
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, SW., Washington, D.C 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; EPA, Region IX; 100 California Street, San Francisco, California 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.76-31925 Filed 10-29-76;8:45 am]

[40 CFR Part 52]

[FRL 636-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Lake County Rules and Regulations in the State of California

On July 25, 1973, July 19, 1974, October 23, 1974, July 22, 1975, November 3, 1975, and February 10, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Lake County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the July 25, 1973 submission is superseded by the July 19, 1974, October 23, 1974, July 22, 1975, November 3, 1975, and February 10, 1976 submissions, only the latest submissions will be addressed in this notice, except when such latter submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Lake County new source review rules (Part VII), submitted on July 25, 1973, July 19, 1974, October 23, 1974, and November 3, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 19, 1974, October 23, 1974, July 22, 1975, November 3, 1975, and February 10, 1976 submissions and being acted upon by this package include the following: exemption of emission data from confidentiality clauses; addition and revision to certain definitions; addition of requirements for burning agricultural wastes; addition of requirements for public notification of hearings; and other minor changes of procedural nature, including minor rewording and renumbering of certain regulations.

It is the purpose of this notice to propose approval of all the changes included in the July 19, 1974, October 23, 1974, July 22, 1975, November 3, 1975, and February 10, 1976 submissions, except the rules specified above which are not being acted upon at this time, and Sections 1 and 2 of Part VI, Maintenance, Malfunction, Evasion and Inspection. Section 1—Maintenance and Section 2—Malfunction of Equipment (both originally submitted June 30, 1972 and revised October

23, 1974) are proposed to be disapproved since the exemptions are too broad in scope and make all approved emission limiting regulations potentially unenforceable.

Part II, Authorization and Disclosure, now allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); it is proposed to rescind the current disapproval notice in 40 CFR 52.224(a) and rescind the substitute regulation in 40 CFR 52.224 (b) for Lake County.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites the public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Lake County Air Pollution Control District, 255 N. Forbes Street, Lakeport, California 95453.
California Air Resources Board, 1709—11th Street, Sacramento, California 95814.
Environmental Protection Agency, Region IX. 100 California Street, San Francisco, California 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "..." Street, S.W., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; EPA, Region IX; 100 California Street, San Francisco, California 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.76-31926 Filed 10-29-76;8:45 am]

[40 CFR Part 52]

[FRL 636-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Mariposa County Rules and Regulations in the State of California

On July 25, 1973 and January 10, 1975, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Mariposa County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the January 10, 1975 submission supersedes the July 25, 1973 submission, only the latter submission will be addressed in this notice, except when such latter submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Mariposa County new source review rules (Regulation V), submitted on July 25, 1973 and January 10, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the January 10, 1975 submission and being acted upon by this package include the following: deletion, addition, and revision of certain definitions; addition of conditions for reduction of animal matter; addition of requirements for open burning; exemption of emission data from confidentiality clauses; addition of requirement for periodic source recordkeeping and reporting; addition of regulation for procedures before the hearing board; and other minor changes of a procedural nature including minor rewording changes and renumbering of all regulations.

It is the purpose of this notice to propose approval of all the changes included in the January 10, 1975 submission with the exception of the rules specified above which are not being acted upon at this time, and the addition of Rule 209, Fossil Fuel-Steam Generator Facility, and Rule 203 (j), Exceptions. Rule 209, Fossil Fuel-Steam Generator Facility, (formerly Rule 6.4, Fuel Burning Equipment) has been revised to exempt woodfired boilers. Because woodfired boilers would no longer be subject to the prohibitions of this regulation and no control strategy demonstration has been presented, this revision is proposed to be disapproved. For Federal enforcement purposes, the Rule 6.4 submitted on June 30, 1972 should remain in effect and be reaffirmed as a portion of the approved SIP.

Disapproval is proposed for Rule 4.3 (g), Exceptions (originally approved under 40 CFR 52.223 (37 FR 10842)), and Rule 203(j), Exceptions (submitted on January 10, 1975), because adequate measures are not included to prevent abuse of the exemption provisions that might result in continued, repeated, or excessive violations of the emission limits. Therefore, it is proposed to disapprove Rule 4.3(g) and Rule 203(j), since all approved emission limiting regulations are rendered potentially unenforceable.

Rule 408, Source Recordkeeping and Reporting, requires that records certified by a licensed engineer be provided to the APCO to determine compliance. The rule also requires submission of periodic reports and requires retention of records for periods specified. This is consistent with the requirements of 40 CFR 51.19 (a); therefore it is proposed to rescind the curent disapproval notice in 40 CFR 52.234(a) and rescind the substitute regulation in 40 CFR 52.234(d) for Mariposa County.

Rule 409, Public Records, allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); it is proposed to rescind the current disapproval notice in 40 CFR 52.224(a) and rescind the substitute regulation in 40 CFR 52.224(b) for Mariposa County.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Mariposa County Air Pollution Control District, Court House, Mariposa, CAL 95338.
California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; EPA, Region IX, 100 California Street, San Francisco, CA 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.76-31927 Filed 10-29-76;8:45 am]

[40 CFR Part 52]

[FRL 636-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Sacramento County Rules and Regulations in the State of California

On December 13, 1972, July 25, 1973, January 22, 1974, July 19, 1974, April 10, 1975, July 22, 1975, November 3, 1975, and February 10, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Sacramento County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the December 13, 1972 submission is superseded by the later submissions, only those will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

On November 3, 1975, Rules 13 and 14, concerning transfer of gasoline into stationary storage containers and vehicle

fuel tanks, were submitted by the Air Resources Board. These rules are not being acted upon in this notice because of the many unique questions involved in this area of air pollution control. These rules are to be addressed in a separate FEDERAL REGISTER notice.

The significant changes to the Sacramento County new source review rules (Regulation V), submitted on July 25, 1973, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 25, 1973, January 22, 1974, July 19, 1974, April 10, 1975, July 22, 1975, November 3, 1975, and February 10, 1976 submissions and being acted upon by this package include the following: addition of rule specifying requirements for petroleum tank design and operation; addition of rule specifying loading conditions and vapor collection and disposal systems, addition of rule governing organic solvents; addition of many rules governing agricultural burning; exemption of emission data from confidentiality clauses; addition of standards of performance for new and modified sources of air pollution; addition of emission standards for hazardous air pollutants; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes contained in the July 25, 1973, January 22, 1974, July 19, 1974, April 10, 1975, July 22, 1975, November 3, 1975, and February 10, 1976 submissions, with the exception of the addition of Rule 30, Exceptions, and the rules specified above that are not being acted upon at this time. Rule 30 exempts from the prohibitions specially permitted activities for the purpose of research. The rule is proposed for disapproval since it is too broad in scope and makes approved emission limiting regulations potentially unenforceable.

Rule 25, Organic Solvents, has been revised to conform to the Federal promulgation for control of dry cleaning solvent vapor losses (40 CFR 52.246) and control of degreasing operations (40 CFR 52.252). It is proposed to rescind the substitute regulations in 40 CFR 52.246 (b) and 40 CFR 52.252(b) for Sacramento County.

Rule 111, Disclosure of Data, now allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e): it is proposed to rescind the current disapproval notice in 40 CFR 52.224(a) and rescind the substitute regulation in 40 CFR 52.224(b) for Sacramento County.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Sacramento County Air Pollution Control District, 3701 Branch Center Road, Sacramento CA 95827.

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.

Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington DC 20460.

Interested persons may participate in this rule-making by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, California 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.76-31928 Filed 10-29-76;8:45 am]

[FRL 636-8]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to San Joaquin County Rules and Regulations in the State of California

On July 25, 1973, October 23, 1974, and February 10, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the San Joaquin County Air Pollution Control District (APCD) as revisions to the California State Implementation Plan (SIP). The October 23, 1974 submittal contained a full text of the regulations and the February 10, 1976 submittal contained changes to Rule 114, Applicability of Emission Limits; Rule 401, Visible Emissions; Rule 402, Exceptions; Rule 409, Organic Solvents; Rule 411, Gasoline Loading into Tanks; Rule 422, New Source Performance Standards; and Rule 423, Emission Standards for Hazardous Air Pollutants. Since both the October 23, 1974 and the February 10, 1976 submittals represent the most recent set of rules and regulations for this APCD, they will be addressed in this notice. In the event that these submissions are deficient in a specific area, th appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

Also on February 10, 1976, revisions to Regulation IV, Rule 411.1 and Rule 411.2, concerning transfer of gasoline into stationary storage containers and vehicle fuel tanks, respectively, were submitted. These rules are not being acted upon in this notice because of the many unique questions involved in this area of air pollution control. These rules are to be addressed in a separate FEDERAL REGISTER notice.

Regulation VI, submitted on October 23, 1974, dealing with the Air Pollution Emergency Contingency Plan, is not being acted upon at this time because the Air Resources Board has indicated to EPA that a revision is forthcoming of all local agency regulations addressing the emergency episode requirements. This action by the State is in response to the recent approval by EPA of the State of California Emergency Episode Plan. The State's plan sets forth requirements which the local agencies' plans must meet. A separate FEDERAL REGISTER notice addressing this issue will be published after the submission to EPA of the local agency emergency episode regulations by the State.

Additionally, the significant changes to the San Joaquin County new source review rules (Regulation II), submitted on July 25, 1973 and October 23, 1974, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in both the October 23, 1974 and the February 10, 1976 submissions being acted upon by this package include the following: additions, changes, and deletions of certain definitions, exemption of emission data from confidentiality clauses; revocation of exemption for emissions of smoke or fumes resulting from Acts of God; controls for NO_2 emissions from fuel burning equipment; addition of standards of performance for new and modified sources of air pollution; clarification and additional requirements dealing with agricultural burning; addition of regulations controlling hydrocarbon emissions, and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes included in the October 23, 1974 and February 10, 1976 submissions with the exception of the February 10, 1976 changes to Rule 407.1, Disposal of Solid or Liquid Wastes, Rule 407.3, Scavenger Plants, and the rules specified above that are not being acted upon at this time. Since the February 10, 1976 revision to Rule 407.1 allows equipment burning refuse with a rate of less than 100 lbs/hour to meet a less stringent emission limitation than previously required and since the national standards for particulate matter are now being violated in San Joaquin County, it is proposed to disapprove this revision. If an adequate control strategy demonstration is submitted to EPA showing that this revision will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for particular matter in San Joaquin County, the February 10, 1976 revision could be approved. Because the June 30, 1972 submission of Rule 407.1 did not contain the provision applying to refuse burning at a rate of less than 100 lbs/hour, that submission of Rule 407.1 should be reaffirmed as a portion of the approved SIP. Rule 407.3 has been added to allow the Aid Pollution Control Officer the right to grant a permit to operate a scavenger plant or sulfur recovery unit even though such facility is not in compliance with Rule 407, Sulfur Compounds. Since no control strategy demonstration has been

made to show that violations of NAAQS could not result, it is proposed to disapprove this revision.

It is also the purpose of this notice to propose disapproval of Rule 110, Equipment Shutdown, Startup, and Breakdown (originally approved under 40 CFR 52.223 [37 FR 10842]), because adequate measures are not included to prevent abuse of the exemption provisions that might result in continued, repeated, or excessive violations of the emission limits. Therefore, it is proposed to disapprove Rule 110, since all approved emission limiting regulations are rendered potentially unenforceable.

Since Rule 103, Confidential Information, now allows emission data to be made available to the public, which is consistent with Part 51.10(e), it is proposed to approve Rule 103, rescind the current disapproval notice in 40 CFR 52.224(a). and rescind the substitute regulation in 40 CFR 52.224(b) for San Joaquin County.

Rule 409, Organic Solvents, has been revised to be consistent with the organic solvent portion of the Federally promulgated regulation now appearing in 40 CFR 52.254. Furthermore, with the addition of Rules 409.1 and 409.2, which control the use of architectural coatings and the disposal and evaporation of solvents, respectively the San Joaquin County rules are identical to the Federal regulation. Therefore, it is proposed to approve Rules 409, 409.1, and 409.2 and revise 40 CFR 52.254 to rescind San Joaquin County from the Federal regulation.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations.

San Joaquin County Air Pollution District, 1601 Hazelton Street, Stockton CA 95201.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Adminstrator, attention: Air and Hazardous Materials Division, Air Programs Branch, Californa SIP Section; EPA, Region IX; 100 California Street, San Francisco, California 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.76–31929 Filed 10–29–76;8:45 am]

[40 CFR Part 52]

[FRL 637–1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Shasta County Rules and Regulations In the State of California

On July 25, 1973, July 19, 1974, January 10, 1975, and July 22, 1975, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Shasta County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the July 25, 1973 submission is superseded by the July 19, 1974, January 10, 1975, and July 22, 1975 submissions, only the latter submissions will be addressed in this notice, except when such latter submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Shasta County new source review rules contained in Rule II, Permits (Rules 2:2–2:4, 2:5, 2:10, 2:12–2:13, and 2:15–2:24), submitted on July 19, 1974 and January 10, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 19, 1974, January 10, 1975, and July 22, 1975 submissions and being acted upon by this package include the following: addition and revision to certain definitions; addition of many rules governing open burning; revision to rule on fees; exemption of emission data from confidentiality clauses; addition of emission limitations for photochemically reactive substances; revisions to procedures before the hearing board; and other minor changes of a procedural nature, including renúmbering of certain regulations.

It is the purpose of this notice to propose approval of all the changes included in the July 19, 1974, January 10, 1975, and July 22, 1975 submissions with the exception of the rules specified above that are not being acted upon at this time and Rule 3:10, Breakdown or Malfunction.

Rule 2:25, Public Records—Trade Secrets, allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); it is proposed to approve Rule 2:25, rescind the current disapproval notice in 40 CFR 52.224(a), and rescind the substitute regulation in 40 CFR 52.224(b) for Shasta County.

Disapproval is proposed for existing Rule 3:10, Breakdown or Upset Conditions (originally approved under 40 CFR 52.233 (37 FR 10842)) and revised Rule 3:10, Breakdown or Malfunction (submitted on July 19, 1974), because adequate measures are not included to prevent abuse of the exemption provisions that might result in continued, repeated, or excessive violations of the emission limits. Therefore, it is proposed to disapprove existing and revised Rule 3:10, since all approved emission limiting regulations are rendered potentially unenforceable.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Shasta County Air Pollution Control District, 1855 Placer Street, Redding, CA 96001.
California Air Resources Board, 1709, 11th Street, Sacramento, CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, California 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.76–31930 Filed 10–29–76;8:45 am]

[40 CFR Part 52]

[FRL 637–2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Sierra County Rules and Regulations in the State of California

On July 25, 1973 and January 10, 1975, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Sierra County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the January 10, 1975 submission supersedes the July 25, 1973 submission, only the latter submission will be addressed in this notice, except when such latter submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Sierra County new source review rules (401–403

and 501–516), submitted on January 10, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the January 10, 1975 submission and being acted upon by this package include the following: addition, deletion, and revision to certain definitions; addition of exemptions to visible emissions regulation; addition of design prohibitions for the storage of petroleum products; addition of new rules governing open burning; addition of requirement for periodic source recordkeeping and reporting; exemption of emission data from confidentiality clauses; deletion of miscellaneous rules, and other minor changes of a procedural nature, including minor rewording and renumbering of certain regulations.

It is the purpose of this notice to propose approval of all the changes included in the January 10, 1975 submission, with the exception of the rules specified above that are not being acted upon at this time.

Rule 408, Source Recordkeeping and Recording, requires that records be provided to the APCD to determine compliance. The rule also requires submission of periodic reports and requires retention of records for periods specified. This is consistent with 40 CFR 51.19(a); therefore, it is proposed to rescind the current disapproval notice in 40 CFR 52.234(a) and rescind the substitute regulation in 40 CFR 52.234(d) for Sierra County.

Rule 409, Public Records, allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); it is proposed to rescind the current disapproval notice in 40 CFR 52.224(a) and rescind the substitute regulation in 40 CFR 52.224(b) for Sierra County.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Sierra County Air Pollution Control Board, County Courthouse, Downieville, CA 95936.
California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, California 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 1857C5).)

Dated: October 21, 1976.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.76-31931 Filed 10-29-76;8:45 am]

[40 CFR Part 52]

[FRL 637-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Tulare County Rules and Regulations in the State of California

On July 25, 1973, October 23, 1974, and January 10, 1975, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Tulare County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the October 23, 1974 and the January 10, 1975 submissions supercede the July 25, 1973 submission, only the most recent submissions listed above will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

On April 21, 1976, revisions to Rules 412 and 412.1 concerning transfer of gasoline into stationary storage containers and vehicle fuel tanks were submitted by the Air Resources Board. These rules are not being acted upon in this notice because of the many unique questions involved in this area of air pollution control. These rules are to be addressed in a separate FEDERAL REGISTER notice.

Regulation VI, submitted on October 23, 1974, dealing with the Air Pollution Emergency Contingency Plan, is not being acted upon at this time because the Air Resources Board has indicated to EPA that a revision is forthcoming of all local agency regulations addressing the emergency episode requirements. This action by the State is in response to the recent approval by EPA of the State of California Emergency Episode Plan. The State's plan sets forth requirements which the local agencies' plans must meet. A separate FEDERAL REGISTER notice addressing this issue wil be published after the submission to EPA of the local agency emergency episode regulations by the State.

Additionally, the significant changes to the Tulare County new source review rules (Regulation II), submitted on July 25, 1973, October 23, 1974, and April 10, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the October 23, 1974 and January 10, 1975 submissions being acted upon by this package include the following: additions, changes, and deletions of certain definitions; exemption of emission data from confidentiality clauses; addition of authority for certain individuals to arrest without a warrant; addition of exemptions from the visible emissions regulation; addition of regulations controlling hydrocarbon emissions; addition of requirements for agricultural burning, and other minor changes of a procedural nature, including minor rewording and renumbering of certain regulations.

It is the purpose of this notice to propose approval of all the changes included in the October 23, 1974 and January 10, 1975 submissions with the exception of the October 23, 1974 addition of Rule 407.3, Scavenger Plants, and Rule 111, Equipment Shutdown, Startup, and Breakdown, and the rules specified above which are not being acted upon at this time. Rule 407.3 has been added to specify that a permit may be granted to a scavenger plant even though such source may not be in compliance with the applicable sulfur compound emission limit of 0.2 percent by volume. Since no control strategy demonstraion has been made to show that violations of National Ambient Air Quality Standards could not result, it is proposed to disapprove this revision.

Disapproval is proposed for existing Rule 110, Equipment Shutdown, Breakdown, and Startup (originally approved under 40 CFR 52.223 [37 FR 19812] and Rule 111, Equipment Shutdown, Startup, and Breakdown (submitted on October 23, 1974), because adequate measures are not included to prevent abuse of the exemption provisions that might result in continued, repeated, or excessive violations of the emission limits. Therefore, it is proposed to disapprove existing Rule 110 and revised Rule 111, since all approved emission limiting regulations are rendered potentially unenforceable.

Rule 103. Confidential Information, now allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); it is proposed to approve Rule 103, rescind the current disapproval notice in 40 CFR 52.224(a), and rescind the substitute regulation in 40 CFR 52.224(b) for Tulare County.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Tulare County Air Pollution Control District, Health Building, County Civic Center, Visalia CA 93277.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington DC 20460.

Interested persons may participate in this rulemaking by submitting written

comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

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

Dated: October 21, 1976.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.76-31932 Filed 10-29-76;8:45 am]

[FRL 637-4]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Tuolumne County Rules and Regulations in the State of California

On July 25, 1973 and July 22, 1975 the Air Resources Board of the State of California submitted revised Rules and Regulations of the Tuolumne County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the July 22, 1975 submission supersedes the July 25, 1973 submission, only the latter submission will be addressed in this notice, except when such latter submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The deletion of Regulation VI, submitted on June 30, 1972, dealing with the Air Pollution Emergency Contingency Plan, is not being acted upon at this time because the Air Resources Board has indicated to EPA that a revision is forthcoming of all local agency regulations addressing the emergency episode requirements. This action by the State is in response to the recent approval by EPA of the State of California Emergency Episode Plan. The State's plan sets forth requirements which the local agencies' plans must meet. A separate FEDERAL REGISTER notice addressing this issue will be published after the submission to EPA of the local agency emergency episode regulations by the State.

The significant changes to the Tuolumne County new source review rules (Regulation V), submitted on July 22, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 22, 1975 submission and being acted upon by this package include the following: addition or deletion of certain definitions; addition of exemptions from the visible emissions regulations; addition of stricter emission prohibition for visible emissions; addition of many rules governing open burning; exemption of emission data from confidentiality clauses; and other minor changes of a procedural nature, including renumbering of certain regulations.

In addition to the changes noted above, the following rules were deleted from the July 22, 1975 submission: Rule 105, Order of Abatement; Rule 106, Land Use; Rule 107, Inspections; Rule 108, Source Monitoring; Rule 109, Penalty; Rule 110, Arrests and Notices to Appear; Rule 301, Permit Fees; Rule 302, Permit Fee Schedule; Rule 303, Analysis Fees; Rule 304, Technical Reports; Rule 409, Fuel Burning Equipment. Oxides of Nitrogen; Rule 410, Organic Solvents; Rule 412, Gasoline Loading Into Tanks; Rule 413, Organic Liquid Loading; and Rule 414, Effluent Oil Water Separators. The revocation of Rules 105, 106, 107, 108, 109, 110, 301, 302, 303, 304 and 409 are proposed to be approved because such revocation does not conflict with any 40 CFR Part 51 requirements. The revocation of Rules 410 and 412 is proposed to be approved since a corresponding Federal regulation (40 CFR §§ 52.254 and 52.255) remains in effect. The revocation of Rules 413 and 414 is proposed to be disapproved since it has not been demonstrated that such revocation will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards. For Federal enforcement purposes, the Rules 413 and 414 submitted on June 30, 1972 and approved as a part of the SIP should remain in effect and be reaffirmed as a portion of the SIP.

It is the purpose of this notice to propose approval of all the changes included in the July 22, 1975 submission with the following exceptions: the revocations noted above, the rules specified above that are not being acted upon at this time, the addition of Rule 207, Particulate Matter, which combines and condenses existing Rules 404, Particulate Matter, and 407(b), Specific Contaminants (as submitted on June 30, 1972), and the addition of Rule 209, Fossil Fuel-Steam Generator Facility. The new Rule 207 establishes a less stringent emission rate than previously required and no control strategy demonstration was presented. This rule is proposed to be disapproved pending submission of evidence that the revision will not prevent attainment and maintenance of the National Ambient Air Quality Standards for particulate matter in Tuolumne County. For Federal enforcement purposes, the Rules 404 and 407(b) submitted on June 30, 1972 and approved as part of the SIP should remain in effect and be reaffirmed as a portion of the SIP. Rule 209, Fossil Fuel-Steam Generator Facility, (formerly Rule 408, Fuel Burning Equipment) has been revised to exempt wood-fired boilers. Because wood-fired boilers would no longer be subject to the prohibitions of this regulation and no control strategy demonstration has been presented, this revision is proposed to be disapproved. For Federal enforcement purposes, the Rule 408 submitted on June 30, 1972 should remain in effect and be reaffirmed as a portion of the approved SIP.

It is also the purpose of this notice to propose disapproval of Rule 402(f), Exceptions (originally approved under 40 CFR 52.223 [37 FR 19812]), because adequate measures are not included to prevent abuse of the exemption provisions that might result in continued, repeated, or excessive violations of the emission limits. Therefore, it is proposed to disapprove Rule 402(f), since all approved emission limiting regulations are rendered potentially unenforceable.

Rule 103, Confidential Information, now allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); it is proposed to approve Rule 103, rescind the current disapproval notice in 40 CFR 52.224(a), and rescind the substitute regulation in 40 CFR 52.224(b) for Tuolumne County.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations.

Tuolumne County Air Pollution Control District, 9 North Washington Street, Sonora, California 95370.
California Air Resources Board, 1709 11th Street, Sacramento, California 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; EPA, Region IX; 100 California Street, San Francisco, California 94111. Relevant comments received on or before December 1, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

(Sec. 110 of the Clean Air Act, as amended. (41 U.S.C. 1857c-5).)

Dated: October 21, 1976.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.76-31933 Filed 10-29-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20967]

NONCOMMERCIAL EDUCATIONAL FM CHANNEL ASSIGNMENTS UNDER U.S.-MEXICO FM BROADCAST AGREEMENT

Proposed Rule Making and Order To Show Cause

Adopted: October 18, 1976.

Released: October 28, 1976.

In the matter of amendment of § 73.507(a), Noncommercial Educational FM Channel Assignments. Under the U.S.-Mexico FM Broadcast Agreement. (Austin, Boerne, Brady, New Braunfels, San Antonio, Sequin, and Victoria, Texas), Docket No. 20967, RM-2669.

1. The Commission herein considers a "Petition for Rule Making" [1] filed on behalf of The University of Texas at Austin, Texas, (hereinafter "UT") which proposes to amend the Table of Noncommercial Educational FM Channel Assignments under the United States-Mexico FM Broadcast Agreement (§ 73.507(a) of the Commission's Rules) in the following manner:

State and city	Channel No.	
	Present	Proposed
Texas:		
Austin	204A, 208, 214A	204A, 208, 213C
Boerne	210A	----
Brady	213A	219A
New Braunfels	202A	----
San Antonio	206, 212A, 218A	206, 211A, 218A
Sequin	215A	202A
Victoria	203A	203A, 214A
Pearsall	213A	----

2. The University of Texas at Austin is presently the licensee of station KUT-FM, Channel 214A, Austin. In its petition, UT urges that with a higher-power Class C facility, an additional 250,000 to 1,300,000 persons, "now virtually without public radio service," could be include in KUT-FM coverage contours. The petitioner places special emphasis on three groups which it says are needful of its broadcast services: 24,100 print-handicapped persons in the Central Texas area who would be served by a new SCA (subsidiary communications authorization) service proposed by UT; 156,300 persons comprising the Central Texas black community; and 467,700 persons comprising the Central Texas Mexican-American community. UT also notes that with expanded facilities, it could provide improved service to the 22 public and private institutions of higher education located in the greater Austin area. UT avers that it stands ready to offer reimbursement in those instances where, under its proposal, an existing licensee would be required to change its channel of operation.

3. In order to obtain the assignment of Channel 213C at Austin, UT proposes four deletion/substitutions (at Austin, Brady, San Antonia, and Sequin), three outright deletions (at Boerne, New Braunfels and Pearsall), and one new assignment (at Victoria). One of the deletion/substitutions involves Channel 212A occupied at San Antonio by Station KSYM-FM, licensed to San Antonio Union Junior College District (San Antonio Union). The petitioner supplied a letter from the Board of Trustees of San Antonio Union indicating agreement with UT's proposal and expressing a willingness to change from Channel 212A to Channel 211A in return for reimbursement of certain related expenses. We note that reimbursement in this circumstance would be appropriate under established Commission policy. The parties are directed to our decision in "Circleville, Ohio," 8 F.C.C. 2d 149 (1967) at p. 163 for a brief discussion of the subject.[2] The remaining three deletion/substiutions proposed by UT involve exchanges of unoccupied channels. With regard to the outright deletions, UT supplied letters from the superintendents of the Boerne Independent School District and the Comal Independent School District (within which Braunfels is located) indicating that neither of those organizations maintains either a present or a future interest in the operation of a noncommercial educational FM station on the channels assigned to either of those communities.[3] While the letters submitted by UT may be indicative of a lack of interest in noncommercial educational broadcasting in each of those areas, they are not enough in themselves to conclude at this stage that there is no interest in the establishment of noncommercial educational FM stations by other qualified parties in each of those communities. In their comments, the petitioner and other interested parties should address the issue of whether or not the proposed deletions at Boerne, New Braunfels, and Pearsall in order to provide for the assignment of Channel 213C at Austin (which presently has three noncommercial educational and five commercial FM stations) would be consistent with the public interest in general, and, more specifically, with the Commsision's statutory mandate to assure a "fair * * * and equitable distribution" of radio services among the various states and communities. Simply stated, does the need for increased facilities at Austin, and specifically at KUT-FM, outweigh the effect of deleting the noncommercial educational assignments from three separate communities. In this regard we believe it is appropriate, if not required, that copies of this Notice be sent to the mayors of each of the involved communities so as to insure that residents of those communities will be apprised of the proposal and provided with an opportunity to respond.

4. Austin (pop. 251,808),[4] located in Travis County (pop. 295,576), is the state capital of Texas. It is located 290 kilometers (180 miles) south of Dallas and 225 kilometers (140 miles) west of Houston. Including the petitioner's facility, there are three noncommercial educational FM stations located in Austin. UT says that with its present Class A facility it is not able to adequately cover its city of license. Recently a construction permit for another Class A facility was issued (KAZI Channel 204A). The remaining noncommercial educational outlet (KMFA-FM, Channel 208C) does cover the city and most of the county, however, according to UT, it broadcasts less than an entire day (1 p.m. to 12 midnight) and programs classical music almost exclusively.

5. The assignment of Channel 213C to Austin would result in co-channel preclusion. The major community in the Channel 213C preclusion area is Waco, Texas (pop. 95,236). Neither Waco nor any other community in the co-channel preclusion area is currently assigned an FM channel in the noncommercial educational band, however, Channel 296A is assigned to Waco as an educational channel and is licensed to Station KWBU. The assignment of Channel 213C at Austin would result in the creation of areas in which Class A facilities on Channel 212, 213, 214 and 216 would be precluded. The community of Sequin would be precluded from the assignment of those channels, however, it does have an unoccupied assignment (Channel 215A) which, under UT's proposal, would be deleted and substituted with Channel 202A. Communities with populations of over 10,000 which are located in the preclusion area and which would be left without noncommercial channel assignments are Temple and New Braunfels, Texas. In its comments, UT should identify alternate noncommercial educational assignments that would be available for use at Temple. We also note the existence of an application filed by Texas A & M University at College Station, Texas, which seeks broadcast authority for the operation of a station on currently assigned Channel 212C at College Station. The proposed change in the assignment at Austin would conflict with the Texas A&M application. In its comments, petitioner should submit proper documentation demonstrating that Texas A&M University would concur in the amending of its application so as to specify operation on Channel 215C.

6. In its petition, UT notes that the proposed assignment would be short-spaced by approximately 4 kilometers (2.3 miles) to an existing but unoccupied assignment at Pearsall, Texas. UT requests that we either delete the assignment at Pearsall or, in the alternative, allow the short-spacing between the proposed Austin and the present Pearsall assignment. The preferable approach in this situation is to determine the continued need for a noncommercial educational assignment at Pearsall rather than to propose a short-spaced assignment. As we have noted previously,[5] we have never

[1] Public Notice of filing of the petition was issued on March 29, 1976.

[2] See also Mauston, Wisc., 52 F.C.C. 2d 466 (1975); Forest Lake, Minn., Docket No. 20316, FCC 76-792, Mimeo No. 42058, released September 1, 1976.

[3] UT seeks to minimize the effect of the deletions by noting that in the case of Boerne the community will be within the 50 μV/m contour of the proposed KUT-FM operation, and in the case of New Braunfels, that it will be on the edge of the 1 mV/m coverage of the proposed KUT-FM operation.

[4] All figures are from the 1970 U.S. Census, unless otherwise noted.

[5] Portland, Tennessee, 35 F.C.C. 2d 601, 602 (1972).

granted waivers of the minimum mileage separation requirements in rule making proceedings instituted for the purpose of making channel assignments, for to do so would create a substandard assignment, a result which would undermine the objectives we are attempting to serve. Thus, we shall propose the deletion of the assignment at Pearsall as a means of resolving the problem.

7. Ordinarily, the licensee of a noncommercial educational broadcast station need not initiate a rule making proceeding in order to obtain a change in station facilities. Such a proceeding is required here, however, since Austin and certain of the other affected communities in this proceeding are located within 320 kilometers (199 miles) of the U.S.-Mexican border.[6] Because KUT–FM's proposed change in facilities would not normally require rule making proceedings, and because the policy considerations present in a change of commercial facilities are not present here, we will modify KUT–FM's outstanding license if it is established by the comments that the channel change itself would benefit the public interest.

8. UT's proposal would require modification of the outstanding license of San Antonio Union for Station KSYM–FM from its present channel of operation, Channel 210A, to Channel 211A. Under the provisions of section 316(a) of the Communications Act of 1934, as amended,[7] San Antonio Union will be provided written notice of this proposed action and accorded a reasonable opportunity to show cause why the Commission should not issue an order modifying KSYM–FM's facilities.

9. UT's proposal would also result in the assignment of a second local noncommercial educational FM channel at Victoria. This notion is advanced in an apparent effort to mitigate the effects of the three proposed channel deletions. Victoria presently has one noncommercial educational FM channel assignment which is neither occupied nor applied for. Thus we find it difficult to justify the assignment of yet a second channel when the first assignment is yet to be used. We will, however, advance the proposal for the purpose of determining whether there is any interest in an additional assignment at Victoria. We would also invite comments or counterproposals which might result in the more beneficial use of the channel elsewhere.

10. We believe the record to this point adequately justifies the initiation of a rule making proceeding.

11. Accordingly, the Commission proposes to amend the Table of Non-commercial Educational FM Channel Assignments under the U.S.-Mexico FM Broadcast Agreement (§ 73.507(a) of the Commission's rules) in the following manner for those designated cities.

State and city	Channel No.	
	Present	Proposed
Texas:		
Austin	204A, 208, 214A	204A, 208, 213C
Boerne	210A	
Brady	218A	249A
New Braunfels	202A	
Pearsall	213A	
San Antonio	206, 212A, 218A	206, 211A, 218A
Seguin	215A	202A
Victoria	203A	203A, 214A

12. *It Is Ordered,* That pursuant to section 316(a) of the Communications Act of 1934, as amended, The Board of Trustees of the San Antonio Union Junior College District, licensee of Station KSYM–FM, San Antonio, Texas, shall show cause why its license should not be modified to specify operation on Channel 211A instead of Channel 212A if the Commission determines that the public interest would best be served by adopting the proposed assignments. This Order is issued with the understanding that the University of Texas, licensee of Station KUT–FM, Austin, will pay reasonable reimbursement of expenses incurred in the change of channel of operation on Station KSYM–FM at San Antonio.

13. Pursuant to Section 1.87 of the Commission's Rules and Regulations, the license of Station KSYM–FM, San Antonio, Texas, may, not later than December 2, 1976, request that a hearing be held on the proposed modification. Pursuant to Section 1.87(f), if the right to request a hearing is waived, San Antonio Union Junior College District, may, not later than December 2, 1976, file a written statement showing with particularity why its license should not be modified as proposed in this "Order to Show Cause." In this case, the Commission may call on San Antonio Union Junior College District to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the "Order to Show Cause." If the right to request a hearing is waived and no written statement is filed by the date refererd to above, San Antonio Union Junior College District will be deemed to consent to modification as proposed in the "Order to Show Cause" and a final "Order" will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

14. *It is further ordered,* That the Secretary of the Commission is directed to send a copy of this "Notice of Proposed Rule Making" by Certified Mail, Return Receipt Requested, to the following parties:

Mayor, Brady, Texas 76825.
Mayor, New Braunfels, Texas 78130.
Mayor, Pearsall, Texas 78061.

15. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

16. Interested parties may file comments on or before December 2, 1976, and reply comments on or before December 22, 1976.

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

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the Noncommercial Educational FM Channel Assignments under the U.S.-Mexico FM Broadcast Agreement, § 73.507(a) of the Commission's rules and regulations, as set forth in this notice of proposed rule making and order to show cause.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rule making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in

[6] Under the provisions of the 1947 U.S.-Mexico FM Broadcast Agreement the Commission established a Table of Noncommercial Educational Assisignments (§ 73.507(a) of the Commission's rules) for portions of four states located along the U.S.-Mexico border. In order to obtain new assignments in those states or to obtain increased facilities to be used in connection with existing assignments, rule making proceedings in accordance with Commission procedure must be initiated and completed. Further, each of the proposed actions which would result in new or substituted assignments at communities located within 320 kilometers (199 miles) of the U.S.-Mexican border must receive the concurrence of the Mexican government.

[7] 47 U.S.C. 316(a).

written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-31890 Filed 10-29-76;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 350]

REGULATIONS GOVERNING BOOK-ENTRY TREASURY BILLS

Notice of Proposed Rule Making

Notice is hereby given that the Department of the Treasury has under consideration new regulations (31 CFR, Part 350) to govern the issuance of, and transactions in, all 52-week, 26-week and 13-week Treasury bills, and any other Treasury bills which, after specified dates, will be issued only in book-entry form, with certain limited exceptions. The proposed new regulations are set forth at the end of this notice.

PURPOSE AND BENEFITS OF BOOK-ENTRY TREASURY BILLS

The purpose of these regulations is to promulgate rules that are to apply to Treasury bills which, after certain dates, will be issued only as book-entries, not in definitive (i.e., engraved) form. The elimination of physical securities will offer substantial benefits to investors, the financial community, and the Treasury by:

(1) protecting against loss, theft, mishandling and counterfeiting;

(2) reducing the cost of issuing, storing and delivering Treasury securities; and

(3) moderating the burden of paperwork created by the mounting volume of public debt transactions.

FEDERAL RESERVE BANKS

Subpart B of the proposed regulations will govern book-entry Treasury bills to be maintained in accounts at Federal Reserve Banks. These regulations are practically the same as those now prescribed in Subpart O of Department of the Treasury Circular No. 300, 4th Rev., dated March 9, 1973 (31 CFR, Part 306), except that the new provisions would be mandatory with regard to Treasury bills issued after the effective dates provided for in the new regulations.

Provision has been made to permit investors to continue to submit tenders for Treasury bills direct to the Federal Reserve Banks, or through commercial banks and other entities. Treasury bills issued in response to such tenders will be maintained on the records of a Reserve Bank for the account of member banks, including those held by such banks for the account of customers. Related records would be maintained in accounts at member banks or at other institutions having accounts at member banks.

Treasury bills issued prior to the dates when they will be available only in book-entry form, which are maintained, pursuant to Subpart O, under the optional book-entry procedure at or through member banks, will continue to be convertible to definitive bills at the request of the party for whose account they are maintained.

DEPARTMENT OF THE TREASURY

Subpart C of the proposed regulations will govern book-entry Treasury bills to be maintained in accounts at the Department of the Treasury, Washington, D.C. This separate custody service is designed primarily for, but not limited to, those who plan to retain Treasury bills until maturity. Investors desiring to place their bills with the Treasury may make their request on a special tender form, which may be submitted to the Department of the Treasury either directly or through a Federal Reserve Bank. Commercial banks may also submit tenders for such investors directly or through a Federal Reserve Bank.

Under Subpart C, book-entry Treasury bills would be redeemed at maturity, or, at an investor's request, reinvested (rolled-over) in other Treasury bills on which tenders are then being invited.

Book-entry Treasury bills maintained by the Treasury may be withdrawn prior to maturity upon the request of the investor, by means of a transfer to a book-entry account maintained at, or through, a member bank of the Federal Reserve System. In addition, Treasury bills maintained at, or through, member banks may be transferred to book-entry accounts maintained at the Treasury.

Subpart C does not permit book-entry Treasury bills maintained at the Treasury to be transferred from one account at the Treasury to another such account by sale or for any reason other than one of lawful succession, and it does not provide for the recording of pledges. Although the Treasury will handle transfers into and out of its book-entry accounts, it will not handle payments in connection with such transfers, and withdrawals will have to be for delivery to an account established under Subpart B at or through a member bank in the name of the Treasury depositor.

DEFINITIVE TREASURY BILLS

Subpart D of the proposed regulations will govern the definitive Treasury bills which will be available, in the $100,000 denomination only, until December 31, 1978, to those entities required to hold securities in definitive form by statute or other relevant authority.

COMMENTS AND REQUESTS ON PROPOSED RULES

Comments on the proposed rules or requests for additional information concerning them should be mailed to the Bureau of the Public Debt, Washington, D.C. 20226, no later than November 24, 1976.

(R.S. 3706; 40 Stat. 288, 502, 844, 1309; 42 Stat. 321; 46 Stat. 20; 48 Stat. 343; 49 Stat. 20; 50 Stat. 481; 52 Stat. 447; 53 Stat. 1359; 56 Stat. 189; 73 Stat. 622; and 85 Stat. 5, 74 (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, and 754b); 5 U.S.C. 301.)

Dated: October 29, 1976.

DAVID MOSS,
Fiscal Assistant Secretary.

It is therefore proposed to add Part 350 to 31 CFR to read as set forth below:

PART 350—REGULATIONS GOVERNING BOOK-ENTRY TREASURY BILLS

Subpart A—Applicability and Effect—Definitions

Subpart B—Book-Entry Treasury Bills—Federal Reserve Banks

Subpart C—Book-Entry Treasury Bills—Department of the Treasury

Subpart D—Definitive Treasury Bills

AUTHORITY: R.S. 3706; 40 Stat. 288, 502, 844, 1309; 42 Stat. 321; 46 Stat. 20; 48 Stat. 343; 49 Stat. 20; 50 Stat. 481; 52 Stat. 447; 53 Stat. 1359; 56 Stat. 189; 73 Stat. 622; and 85 Stat. 5, 74 (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, and 754b); 5 U.S.C. 301.

Subpart A—Applicability and Effect-Definitions

§ 350.0 Applicability and effect.

(a) *Applicability.* The regulations in this part govern the issuance of, and transactions in, the following Treasury bills:

(1) 52-week Treasury bills issued after December 1, 1976;

(2) 26-week Treasury bills issued after June 1, 1977;

(3) 13-week Treasury bills issued on or after September 1, 1977; and

(4) Any other Treasury bills issued after September 1, 1977, including, but not limited to, tax anticipation Treasury bills.

(b) *Effect.* The Treasury bills described in paragraph (a) shall, after the date specified therefor, be issued only in book-entry form, except as provided in Subpart D.

§ 350.1 Definition of terms in this part.

In this part, unless the context otherwise requires or indicates:

(a) "Treasury bill" means an obligation of the United States issued under Section 5 of the Second Liberty Bond Act, as amended (31 U.S.C. 754).

(b) "Book-entry Treasury bill" means any Treasury bill issued on or after the dates specified in § 350.0(a) in the form of an entry on the records of a Reserve Bank or the records of the Treasury. (See Department of the Treasury Circular, Public Debt Series No. 27–76, descriptive of the issue and sale of book-entry Treasury bills.)

(c) "Definitive Treasury bill", as used in Subpart D, means a Treasury bill of the $100,000 denomination issued in the form of an engraved certificate.

(d) "Certified request" or "certified statement", as used in Subpart C of this part, means a request or statement signed by or on behalf of a depositor and certified by an officer authorized to certify assignments of Treasury securities under Department of the Treasury Circular No. 300, current revision, the general regulations governing U.S. securities.

(e) "Bureau" means Bureau of the Public Debt, Washington, D.C. 20226.

(f) "Depositor", as used in Subpart C, means the individual, fiduciary or other entity in whose name (including, where appropriate, the title of an officer) an account is established and maintained on the books of the Treasury.

(g) "Fiduciary", as used in Subpart C, of this Part, means an executor, administrator, trustee; a legal guardian, committee, conservator or similar representative appointed by a court for the estate of a minor or incompetent; a custodian under a statute authorizing gifts to minors; a natural guardian of a minor; a voluntary guardian; or a life tenant under a will.

(h) "Member bank" means any national bank, or State bank or other bank or trust company, which is a member of a Reserve Bank.

(i) "Natural guardian", as used in Subpart C, means either parent of a minor or other person acting on the minor's behalf.

(j) "Pledge" includes a pledge of, or any other security interest in, book-entry Treasury bills as collateral for loans or advances, or to secure deposits of public moneys or the performance of an obligation.

(k) "Reserve Bank" means a Federal Reserve Bank and its branches, acting as Fiscal Agent of the United States and, where indicated, acting in its individual capacity.

(l) "Taxpayer identifying number" means the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number. A social security account number is composed of nine digits separated by two hyphens, for example, 123–45–6789; an employer identification number is composed of nine digits separated by one hyphen, for example, 12–3456789. The hyphens are an essential part of the numbers and must be included.

(m) "Treasury" means Department of the Treasury.

(n) "Voluntary guardian", as used in Subpart C, means the person who is acting for an individual who is incapacitated by reason of age, infirmity, or mental disability.

Subpart B—Book-Entry Treasury Bills—Federal Reserve Banks

§ 350.2 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with this subpart, to (a) Issue book-entry Treasury bills by means of entries on its records, which shall include the name of the Bank's depositor, the latter's employer identification number, where appropriate, and the amount and maturity date of the bills, including the CUSIP number of each loan; (b) issue a confirmation of transaction in the form of an advice (serially numbered or otherwise), which specifies the amount, maturity date and CUSIP number of the bills, as well as the date of the transaction; and (c) otherwise service and maintain book-entry Treasury bills.

§ 350.3 Scope and effect of book-entry Treasury bill accounts maintained by Reserve Bank under this subpart.

(a) *Scope and effect of accounts maintained by Reserve Bank.* Except as provided in Subpart D of this Part, each Reserve Bank, as Fiscal Agent of the United States, is authorized to maintain book-entry Treasury bills in accounts held in its individual capacity, under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such bills. This paragraph is applicable, but not limited, to book-entry Treasury bills maintained:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) For a member bank for its sole account;

(3) For a member bank held for the account of its customers (see § 350.6);

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or

(5) in connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The maintenance by a Reserve Bank of book-entry Treasury bills under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and the entities for which accounts are maintained. The Reserve Bank is authorized to take all action necessary in respect of book-entry Treasury bills to enable such Reserve Bank in its individual capacity to perform its obligations as depositary with respect to such bills.

(b) *Use as collateral under Treasury circulars.* Each Reserve Bank, as Fiscal Agent of the United States, shall hold in book-entry form Treasury bills pledged as collateral to the United States under current revisions of Department of the Treasury Circulars No. 92 and No. 176 (Parts 203 and 202 of this chapter).

§ 350.4 Transfer or pledges.

(a) *Reserve Bank records.* A transfer or a pledge of book-entry Treasury bills to a Reserve Bank (in its individual capacity or as Fiscal Agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this subpart, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the Treasury bills transferred or pledged. The making of such an entry in the records of a Reserve Bank shall (1) have the same effect as the delivery of Treasury bills in bearer definitive form; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of Treasury bills effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) *Member banks and others.* A transfer of a pledge of book-entry Treasury bills, or any interest therein, maintained by a Reserve Bank (in its individual capacity or as Fiscal Agent of the United States) in a book-entry account under this subpart, including book-entry Treasury bills in accounts at the Reserve Bank maintained under § 350.3(a)(3) by mem-

ber banks for the account of their customers, is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Treasury bills, or any interest therein, if the Treasury bills were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Treasury bills maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Treasury bills either in its individual capacity or as Fiscal Agent of the United States is not a bailee for purposes of notification of pledges of those bills under this paragraph or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositor in accordance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) *Filing and recording unnecessary.* No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Treasury bills or any interest therein

(d) *Transfer by Reserve Banks.* A transfer of book-entry Treasury bills within a Reserve Bank shall be made in accordance with procedures established by the Reserve Bank not inconsistent with this subpart. The transfer of book-entry Treasury bills by a Reserve Bank may be made through a telegraphic transfer procedure.

(e) *Timeliness of requests.* All requests for transfer or any authorized transaction must be received prior to the maturity of the bills.

§ 350.5 Reserve Bank discharged by action on instructions—delivery of Treasury securities.

A Reserve Bank which has received book-entry Treasury bills and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this subpart by the transfer or delivery of book-entry Treasury bills upon the order of its depositor.

§ 350.6 Book-entry Treasury bill accounts.

(a) *Scope and effect of book-entry Treasury bill accounts*—(1) *Classes of accounts.* Reserve Banks are authorized to maintain book-entry Treasury bills for member banks of the Federal Reserve System for bills the member banks hold for their own account, or hold for the account of their customers, and as otherwise specified in § 350.3. Purchasers of book-entry Treasury bills, on original issue or otherwise, may have such bills maintained at member banks, or in accounts maintained at entities providing securities safekeeping services for customers (e.g., nonmember banks or thrift institutions, or securities dealers) which have related accounts at member banks.

(2) *Identification of accounts.* Book-entry accounts may be established in such form or forms as customarily permitted by the entity (e.g., member bank, or other banking or thrift institution, or a securities dealer) maintaining them, provided identification of each customer account is possible by name, address and taxpayer identifying number, and includes appropriate loan and transaction data.

(3) *Pledges and transfers.* Where book-entry Treasury bills are maintained on the books of an entity for account of the pledgor or transferor thereof, such entity shall, for purposes of perfecting a pledge of such Treasury bills or effecting their delivery to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the bills may be given or the third person in possession from which acknowledgment of the holding of the bills for the purchaser may be obtained.

(b) *Servicing book-entry Treasury bills—payment of book-entry Treasury bills at maturity.* Book-entry Treasury bills may be transferred between accounts prior to maturity through a wire transfer arrangement maintained by Reserve Banks. At maturity, the bills shall be redeemed and charged by a Reserve Bank in the account of the United States Treasury as of the date of maturity, and the redemption proceeds shall be disposed of in accordance with the instructions from the member bank or other Reserve Bank depositor for whose account the Treasury bills shall have been maintained.

Subpart C—Book-Entry Treasury Bills—Department of the Treasury

§ 350.7 Establishing a book-entry Treasury bill account.

(a) *General*—Treasury bills may be held as book-entries in accounts maintained by the Treasury. Such accounts may be established, either upon the original issue of book-entry Treasury bills or upon the subsequent transfer of such bills to the Treasury, but no later than one month prior to their maturity date.

Each account shall consist of an entry showing the amount, maturity date and CUSIP number of the bills, the name of the individual, fiduciary or other entity (including, where appropriate, the title of an officer) for whom the account is held, the address, and the taxpayer identifying number. The records shall also include appropriate transaction data.

(b) *Recordation*—(1) *Individuals.* Accounts for book-entry Treasury bills may be held in the names of individuals in one of two forms: single name, i.e., "John A. Doe (123–45–6789) (address)"; or two names, i.e., "John A. Doe (123–45–6789) (address) or (Mrs.) Mary B. Doe (987–65–4321). No other form of recordation in two names, whether individuals or others, will be permitted, except in the case of co-fiduciaries.

(2) *Others.* Accounts for book-entry Treasury bills may be held in the names of fiduciaries and other entities in the forms indicated by the following examples:

John Smith and First National Bank, executors of the will of James Smith, deceased (12–3456789) (address).

Smith Manufacturing Company, Inc., James Brown, Treasurer (12–3456789) (address).

Grey and White (12–3456789), John Grey, General Partner (address).

John Doe, Secretary-Treasurer of Local 100, Brotherhood of Locomotive Engineers, an unincorporated association (12–3456789) (address).

John R. Greene, as natural guardian of Maxine Greene (123–45–6789) (address).

John A. Jones, as voluntary guardian of Henry M. Jones (123–45–6789) (address).

(c) *Confirmation of transaction*—The Treasury will issue to each account holder a confirmation of transaction in the form of an advice (serially numbered or otherwise) which shall describe the amount, maturity date and CUSIP number of the book-entry Treasury bills maintained under this subpart, and include pertinent transaction data.

§ 350.8 Transfer.

Book-entry Treasury bills maintained under this subpart may not be transferred from one account maintained by the Treasury to another such account, except in cases of lawful succession, as provided in this subpart. They may be withdrawn from an account maintained by the Treasury hereunder and transferred through a Reserve Bank to an account maintained by or through a member bank under Subpart B, which transfer shall be made in the name or names appearing in the account recorded on the books of the Treasury. Such withdrawal may be effected by a certified request therefor by or on behalf of the account holder, provided the request therefor is received no earlier than ten (10) business days after the issue date or the date the securities are transferred to the Treasury, whichever is later. The request must: (a) Identify the book-entry account by the name of the depositor and title, if any, the address, and the taxpayer identifying number; (b) specify by amount, maturity date and CUSIP number the book-entry Treasury bills to be withdrawn and transferred; and (c) specify the name of the member bank to or through which the transfer is to be effected and, where appropriate, the name of the institution or entity which is to maintain the book-entry account. In the case of book-entry Treasury bills held in the names of two individuals, a certified request by either will be accepted, but the transfer shall be made in the names of both.

§ 350.9 Attorney-in-fact.

A request by an attorney-in-fact for any transaction in book-entry Treasury

bills after their original issue will be recognized in accordance with this subpart if supported by an adequate power of attorney The original power or a photocopy showing the grantor's autograph signature, properly certified, must be submitted to the Bureau. A request for transfer for the apparent benefit of the attorney-in-fact will not be recognized unless expressly authorized.

§ 350.10 Succeeding fiduciaries, partners, officers—succeeding corporations, unincorporated associations, partnerships.

(a) *Death of fiduciary, partner or officer.*—In case of the death, removal or disqualification of a fiduciary, partner or officer of an organization in whose name book-entry Treasury bills have been recorded, the successor or other authorized person will be recognized as the depositor under this subpart. Proof of death, resignation, removal or disqualification, as the case may be, and evidence that the successor or such other person is fully authorized to act must be submitted to the Bureau. Proof of death shall be in the form of a death certificate or photocopy thereof showing the official seal. Evidence of authority should be in the form of a certified statement by: (1) The surviving fiduciary or fiduciaries, if any, stating that application for the appointment of a successor has not been made, is not contemplated and is not necessary under the terms of the trust instrument or otherwise, (2) a surviving partner or partners that the partnership is being continued in the same, or another name, which must be identified, or (3) the secretary or other authorized officer of the corporation or unincorporated association as to the name and title of the successor officer. If there is more than one surviving fiduciary, a request for transfer of the bills must be signed by all, unless evidence is submitted to the Bureau that one is authorized to act for the other or others. If there is more than one surviving partner, evidence should be submitted to the Eureau as to which survivor is authorized to act in behalf of the partnership; otherwise, the signatures of all surviving partners will be required for transfer of the bills.

(b) *Succeeding corporations, unincorporated associations or partnerships.*—If a corporation has been succeeded by another corporation, or if an unincorporated association or partnership has been succeeded by a corporation, and such succession is by operation of law or otherwise, as the result of merger, consolidation, reincorporation, conversion or reorganization, or if a lawful succession has occurred in any manner whereby the business or activities of the original organization are continued without substantial change, an authorized officer or partner, as the case may be, of the successor organization will be recognized as the depositor under this subpart upon submission to the Bureau of satisfactory evidence of such succession.

§ 350.11 Termination of trust, guardianship estate, life tenancy—dissolution of corporation, partnership, unincorporated association.

(a) *Termination of trust, life tenancy or guardianship estate.*—(1) *Trust or life estate.* Upon the termination of a trust or life estate, the beneficiary or remainderman will be recognized as the depositor under this subpart. The trustee will be required to submit to the Bureau a certified statement concerning the termination of the trust and the respective shares, if there is more than one beneficiary. In the case of a life estate, proof of death in the form of a death certificate or photocopy thereof showing the official seal will be required, together with a certified statement identifying the remainderman, and, if there is more than one, specifying the respective shares.

(2) *Guardianship.* A former minor or incompetent will be recognized as the depositor under this subpart upon submission to the Bureau of a certified statement, or other evidence showing, in the case of a minor, attainment of majority or other removal of the legal disability, and, in the case of an incompetent, his restoration to competency.

(b) *Dissolution of corporations, unincorporated associations and partnerships.*—The person or persons entitled (other than creditors) to the assets upon dissolution of a corporation, unincorporated association or partnership will be recognized under this subpart upon proof of dissolution. If there is more than one person entitled and the book-entry Treasury bills have not matured, no change in the book-entry account will be made pending transfer or redemption at maturity

§ 350.12 Death of individual (natural person in own right).

Upon the death of an individual in whose name an account is held and who was not acting as a fiduciary or in any other representative capacity, the following person(s), in the numerically indicated order of preference, will be recognized under this subpart as entitled to the book-entry Treasury bills:

(a) The surviving joint designee of an account in the names of two individuals, if any;

(b) Executor or administrator

(c) Widow or widower;

(d) Child or children of the decedent and descendants of deceased children by representation;

(e) Parents of the decendent or the survivor of them;

(f) Surviving brothers or sisters;

(g) Descendants of deceased brothers or sisters;

(h) Other next-of-kin as determined by the laws of the domicile at the time of death.

Any person or persons entitled in the above order of preference may request payment or other disposition to any person or persons related to the decedent by blood or marriage, but no payment will be made prior to maturity of the bills. The provisions of this section are for the convenience of the Treasury and do not purport to determine ownership of the bills or of their redemption proceeds.

§ 350.13 Reinvestment or payment at maturity.

(a) *Request for reinvestment.*—Upon the request of the individual, fiduciary or other entity in whose name the account is maintained, book-entry Treasury bills held therein will be reinvested at maturity, i.e., their proceeds at maturity will be applied to the purchase of new Treasury bills at the average price (in three decimals) of accepted competitive bids for such Treasury bills then being offered. The request for a reinvestment may be made on the tender form at the time of purchase; subsequent requests for reinvestment will be accepted if received by the Bureau no later than ten (10) business days prior to the maturity of the bills. The difference between the par value of the maturing bills and the issue price of the new bills will be remitted to the subscriber in the form of a Treasury check. Requests for the revocation of the reinvestment of bills will also be accepted if received no later than ten (10) business days prior to the maturity date.

(b) *Reinvestment in cases of delay.* Where a delay occurs in the submission or receipt of evidence to support a request for transfer, payment or other authorized transaction of book-entry Treasury bills, and such delay is likely to extend beyond the maturity dates of the bills, upon request or prior notice, the bills will be redeemed, at maturity or thereafter, and their proceeds reinvested in new book-entry Treasury bills. The bills purchased upon such reinvestment shall be those having the shortest term to maturity then being offered, and will be issued at the average price (in three decimals) of the accepted competitive bids therefor. The discount representing the difference between the par value of the maturing or matured bills and the issue price of the new bills will be remitted in the form of a Treasury check.

(c) *Payment.* If reinvestment is not effected pursuant to this section, book-entry Treasury bills will be paid as of maturity in regular course.

§ 350.14 Conclusive presumptions.

For the purposes of this subpart and not withstanding any State law or any regulation or any notice to the contrary, it shall be conclusively presumed (A) that any depositor in whose name, or name and title, book-entry Treasury bills are recorded is a competent adult, (b) that recordation in two names, as prescribed in § 350.7(b)(1), is intended, if

there is an attempt to create some other form of recordation in two names. (c) that recordation in the names of the first two is intended, if there is an attempt to name more than two individuals, and (d) that the first name is the depositor in any case (not authorized and not otherwise provided for in this subpart) wherein an attempt is made to have book-entry Treasury bills recorded in two or more names, e.g., two officers of an organization or two partners.

§ 350.15 Transactions in regular course—notices not effective—unacceptable notices.

(a) *Transactions in regular course—notices not effective.* Transfers of book-entry Treasury bills, payment thereof or reinvestment at maturity or any other transaction therein will be conducted in the regular course of business in accordance with this subpart, notwithstanding notice of the appointment of an attorney-in-fact, or a legal guardian or similar representative, or notice of successorship, the termination of an estate, the dissolution of an entity, or the death of an individual, unless the requisite request, proof, and the evidence necessary to establish entitlement under this subpart is received by the Bureau no later than ten (10) business days prior to the maturity date of the bills.

(b) *Unacceptable notices.* The Treasury will not under any conditions accept notices of pending judicial proceedings, or of judgments in favor of creditors or others, or of any claims whatsoever, for the purpose of suspending or modifying any book-entry account or any transaction in book-entry Treasury bills.

Subpart D—Definitive Treasury Bills

§ 350.16 Definitive Treasury bills—available where holding of definitive securities required by law—termination date December 31, 1978.

(a) *General.* Each Reserve Bank is authorized to issue definitive Treasury bills, in the $100,000 denomination only, upon original issue or otherwise (1) to any entity described in paragraph (b) of this section, and (2) for the account of any such entity described in paragraph (b) of this section, to a securities dealer or broker or any financial institution which in the regular course of its business purchoses securities therefor.

(b) *Eligible entities.* Entities eligible to have definitive Treaury bills are those required by or pursuant to Federal, State, municipal or local law to hold or to pledge securities in definitive form, which may include, but are not limited to: a State, municipality, city, township, county or any other political subdivision, public corporation or other public body, an insurance company, a bank or other financial institution, and a fiduciary so required to hold securities in definitive form.

(c) *Conversion of book-entry Treasury bills.* Each Reserve Bank is hereby authorized to effect, upon the order of its depositor, conversions from and to book-entry Treasury bills of definitive bills issued pursuant to this subpart.

(d) *Evidence of eligibility.* In order to obtain a definitive Treasury bill on original issue or thereafter (1) an authorized officer on behalf of the entity must furnish to the Reserve Bank a certified statement that it is required by, or pursuant to, law to hold or pledge securities in definitive form; or (2) a financial institution, dealer, or broker purchasing definitive Treasury bills hereunder for the account of any such entity must submit to the Reserve Bank a certified statement that the entity has declared that it is required by or pursuant to law to hold or pledge securities in definitive form.

(e) *Redemption requirements.* Where a definitive Treasury bill issued pursuant to this subpart is presented for payment at or after maturity, it must be accompanied by a statement (1) by an authorized officer of the entity making the presentation that such entity is eligible under this subpart to hold definitive securities, or (2) by the institution making the presentation identifying the entity to whose account the redemption proceeds of the bill have been or are to be credited, and certifying that such entity had declared that it is eligible under this subpart to hold definitive securities.

(f) *Termination date.* The provisions of this subpart will apply only to definitive Treasury bills issued to, or for the account of, eligible entities prior to December 31, 1978.

§ 350.17 Sanctions for abuse of definitive Treasury bill privilege.

The Secretary of the Treasury reserves the right to disqualify any eligible entity described in paragraph (b) of § 350.16 from purchasing or holding definitive Treasury bills if he determines that such entity has disposed of such definitive Treasury bills solely for the purpose of accommodating another party, including a bank, broker, dealer, or other financial institution, or a customer of such institution.

[FR Doc.76-32111 Filed 10-29-76;10:18 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

[PUBLIC NOTICE 505]

UNION OF SOVIET SOCIALIST REPUBLICS

Culturally Significant Objects

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and delegation of authority number 113 of December 23, 1966 (32 FR 58, January 5, 1967), I hereby determine that (1) the objects described in the list filed as a part of this determination [1] imported from the Union of Soviet Socialist Republics pursuant to a loan agreement between the Ministry of Culture of the USSR and Mr. Thomas Hoving on behalf of the Metropolitan Museum of Art for temporary exhibition without profit within the U.S. are of cultural significance and that (2) the temporary exhibition or display of such objects entitled "The Glory of Russian Costume", at the Metropolitan Museum of Art in New York City on or about December 9, 1976, to on or about August 28, 1977, is in the national interest.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

JOHN RICHARDSON, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

OCTOBER 27, 1976.

[FR Doc.76-32020 Filed 10-29-76;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE TWELFTH NATIONAL BANK REGION

Meeting

A meeting of the Regional Advisory Committee for Banking Policies and Practices for the Twelfth National Bank Region will be held at Skyline Country Club, Tucson, Arizona, on November 12 and November 13, 1976. The meeting will be held from 9:00 A.M. until 12:00 Noon each day. Both sessions will be open to the public, and interested members of the public will be admitted on a first come basis.

Topics to be discussed include Agricultural Finance, Consumer Finance, Bank Directorship, and Legislation and Litigation.

Persons or groups planning to make statements please submit three copies to Mr. K. D. Glover, Regional Administrator of National Banks, Twelfth National Bank Region, 1405 Curtis Street, Suite 3000, Denver, Colorado 80202, prior to November 5, 1976.

Dated: October 27, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-31865 Filed 10-29-76;8:45 am]

BANK CHARTERS, BRANCHES, CONVERSIONS, ETC.

Policy Statements on Corporate Activities

On June 4, 1976, the Comptroller of the Currency published in the FEDERAL REGISTER (41 FR 22602) proposed policy statements relating to his responsibilities for:

I. Charters.
II. Branches.
III. Conversions.
IV. Mergers.
V. Fiduciary Powers.
VI. Operating Subsidiaries.
VII. Title Changes.
VIII. Relocations.
IX. Changes in Capital Structure.

During the comment period, which ended July 6, 1976, approximately thirty comments were received. The following represent the major changes which have been incorporated in the final policy statements:

The comments indicated confusion concerning the permissible stock distribution for new banks. The final policy statements clarify this by indicating that bank holding company affiliations are not subject to the ownership limitations.

The language relating to priority of filing applications has been modified to indicate that priority of filing will be a factor, but will not be a controlling factor.

The time allowed to open for business has been extended from one year to eighteen months from date of approval.

Protection of a newly chartered bank from competition contemplates a new independent bank.

Merger policy now includes a comment on potentially beneficial aspects of a merger on competition within a relevant market.

Changes in Capital Structure policy has been revised to incorporate provisions relative to debt issues as recently adopted by the OCC and the Federal Reserve Board.

The policy statements are intended to be applicable in the large majority of the decisions. However, the Comptroller may depart from these policies when he deems it appropriate to do so. Normally, the reasons for any such departure will be explained. The policies may be revised from time to time as warranted by changing circumstances.

References to laws, regulations and interpretive rulings are not incorporated in the proposed policy statements. Such references have been incorporated in the "Comptroller's Manual for National Banks" and compliance remains unaffected.

The final policy statements, as revised, are as follows:

I. NEW BANK CHARTERS

It is the policy of the Office of the Comptroller of the Currency (OCC) to maintain a sound national banking system without placing undue restraint upon entry into that system. The vital relationship of banking to the monetary system precludes complete free market operation with unlimited entry, and its corollary, unlimited exit. A healthy competitive banking environment providing optimum choice and convenience to the public and stimulating economic growth and efficiency is an important objective of the chartering process. Although each new entrant to the market increases the competitive alternatives, it is not in the public interest to charter so many banks that none can grow to a size sufficient to offer a full range of needed services. In chartering banks the OCC will admit only those qualified applicants that can be economically supported and profitably operated. A new banking office will not be approved if its establishment would threaten the viability of a newly chartered independent bank. Such protection of a newly chartered bank will typically not exceed one year. In evaluating a new bank application, the following factors will be considered:

BANKING FACTORS

Income and expenses. Projections of income and expenses of the proposed bank should be based on realistic, supportable estimates of deposit and loan volume.

Management. Organizers, proposed directors, and officers should have reputations evidencing honesty and integrity. They should have employment and business histories demonstrating success,

[1] A list and description of approximately 400 separate objects from the State Historical Museum in Moscow and the Hermitage Museum at Leningrad is filed with the office of the Federal Register as part of the original document.

and should be responsible in financial affairs. A majority of the organizers and directors of a proposed independent bank should be from the local community and should represent a diversification of occupational and business interests. Officers should have demonstrated abilities and experience commensurate with the position for which proposed. Members of the initial management group, which includes directors and officers, and changes within the management group during the first two years of operation require prior approval of the OCC. While it is not necessary that the names of proposed officers be submitted with an application to organize a national bank, the chief executive officer must be approved prior to solicitation of capital and the cashier must be approved prior to the commencement of operations.

Stock distribution. To encourage community support, wide distribution of stock ownership is desirable. Maximum ownership, direct or indirect, by any one individual, partnership or corporation will generally be limited to ten percent of the total capital stock to be issued. A majority of the stock to be issued should be to local residents of the community, persons with substantial business interests in the community or others who may reasonably be expected to utilize the services of the bank. The foregoing restrictions will not apply where the new bank is to be legally affiliated with an existing bank or bank holding company. Subscribers to five percent or more of the stock may not finance more than fifty percent of the purchase price if the extension of credit is predicated in any manner on the stock of the new bank, whether or not such stock is pledged.

Capital. The minimum initial capital required for a new national bank must satisfy all of the following factors:

Capital should be sufficient to support the anticipated volume and character of operations for a minimum of three years; initial capital should be at least equal to ten percent of estimated deposits and fifteen percent of estimated loans at the end of the third year.

Capital should be adequate to enable the new bank to provide the necessary banking services, including loans of sufficient size, to meet the needs of prospective customers.

Capital should be sufficient to purchase, build or lease a suitable permanent banking facility and equipment. Total fixed asset investment should not exceed forty percent of initial capital.

Capital normally will not be less than one million dollars.

MARKET FACTORS

Economic condition and growth potential. The current economic condition or growth potential of the market in which the new bank proposes to locate is an important consideration in determining the bank's probable success. Essential to the concept of banking opportunity is that there does or will exist a volume of business for which the new bank can realistically compete. Also important is a determination of the portion of that business the new bank could acquire and whether that portion is sufficient to generate a profit.

Evidence of banking oportunity may be indicated in a number of ways including trends in population, employment, residential and commercial construction, sales, company payrolls and businesses established. Geographic and environmental restrictions to further development should be fully explored.

Primary service area. Within the broader concept of a market, the applicant should delineate a Primary Service Area (PSA). The dimensions of the PSA will necessarily vary with the type of market to be served. A rural bank may serve a relatively large area if banking alternatives are limited; conversely, the PSA of an urban bank may be limited to several city blocks. The PSA is defined as the smallest area from which the bank expects to draw approximately seventy-five percent of its deposits and should be drawn around a natural customer base. It should not be unrealistically delineated to exclude competing banks or to include areas of concentrated population. Barriers to access such as major highways, rivers, mountains or other impediments should be considered.

Location. The importance of the specific site depends upon the type of market to be served. The precise location of a bank in a sparsely populated area with limited competition may be less significant than that of an urban or suburban bank whose success may be more dependent upon the convenience of its location.

Population. Composition of the population, including daily or seasonal inflows, within the PSA is an important indicator of the potential support for a bank. Population characteristics such as income, age distribution, educational level, occupation and stability should be considered. Ratios of population per banking office are not conclusive evidence of support for a new bank.

Financial institutions. The growth rate and size of banks and other financial institutions in the market are also important indicators of economic condition and potential business for a new bank. Location and services offered are indicative of the competitive climate of the market. Other financial institutions such as savings and loan associations, credit unions, finance companies, mortgage companies and insurance companies may be considered competing institutions to the extent their services parallel those of the new bank.

OTHER FACTORS

While the order in which charter applications are filed will be a factor in the decision making process, it will not be a controlling factor.

All expenses incurred in connection with the organization of a bank are to be assumed by the organizers. If a charter is issued, expenses determined to be reasonable by the OCC may be reimbursed by the bank after the commencement of business. In no event shall the amount of or payment of any fee be solely contingent upon any action, decision, or forbearance on the part of the OCC. A contingent expense or fee will ordinarily result in disapproval of the application or withdrawal of preliminary approval.

Any financial arrangement or transaction involving the proposed bank and its organizers, directors, officers, major shareholders or their associates or interests ordinarily should be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements which could have been made with unrelated parties.

The name of the new bank will be considered in accordance with the Policy Statement for Title Changes.

The foregoing policy generally will not be applicable to a corporate reorganization or to proposals to organize a national bank to facilitate the acquisition of an existing bank.

PROCEDURES

Persons desiring to organize a national bank should obtain forms and instructions from the Regional Administrator of National Banks. Charter applications should be filed with the Regional Administrator.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. The normal filing fee will be required.

When a charter application is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry.

The time allowed to open for business normally will be eighteen months from the date of preliminary approval. Preliminary approval ordinarily will be rescinded if the bank is not open for business within this eighteen month period.

II. DOMESTIC BRANCHES

The Office of the Comptroller of the Currency (OCC) encourages a banking structure capable of fulfilling local, regional and national needs for banking services. In the interest of increased competition, service to the public and efficiency, the OCC considers branching a desirable means of bank expansion.

In considering a branch application, the applicant's capacity to support such expansion is of major importance. The closing of a branch does not present the same risk of loss to the public as does the failure of a bank. Therefore, the judgment of the applicant as to the viability of a proposed branch will ordinarily be respected, provided that in the opinion of the OCC the applicant's capacity is sufficient or will be enhanced by the new activity and the prospective effects on competition are positive.

In evaluating an application, the following factors will be considered:

BANKING FACTORS

Condition. The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval. A bank should not have an undue amount of criticized assets, particularly in relation to gross capital, serious or frequent violations of law, inadequate liquidity, adverse operating trends, poor internal controls or other significant problems.

Capital and earnings. Capital, earnings, and retention of earnings should be sufficient to support the current level of operations as well as the proposed expansion. In determining the applicant's capacity to support the proposed branch, the estimated cost of establishing and operating the branch and the volume and scope of anticipated business will be considered.

Management. Management should have demonstrated the ability to supervise a sound banking operation. This determination will generally relate to the overall condition of the bank and management's ability to recognize and correct deficiencies. Depth and continuity of management are also relevant factors in considering the bank's capacity to expand through branching.

MARKET FACTORS

Economic condition and growth potential. When a bank desires to establish a branch in an area not presently served by the bank, it is expected that, at a minimum, management will have considered the current economic condition or growth potential of the market in determining the probable success of the branch. Essential to the concept of banking opportunity is that there does or will exist a sufficient volume of business for which the branch can realistically compete. Also important is a determination of the portion of that business the branch will acquire. Evidence of banking opportunity may be demonstrated in a number of ways including trends in population, employment, residential and commercial construction, retail sales, company payrolls and businesses established. Geographic and environmental restrictions to further development should be fully explored.

When an applicant desires to establish a branch primarily to retain existing customers or to serve them more efficiently or conveniently, greater emphasis will be given to the expense to be incurred in establishing and operating the branch, the anticipated loss of existing business if the branch is not established and the overall effect on bank profitability.

Primary service area. Within the broader concept of a market, the applicant should delineate a Primary Service Area (PSA). The dimensions of the PSA will necessarily vary with the type of market to be served. A rural banking office may serve a relatively large area if banking alternatives are limited; conversely, the PSA of an urban banking office may be limited to a city block. The PSA is defined as the smallest area from which the branch expects to draw approximately seventy-five percent of its deposits and should be drawn around a natural customer base. It should not be unrealistically delineated to exclude competing banks or to include areas of concentrated population. Barriers to access such as major highways, rivers, mountains, or other impediments should be considered.

Location. The importance of the specific site depends upon the type of market to be served. The precise location of a branch in a sparsely populated area with limited competition may be less significant than that of an urban or suburban branch whose success may be more dependent upon the convenience of its location.

Population. Composition of the population, including daily or seasonal inflows, within the PSA is an important indicator of the potential support for a branch. Population characteristics such as income, age distribution, educational level, occupation and stability should be considered. Ratios of population per banking office are not conclusive evidence of support for a new branch.

Financial institutions. The growth rate and size of banking offices and other financial institutions in the market are also important indicators of economic condition and potential business for a new branch. The location and services offered are indicative of the competitive climate of the market. Other financial institutions such as savings and loan associations, credit unions, finance companies, mortgage companies and insurance companies may be considered competing institutions to the extent their services parallel those of the new branch.

OTHER FACTORS

A branch will not be approved if its establishment would threaten the viability of a newly chartered independent bank. Such protection of a newly chartered independent bank typically will not exceed one year.

While the order in which branch applications are filed will be a factor in the decision making process, it will not be a controlling factor.

Any financial arrangement or transaction involving the branch and directors of the bank, officers, major shareholders, or their associates or interests should ordinarily be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements which could have been made with unrelated parties.

PROCEDURES

Banks desiring to establish a branch should obtain forms and instructions from the Regional Administrator of National Banks. Applications for branch offices should be filed with the Regional Administrator.

Requests for reconsideration of denied applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. The normal filing fee will be required.

Applicants will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the industry. Where the OCC deems it to be in the public interest the name of the bank will not be disclosed.

The time allowed to open the branch will normally be eighteen months from the date of approval. Approval will ordinarily be rescinded if business has not commenced within this eighteen month period.

III. CONVERSIONS

The Office of the Comptroller of the Currency (OCC) ordinarily will approve an application by a state bank or other financial institution for conversion to a national bank when such approval is consistent with the basic objective of maintaining a sound national banking system. An application to convert should not be motivated by supervisory pressures from other regulatory authorities.

In determining the qualifications of an applicant for conversion, the following factors will be considered:

BANKING FACTORS

Condition. The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval. The applicant should not have an undue amount of criticized assets, particularly in relation to gross capital, serious or frequent violations of law, inadequate liquidity, adverse operating trends, poor internal controls of other significant problems. Capital, earnings and retention of earnings should be sufficient to support the current level of operations.

Management. Management should have demonstrated the ability to supervise a sound banking operation. This determination will generally relate to the overall condition of the institution and management's ability to recognize and correct deficiencies.

OTHER FACTORS

The proposed name of the converting institution will be considered in accordance with the Policy Statement for Title Changes.

PROCEDURES

Institutions desiring to convert to a national bank should obtain forms and instructions from the Regional Administrator of National Banks. Applications to convert should be filed with the Regional Administrator.

The OCC will conduct an examination into the condition of the applicant to the extent considered necessary. The cost of such examination shall be paid by the applicant.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or

additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. The normal filing fee will be required.

Applicants will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. In such instances, identification of the applicant will not be disclosed.

IV. Mergers

It is the policy of the Office of the Comptroller of the Currency (OCC) to preserve the soundness of the national banking system and promote market structures conducive to competition. A proposed merger, consolidation, or purchase of assets and assumption of liabilities are all hereinafter referred to as mergers. A merger which would not have a substantially adverse effect on competition and which would be beneficial to the merging banks and to the public normally will be approved.

In evaluating a merger application the following factors will be considered:

The effect of the transaction upon competition;

The convenience and needs of the community to be served;

The financial history of the merging banks;

The condition of the merging banks, including capital, management, and earnings prospects;

The existence of insider transactions; and,

The adequacy of disclosure of the terms of the merger.

In order to determine the effect of a proposed merger upon competition, it is necessary to identify the relevant geographic market. The delineation of such market can seldom be precise, but realistic limits should be established so the effect of the merger upon competition can be properly analyzed. The market should be delineated to encompass an area where the effect upon competition will be direct and immediate. The OCC recognizes that different banking services may have different relevant geographic markets. Although the largest borrowers and depositors may find it convenient and practical to conduct part of their banking business outside the relevant geographic market, the market should not be drawn so expansively as to cause the competitive effect of the merger to seem insignificant because only the largest customers are considered. Conversely, the market should not be drawn so narrowly as to place competitors in different markets because only the smallest customers are considered. A fair delineation of the relevant geographic market should take into account demands of most customers for the bank's services.

After the relevant geographic market has been identified, the competitive effects of the proposed merger can be analyzed. Both the structure of the market and intensity of competition within the market will be considered. In measuring intensity of competition, consideration will be given to the number of competitors in the market, services offered, pricing of services, advertising, office hours and banking innovations.

The following terms will be used to describe the competitive effects of a proposed merger:

Beneficial effect * * * This term will be used when a merger will improve or enhance the competitive or banking environment in the relevant market.

No adverse effect * * * This term will be used when no change in competitive conditions would result from the merger. Mergers involving corporate reorganizations, in which the number of alternative sources of banking services are unchanged and where no resulting substantive change in ownership occurs, are included in this category.

Not substantially adverse * * * This term will be used when some anticompetitive effects are present but such effects are not deemed sufficiently substantive to cause an undesirable competitive condition.

Substantially adverse * * * This term will be used when an anticompetitive condition would result from a merger. A merger involving a dominant bank in a market and any other bank in the same market could be included in this category.

When substantially adverse competitive effects exist, they must be clearly outweighed in the public interest by the probable effects of the merger on improved convenience and needs. If not clearly outweighed, the merger will be disapproved. Convenience and needs factors which may outweigh the anticompetitive effects of a merger include:

The elimination of a failing, weak or stagnating bank, thereby strengthening the banking system.

The achievement of economies of scale, including a better matching of source and need of funds, thereby providing the basis for improved customer service and bank earnings.

The extension of services not available from the merging bank and for which there is a clearly definable need. Such services might include a larger lending limit, specialized forms of credit, data processing, international banking financial counseling, or fiduciary services.

The OCC must consider the convenience and needs of the community to be served in every merger, regardless of competitive effects. A merger not having a substantially adverse competitive effect may be disapproved if there are adverse effects on convenience and needs.

In addition to the foregoing, the OCC considers banking factors and will normally not approve a merger if it will result in a bank which has inadequate capital, unsatisfactory management or poor earnings prospects. Further, it is required that all shareholders be adequately informed of all aspects of the transaction.

If the title of the resulting bank is not the same as any of the banks involved in the merger, the proposed new title will be considered in accordance with the Policy Statement for Title Changes.

PROCEDURES

Banks desiring to merge where the resulting bank will be a national bank should obtain forms and instructions from the Regional Administrator of National Banks. Applications should be filed with the Comptroller of the Currency, Washington, D.C.

When a merger involves a state bank, the OCC may conduct an examination into the condition of the state bank to the extent deemed necessary. The cost of such examination shall be charged to the applicants in addition to the normal merger fee.

Opinions are published by the OCC in all merger decisions.

V. Fiduciary Powers

The Office of the Comptroller of the Currency (OCC) encourages a banking structure capable of fulfilling local, regional and national needs for banking services. The establishment of fiduciary powers affords banks the opportunity to better serve the public by offering greater services, choice and convenience.

In evaluating an application for fiduciary powers, consideration will be given to the capacity of the applicant to support the proposed activity, the availability of component trust personnel and the existence of sufficient business to achieve profitability.

BANKING FACTORS

Condition. The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval. A bank should not have an undue amount of criticized assets, particularly in relation to gross capital, serious or frequent violations of law, inadequate liquidity, adverse operating trends, poor internal controls or other significant problems.

Capital and earnings. Capital, earnings, and retention of earnings should be sufficient to support the current level of operations, as well as the proposed expansion. In determining the applicant's capacity to support the proposed trust department, the estimated cost of establishing and operating the department and the volume and scope of anticipated business will be considered.

Management. Management should have demonstrated the ability to supervise a sound banking operation. This determination will generally relate to the condition and profitability of the bank and management's ability to recognize and correct deficiencies.

Trust personnel. The proposed head of the trust department should have demonstrated abilities and experience commensurate with the proposed position. Directors and officers who will serve on trust committees should possess experience and knowledge in the trust or investment fields. The bank should have available the services of competent investment and legal counsel to advise on matters affecting the trust department.

MARKET FACTORS

The applicant should demonstrate that the population and general economy of the market possess characteristics requiring fiduciary services. Composition of the population within the market is an important indicator of the potential support for a trust department.

Population characteristics such as income, wealth, age, educational level, occupation, and stability will be considered.

In determining need, consideration should be given to the present fiduciary services available in the market. If fiduciary services are being offered, consideration will be given to the volume and character of the present trust business, together with the demand for additional services. Further, consideration will be given to any fiduciary services performed outside the market for customers in the applicant's service area which, because of convenience, might be brought to the applicant.

PROCEDURES

Banks desiring to exercise fiduciary powers should obtain forms and instructions from the Regional Administrator of National Banks. Applications should be filed with the Regional Administrator.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. The normal filing fee will be required.

The applicant will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the OCC deems it to be in the public interest the name of the bank will not be disclosed.

The time allowed to establish a trust department normally will be one year from the date of preliminary approval. Approval ordinarily will be rescinded if business has not commenced within this one year period.

VI. DOMESTIC OPERATING SUBSIDIARIES

The Office of the Comptroller of the Currency (OCC) considers an application for the establishment of a de novo domestic operating subsidiary to be primarily a business decision of the applicant. An applicant's ownership of eighty percent or more of a company will be approved if the proposed activity is a part of the business of banking or incidental thereto and if the applicant has the capacity to support such expansion. However, if a bank or any of its subsidiaries proposes to acquire an existing business, the OCC will also consider competitive factors similar to those set forth in the Policy Statement for Mergers.

In evaluating an application, the following factors will be considered:

BANKING FACTORS

Condition. The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval of an application to expand the bank's activities. A bank should not have an undue amount of criticized assets, particularly in relation to gross capital, serious or frequent violations of law, inadequate liquidity, adverse operating trends, poor internal controls or other significant problems.

Capital and earnings. Capital, earnings, and retention of earnings should be sufficient to support the current level of operations as well as the proposed expansion. In determining the applicant's capacity to support the proposed subsidiary, the estimated cost of establishing or acquiring the subsidiary, as well as the volume and scope of anticipated business, will be considered.

Management. Management should have demonstrated the capacity to supervise a sound banking operation. This determination will generally relate to the condition of the bank and management's ability to recognize and correct deficiencies. Management should demonstrate that provision has been made for personnel with sufficient expertise to supervise the proposed activities.

OTHER FACTORS

The condition of the business to be acquired will be considered. The acquiring bank should have the capacity to correct any difficulties of the acquired business without undue strain on management or financial resources of the bank.

Any financial arrangement or transaction involving the operating subsidiary and directors of the bank, officers, major shareholders, or their associates or interests ordinarily should be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements that could have been made with unrelated parties.

PROCEDURES

Banks desiring to organize or acquire an operating subsidiary should obtain forms and instructions from the Regional Administrator of National Banks. Applications for operating subsidiaries should be filed with the Regional Administrator.

The OCC will conduct an examination into the condition of a proposed operating subsidiary to be acquired to the extent considered necessary. The cost of such examination shall be paid by the applicant.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. The normal filing fee will be required.

Applicants will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the OCC deems it to be in the public interest the name of the bank will not be disclosed.

VII. TITLE CHANGES

The Office of the Comptroller of the Currency (OCC) considers an application for change in corporate title to be primarily a business decision of the applicant. Such applications will be approved subject to the following limitations.

The proposed title must be sufficiently dissimilar from any other existing or proposed unaffiliated bank or depository financial institution, so as not to substantially confuse or mislead the public in a relevant market.

PROCEDURES

Banks desiring a change in title should obtain forms and instructions from the Regional Administrator of National Banks. An application for a title change should be filed with the Regional Administrator.

VII. LOCATION CHANGES

The Office of the Comptroller of the Currency (OCC) considers an application for a change in location of a head office or domestic branch to be primarily a business decision of the applicant. Such applications will be approved subject to the following limitations.

An application for a relocation of a banking office within the primary service area will normally be approved if the applicant has capital and earnings sufficient to support any increased costs incident to the relocation. In determining the sufficiency of capital and earnings, the estimated cost of establishing and operating the proposed office will be considered.

A head office relocation from one primary service area to another service area will require the filing of an application for a new head office. In such instances, market factors similar to those set forth in the Policy Statement for New Bank Charters will be considered. A branch relocation from one primary service area to another service area will require the filing of a branch application and will be subject to the same considerations as those set forth in the Policy Statement for Domestic Branches. In relocations to another service area, the OCC also will consider the needs of the primary service area being abandoned.

Any financial arrangement or transaction involving the bank and its directors, officers, major shareholders or their associates or interests ordinarily should be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements which could have been made with unrelated parties.

PROCEDURES

Banks desiring to relocate an office should obtain forms and instructions from the Regional Administrator of National Banks. Applications for relocation of bank offices should be filed with the Regional Administrator.

Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information to the Regional Administrator. To the extent relevant, the OCC will consider and incorporate the prior administrative record. The normal filing fee will be required.

Applicants will be advised of the reasons for any disapproval. Opinions will be published when the OCC determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Where the OCC deems it to be in the public interest the name of the bank will not be disclosed.

The time allowed to effect the relocation normally will be eighteen months from the date of approval. Approval ordinarily will be rescinded if the new office is not opened for business within this eighteen month period.

IX. CHANGES IN CAPITAL STRUCTURE

The Office of the Comptroller of the Currency (OCC) has responsibility for the maintenance of a safe and sound national banking system operated in the public interest. An integral part of this responsibility is the review of proposed capital changes by national banks.

DISCLOSURE

The OCC requires that prospective investors be provided with all material facts to permit informed investment decisions in connection with all offerings. Offering circulars are required for public offerings of debt or equity securities by a national bank.[1]

STOCK DIVIDENDS

Recurring stock dividends generally will not be approved where the higher of the market or book value of the dividend exceeds one hundred percent of the bank's retained earnings since the declaration of the last stock dividend. A stock distribution which represents more than twenty-five percent of the shares outstanding will generally be viewed as a realignment of the bank's capital accounts and not subject to the retained earnings limitations.

PRICING

Offerings of common stock should be at a fair price. When the stock is actively traded, the market value should be used as the primary indicator of a fair offering price. When the stock has a thin or controlled market, earnings and book value per share should be given greater consideration than market value in determining a fair offering price. In considering earnings and book value, a comparison to similar banks should be made. Material differences between book value and current value of assets and liabilities should be given appropriate recognition in making such comparisons.

In determining the conversion price in connection with issuance of convertible securities, consideration should be given to the current fair value of the common stock, the dividend or interest rate, current market conditions and the anticipated increase in fair value of the common stock during the conversion period.

DEBT ISSUES

In evaluating a bank's capacity to issue debt under the following criteria, the OCC will take into account the full range of financial and other information available to the OCC regarding the applicant. Such indicators and considerations include the recent trend and stability of earnings, impact of unusual income and expense developments on recent earnings, recent acquisition or mergers through purchase of assets, prospective growth of the bank, quality of management, quality of assets, earnings coverage of loan losses, sensitivity of interest income and expenses to changes in market rates, degree of reliance on potentially volatile sources of funds, and the relative strength of earnings of nonbank affiliates or subsidiaries. The bank's need for additional capital and the accessability of additional equity also will be taken into account.

1. *Maximum ratio of debt to equity.* The total amount of subordinated notes and debentures outstanding, including the debt proposed to be issued but excluding any debt to be retired out of the proceeds of the new issue, should not exceed 50 percent of a bank's equity capital base at time of issuance of the new debt.[2] However, banks with significant asset or management problems generally would not be presumed to be entitled to issue debt capital up to the 50 percent ceiling.

2. *Earnings coverage of fixed charges.* A national bank proposing to issue subordinated debt should demonstrate that its recent income record is sufficient to provide abundant assurance of that bank's continuing ability to pay the additional fixed charges out of current earnings.[3]

3. *Retained net income.* A national bank proposing to issue subordinated debt should demonstrate that its recent level of retained net income, viewed in conjunction with intended dividend policy, would exceed annual pro forma amortization on all subordinated notes and debentures by a sufficient margin to assure that bank's ability to replace each debt issue with equity by maturity.[4]

4. *Avoidance of debt repayment concentrations.* A national bank proposing to issue subordinated debt should avoid excessive concentration of debt repayment in any one year.

5. *Approval of interbank debt transactions.* In general, the OCC does not intend to approve as an addition to the issuing bank's capital structure a subordinated note or debenture issued by a national bank directly or indirectly (through a holding company or otherwise) to a banking organization other than its parent bank holding company where that issue, together with other subordinated debt outstanding at that bank and held by such banking organizations, would exceed $2 million unless specifically authorized as such an addition by the OCC upon a presentation and finding of compelling circumstances.[5]

6. *Covenants in conflict with safe and sound banking practices.* No debenture or other contract covering the issuance of a subordinated note or debenture by a national bank shall include any covenants, restrictions, or other terms that are determined by the OCC to be inconsistent with safe and sound banking practices. Examples of such terms are those regarded as impairing the ability of the bank to comply with statutory or regulatory requirements regarding disposition of assets or incurrence of additional debt, limiting the ability of the OCC to take any necessary action to resolve a problem bank situation, or unduly interfering with the ability of the bank to conduct normal banking operations.

Generally, plans qualified under the Internal Revenue Code will be approved. Non-qualified plans may be approved if the terms are fair and reasonable. Shares allocated to a plan should not exceed ten percent of total shares outstanding.

OTHER FACTORS

The method of disposal of fractional shares and unexercised preemptive rights should be fair.

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[1] At the present time, 12 CFR Part 16 requires offering circulars to be used only when a new bank issues debt or equity securities and when an existing bank issues debt securities. Recently, the Comptroller proposed amendments to 12 CFR Part 16 to require existing banks to use offering circulars when issuing any securities, subject to certain exemptions. 41 FR 32864. The proposed amendments have not yet been adopted.

[2] A bank's equity capital base, for purposes of this test, is considered to include capital stock, surplus, undivided profits, capital reserves, and all reserves for losses on loans, including any related deferred tax liability.

[3] Definitions: "Income" is defined as income before taxes and before fixed charges, including securities gains and losses, excluding extraordinary charges and credits, and adjusted where necessary to reflect actual net loan loss experience (charge-offs less recoveries) rather than other "provision for loan losses," plus an adjustment for earnings on the proceeds of the proposed issue equal to annual interest charges before taxes on the proposed issue.

"Fixed charges" is defined as annual interest charges before taxes on all existing debt, net of debt to be retired out of the proceeds of the new issue, plus those on the debt proposed to be issued. Fixed charges on existing debt would include annual interest on all outstanding mortgage debt and subordinated notes and debentures, plus the annual interest component in any payments, net of sublease income, under lease contracts having an original maturity of one year or more (or if the interest component is not readily ascertainable, one-third of annual payments net of sublease income under such contracts may be substituted).

"Pro forma amortization" is calculated for each issue of subordinated debt, including the proposed new issue but excluding debt to be retired out of the proceeds of the new issue, by dividing the original amount of the issue by the number of years from date of issue to maturity. Total pro forma amortization would be the sum of annual pro forma amortization for all such subordinated debt issues.

[4] Definitions: "Retained net income" is defined as net income after taxes minus dividends declared on common and preferred stock. In most circumstances banks which have issued additional shares of equity capital would receive credit for these new issues as if they had been part of retained net income.

[5] "Banking organization," for purposes of this criterion, is defined as any commercial bank, mutual savings bank, bank holding company, or nonbank affiliate of a bank holding company.

Fees and expenses paid to underwriters and others should be reasonable.

PROCEDURES

Banks desiring to effect changes in capitalization should obtain forms and instructions from the Regional Administrator of National Banks. Applications for capital changes should be filed with the Regional Administrator.

Effective date: November 1, 1976.

Dated: October 26, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

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[TD Order 190, Rev. 12]

DEPUTY SECRETARY, ET AL.

Supervision of Bureaus and Offices, Delegation of Authority, and Order of Succession in the Treasury Department

1. The following officials shall be under the direct supervision of the Secretary:

The Deputy Secretary, Adviser to the Secretary, The Executive Assistant to the Secretary, Staff Assistants to the Secretary.

2. The following officials shall be under the supervision of the Secretary, and shall report to him through the Deputy Secretary:

Under Secretary for Monetary Affairs, Under Secretary, General Counsel, Assistant Secretary (Tax Policy), Commissioner, Internal Revenue Service, Comptroller of the Currency.

3. The following officials shall be under the supervision of the Under Secretary for Monetary Affairs, and shall exercise supervision over those organizational entities indicated thereunder:

Assistant Secretary (International Affairs):
- Deputy Assistant Secretary for Trade and Raw Materials Policy;
- Deputy Assistant Secretary for Energy and Investment Policy;
- Deputy Assistant Secretary for International Monetary Affairs;
- Deputy Assistant Secretary for Developing Nations;
- Deputy Assistant Secretary for Research and Planning;
- Deputy to the Assistant Secretary for Saudi Arabian Affairs; and
- Inspector General for International Finance.

Assistant Secretary (Capital Markets and Debt Management):
- Deputy Assistant Secretary for Capital Markets Policy;
- Deputy Assistant Secretary for Debt Financing;
- Senior Adviser (Debt Research);
- Special Assistant to the Secretary (Debt Management); and
- Deputy to the Assistant Secretary for New York Finances.

Assistant Secretary (Economic Policy):
- Office of Financial Analysis.

Fiscal Assistant Secretary:
- Bureau of Government Financial Operations.
- Bureau of the Public Debt.

Treasurer of the United States.

Special Assistant to the Secretary (National Security).

U.S. Savings Bonds Division.

4. The following officials shall be under the supervision of the Under Secretary, and shall exercise supervision over those organizational entities indicated thereunder:

Assistant Secretary (Administration):
- Office of Administrative Programs;
- Office of Audit;
- Office of Budget and Program Analysis;
- Office of Computer Science;
- Office of Equal Opportunity Program;
- Office of Management and Organization; and
- Office of Personnel.

Assistant Secretary (Legislative Affairs).

Assistant Secretary (Enforcement, Operations, and Tariff Affairs):
- Office of Law Enforcement;
- Office of Operations;
- Office of Tariff Affairs;
- Office of Foreign Assets Control;
- Bureau of Alcohol, Tobacco and Firearms;
- U.S. Customs Service;
- Bureau of Engraving and Printing;
- Bureau of the Mint;
- U.S. Secret Service; and
- Federal Law Enforcement Training Center.

Special Assistant to the Secretary (Public Affairs).

Office of Revenue Sharing.

5. The following officials shall exercise supervision over those organizational entities indicated thereunder:

General Counsel:
- Legal Division.
- Office of Director of Practice.

Assistant Secretary (Tax Policy):
- Office of Tax Analysis;
- Office of Tax Legislative Counsel (also part of Legal Division);
- Office of International Tax Counsel (also part of Legal Division); and
- Office of Industrial Economics.

Commissioner, Internal Revenue Service:
- Assistant Commissioner (Accounts, Collection, and Taxpayer Service);
- Assistant Commissioner (Administration);
- Assistant Commissioner (Compliance);
- Assistant Commissioner (Employee Plans and Exempt Organizations);
- Assistant Commissioner (Inspection);
- Assistant Commissioner (Planning and Research); and
- Assistant Commissioner (Technical).

Comptroller of the Currency:
- First Deputy Comptrollers.
- Deputy Comptrollers.

6. The Deputy Secretary, the Under Secretary for Monetary Affairs, the Under Secretary, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perfrom. Each of these officials shall perform functions under this authority in his own capacity and under his own title and shall be responsible for referring to the Secretary any matter on which actions should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

7. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed, or until the absence or sickness shall cease:

A. Deputy Secretary;
B. Under Secretary for Monetary Affairs;
C. Under Secretary;
D. General Counsel;
E. Commissioner of Internal Revenue; and
F. Assistant Secretaries, or Deputy Under Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Assistant Secretary, or Deputy Under Secretary.

8. Treasury Department Order No. 190 (Revision 11) is rescinded, effective this date.

Date: September 14, 1976.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.76-31830 Filed 10-29-76;8:45 am]

Office of the Secretary

RAILWAY TRACK MAINTENANCE EQUIPMENT FROM AUSTRIA

Reopening of Discontinued Investigation

On September 23, 1976, and on October 1, 1976, information was received from counsel acting on behalf of Kershaw Manufacturing Co., Inc., Montgomery, Alabama, and from counsel acting on behalf of Tamper, Inc., Columbia, South Carolina, respectively, indicating that railway track maintenance equipment from Austria is being, or is likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

A "Notice of Discontinuance of Antidumping Investigation" was published in the FEDERAL REGISTER of March 24, 1972 (37 FR 6121). That notice stated in part:

> Comparisons made revealed some instances where exporter's sales price was lower than adjusted third country price of such or similar merchandise. Such instances were confined to a single model which has not been exported to the United States for some time. Specific assurances were received from the exporter that no further sales of this model will be made to the United States. In addition, the exporter provided general assurances that no future sales of railway track maintenance equipment would be made at less than fair value within the meaning of the [Antidumping] Act. These facts constitute evidence warranting the discontinuance of the investigation.

The U.S. Customs Service is renewing its inquiry to obtain the facts necessary to enable the Secretary of the Treasury to determine whether subsequent to the

above noted discontinuance, there are reasonable grounds to believe or suspect that there are or are likely to be sales to the United States at less than fair value, as required by section 153.33(g) of the Customs Regulations (19 CFR 153.33 (g)).

A summary of current information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold, or offered for sale, for exportation to the United States, are, or are likely to be, less than the price at which such or similar merchandise is sold for exportation to third countries.

JERRY THOMAS,
Under Secretary of the Treasury.

OCTOBER 26, 1976.

[FR Doc.76-31884 Filed 10-29-76;8:45 am]

[Dept. Cir. Pub. Dept Series—No. 28-76]

TREASURY NOTES OF NOVEMBER 15, 1979

Series K-1979

OCTOBER 28, 1976.

I. INVITATION FOR TENDERS

I. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for $3,000,000,000, or thereabouts, of securities of the United States, designated Treasury Notes of November 15, 1979, Series K-1979 (CUSIP No. 912827 GC 0). The securities will be sold at auction with bidding on the basis of yield, and with the interest rate and the price equivalent of each accepted bid to be determined as set forth below. Additional amounts of these securities may be issued to Government accounts and to Federal Reserve Banks for their own account in exchange for maturing Treasury securities being held by them, and to Federal Rerserve Banks, as agents of foreign and international monetary authorities, for new cash only.

I. 2. If the interest rate determined in accordance with this circular is identical to the rate on an outstanding issue of United States notes, and the terms and conditions of such outstanding issue are otherwise identical to terms and conditions of the securities offered herein, this invitation shall be deemed to be an invitation for an additional amount of the outstanding securities and this circular will be amended accordingly. Payment for the securities in that event will be calculated on the basis of the auction price determined in accordance with this circular plus accrued interest from the last preceding interest payment date on the outstanding securities.

II. DESCRIPTION OF SECURITIES

II. 1. The securities will be dated November 15, 1976, and will bear interest from that date, payable on a semiannual basis on May 15 and November 15, 1977, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1979, and will not be subject to call for redemptioin prior to maturity.

II. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

II. 3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

II. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

II. 5. The securities will be subject to the general regulations of the Department of the Treasury governing United States securities, now or hereafter prescribed.

III. SALE PROCEDURES

III. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, November 3, 1976. Noncompetitive tenders, as defined below, will be considered timely if postmarked no later than Tuesday, November 2, 1976.

III. 2. Each tender must state the face amount of securities bid for, which must be $5,000 or a multiple thereof. Competitive tenders must show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

III. 3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers, provided the names of the customers and the amount for each customer are furnished. Others will not be permitted to submit tenders except for their own account.

III. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States and political subdivisions or instrumentalities thereof; public pension and retirement and other public funds; international organizations in which the United States holds membership, foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

III. 5. Immediately after the closing hour, tenders will be opened, following which public announcement will be made of the amount and yield range of accepted bids. Subject to the reservations expressed in Section IV, noncompetitive tenders will be accepted in full at the average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above hte original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of yield. Additional tenders received from Government accounts and Federal Reserve Banks will be accepted at the average price of accepted competitive tenders.

III. 6. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. Those submitting noncompetitive tenders will not be notified except when the tender is not accepted in full or when the price is over par.

IV. RESERVATIONS

IV. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section I, and to make different percentage allotments to various classes of applicants when he deems it to be in the public interest, and his action in any such respect shall be final.

V. PAYMENT AND DELIVERY

V. 1. Settlement for securities allotted hereunder must be made or completed on or before November 15, 1976, at the Federal Reserve Bank or Branch, or the

Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Wednesday, November 10, 1976, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt, or

(b) Monday, November 8, 1976, if the check is drawn on a bank in another Federal Reserve District. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be deemed to have been completed where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number of an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

V. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

V. 3. Registered securities tendered as deposits and in payment for securities allotted hereunder are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered herein) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered herein) to be delivered to (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

V. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for the securities offered herein, when such securities are available, at any Federal Reserve Bank or Branch, or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

V. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established and the securities have been inscribed.

VI. General Provisions

VI. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

VI. 2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

George H. Dixon,
Acting Secretary of the Treasury.

[FR Doc.76-32112 Filed 10-29-76;10:19 am]

[Dept. Cir. Pub. Debt Series—No. 29-76]

TREASURY NOTES OF NOVEMBER 15, 1983

Series B-1983

October 28, 1976.

I. Invitation for Tenders

I. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act as amended, invites tenders for $2,000,000,000, or thereabouts, of securities of the United States, designated Treasury Notes of November 15, 1983, Series B-1983 (CUSIP No. 912827 GD 8). The securities will be sold at auction with bidding on the basis of yield, and with the interest rate and the price equivalent of each accepted bid to be determined as set forth below. Additional amounts of these securities may be issued to Government accounts and to Federal Reserve Banks for their own account in exchange for maturing Treasury securities being held by them, and to Federal Rerserve Banks, as agents of foreign and international monetary authorities, for new cash only.

II. Description of Securities

II. 1. The securities will be dated November 15, 1976, and will bear interest from that date, payable on a semiannual basis on May 15 and November 15, 1977, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1983, and will not be subject to call for redemption prior to maturity.

II. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

II. 3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

II. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

II. 5. The securities will be subject to the general regulations of the Department of the Treasury governing United States securities, now or hereafter prescribed.

III. Sale Procedures

III. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m. Eastern Standard time, Thursday, November 4, 1976. Noncompetitive tenders, as defined below, will be considered timely if postmarked no later than Wednesday, November 3, 1976.

III. 2. Each tender must state the face amount of securities bid for, which must be $1,000 or a multiple thereof. Competitive tenders must show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

III. 3. Commercial banks, which for to the Federal Reserve Bank of New York ing demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers, provided the names of the customers and the amount for each customer are furnished. Others will not be permitted to submit tenders except for their own account.

III. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States and political subdivisions or instrumentalities thereof; public pension and retirement and other public funds; international organizations in which the United States holds membership, foreign centeral banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

III. 5. Immediately after the closing hour, tenders will be opened, following which public announcement will be made of the amount and yield range of accepted bids. Subject to the reservations expressed in Section IV, noncompetitive tenders will be accepted in full at the average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of yield. Additional tenders received from Government accounts and Federal Reserve Banks will be accepted at the average price of accepted competitive tenders.

III. 6. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. Those submitting noncompetitive tenders will not be notified except when the tender is not accepted in full or when the price is over par.

IV. Reservations

IV. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section I, and to make different percentage allotments to various classes of applicants when he deems it to be in the public interest, and his action in any such respect shall be final.

V. Payment and Delivery

V. 1. Settlement for securities allotted hereunder must be made or completed on or before Monday, November 15, 1976, at the Federal Reserve Bank or Branch, or the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Wednesday, November 10, 1976, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau the Public Debt), or

(b) Monday, November 8, 1976, if the check is drawn on a bank in another Federal Reserve District. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be deemed to have been completed where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

V. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

V. 3. Registered securities tendered as deposits and in payment for securities allotted hereunder are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered herein) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered herein) to be delivered to (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

V. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for the securities offered herein, when such securities are available, at any Federal Reserve Bank or Branch, or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

V. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established and the securities have been inscribed.

VI. General Provisions

VI. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

VI. 2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

George H. Dixon,
Acting Secretary of the Treasury.

[FR Doc.76-32113 Filed 10-29-76;8:45 am]

[Dept. Cir. Pub. Debt Series—No. 30-76]

TREASURY BONDS OF 1995–2000

7⅞ Percent Per Annum Interest

I. Invitation for Tenders

I. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for $1,000,000,000, or thereabouts, of securities of the United States, designated 7⅞ percent Treasury Bonds of 1995–2000 (CUSIP No. 912810 BS 6). The securities will be sold at auction with bidding on the basis of price and with payment at the price of each accepted bid as set forth below. Additional amounts of these securities may be issued to Government accounts and to Federal Reserve Banks for their own account in exchange for maturing Treas-

ury securities being held by them, and to Federal Reserve Banks, as agents of foreign and international monetary authorities, for new cash only.

II. DESCRIPTION OF SECURITIES

II. 1. The securities offered will be identical in all respects with the 7⅞ percent Treasury Bonds of 1995–2000 issued pursuant to Department of the Treasury Circular, Public Debt Series—No. 4–75, dated January 23, 1975, except that interest will accrue from November 15, 1976, and payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from August 15, 1976. With this exception, the securities are as described in the following excerpt from the above circular:

"1. The bonds will be dated February 18, 1975, and will bear interest[1] from that date, payable on a semiannual basis on August 15, 1975, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 2000, but may be redeemed at the option of the United States on and after February 15, 1995, in whole or in part, at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

"2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

"3. The bonds wil be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

"4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, wil be issued in denominations of $1,000, $5,000, $10,000, $100.000 and $1,000,000. Book-entry bonds will be available to eligible bidders in multiples of those amounts. Interchanges of bonds of different denominations and of coupon and registered bonds, and the transfer of registered bonds will be permitted.

"5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds."

III. SALE PROCEDURES

III. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Friday, November 5, 1976. Noncompetitive tenders, as defined below, will be considered timely if postmarked no later than Thursday, November 4, 1976.

III. 2. Each tender must state the face amount of securities bid for, which must be $1,000 or a multiple thereof. Competitive tenders must show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 94.25 wil be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000.000.

III. 3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers, provided the names of the customers and the amount for each customer are furnished. Others will not be permitted to submit tenders except for their own account.

III. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above, Federally-insured savings and loan associations; States and political subdivisions or instrumentalities thereof; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectable checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

III. 5. Immediately after the closing hour, tenders will be opened following which public announcement will be made of the amount and price range of accepted bids. Subject to the reservations expressed in Section IV, noncompetitive tenders will be accepted in full at the weighted average price (in two decimals) of accepted competitive tenders, and competitive tenders at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Additional tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

III. 6. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. Those submitting noncompetitive tenders will not be notified except when the tender is not accepted in full or when the price is over par.

IV. RESERVATIONS

IV. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section I, and to make different percentage allotments to various classes of applicants when he deems it to be in the public interest, and his action in any such respect shall be final.

V. PAYMENT AND DELIVERY

V. 1. Settlement for securities allotted hereunder must be made or completed on or before Monday, November 15, 1976, at the Federal Reserve Bank or Branch, or the Bureau of the Public Debt, where the tender was submitted, and must include accrued interest from August 15 to November 15, 1976, in the amount of $19.68750 per $1,000 of securities allotted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons, detached) maturing on or before the settlement date but which are not overdue, as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Wednesday, November 10, 1976, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, November 9, 1976, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be deemed to have been completed where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

V. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Sec-

[1] On January 30, 1975, the Secretary of the Treasury announced that the interest rate on the bonds would be 7⅞ percent per annum.

retary of the Treasury, be forfeited to the United States.

V. 3. Registered securities tendered as deposits and in payment for securities allotted hereunder are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new securities are to be registered in the names and forms different from those in the inscriptions or assignment of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered herein) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, assignment should be to "The Secretary of the Treasury for coupon (securities offered herein) to be delivered to (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

V. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for the securities offered herein, when such securities are available, at any Federal Reserve Bank or Branch, or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

V. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

VI. GENERAL PROVISIONS

VI. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of definitive securities.

VI. 2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

GEORGE H. DIXON,
Acting Secretary of the Treasury.

[FR Doc.76-32114 Filed 10-29-76;10:19 am]

DEPARTMENT OF DEFENSE

OFFICE OF THE SECRETARY OF DEFENSE

WORKING GROUP A, DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, NY 10014 on 23 November 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

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

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

OCTOBER 26, 1976.

[FR Doc.76-31816 Filed 10-29-76;8:45am]

WORKING GROUP C, DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 400 Army Navy Drive, Arlington, Virginia 22202 on 9 December 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments proposed to initiate with industry, universities or in their laboratories. This special device area includes such programs as Infrared and Night Vision Sensors. The review will include classified program details throughout.

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

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

OCTOBER 26, 1976.

[FR Doc.76-31817 Filed 10-29-76;8:45 am]

WORKING GROUP D, DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at the Institute for Defense Analysis, 400 Army Navy Drive, Arlington, VA 22202 on November 29 and 30, 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

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

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

OCTOBER 26, 1976.

[FR Doc.76-31818 Filed 10-29-76;8:45 am]

DEPARTMENT OF JUSTICE

BEE COUNTY, TEXAS

Appointment of Examiners

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fourteenth and Fifteenth Amendments to the Constitution of the United States in Bee County, Texas. This county is included within the scope of the determination of the

Attorney General and the Director of the Census made on September 18, 1975, under section 4(b) of the Voting Rights Act of 1965 and published in the FR on September 23, 1975 (40 FR 43746).

EDWARD H. LEVI,
Attorney General.

OCTOBER 29, 1976.

[FR Doc.76-32134 Filed 10-29-76;10:43 am]

FRIO COUNTY, TEXAS

Appointment of Examiners

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fourteenth and Fifteenth Amendments to the Constitution of the United States in Frio County, Texas. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on September 18, 1975, under section 4(b) of the Voting Rights Act of 1965 and published in the FR on September 23, 1975 (40 FR 43746).

EDWARD H. LEVI,
Attorney General.

OCTOBER 27, 1976.

[FR Doc.76-31232 Filed 10-29-76;10:42 am]

LA SALLE COUNTY, TEXAS

Appointment of Examiners

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fourteenth and Fifteenth Amendments to the Constitution of the United States in La Salle County, Texas. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on September 18, 1975, under section 4(b) of the Voting Rights Act of 1965 and published in the FR on September 23, 1975 (40 FR 43746).

EDWARD H. LEVI,
Attorney General.

OCTOBER 27, 1976.

[FR Doc.76-32133 Filed 10-29-76;10:43 am]

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Proposed Aggregate Production Quota for 1977 Amphetamine

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

The quotas are to provide adequate supplies of each substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

In establishing the proposed 1977 aggregate production quota for Amphetamine, the Administrator considered pursuant to section 302 subsection (a) of the Public Health Services Act (42 U.S.C. 242(a)) the "Results of studies and investigations of the quantities of narcotic drugs or other drugs subject to control under such Acts, together with reserves of such drugs, that are necessary to supply the normal and emergency medicinal and scientific requirements of the United States" which were supplied by the Department of Health, Education, and Welfare. In addition, the proposed aggregate quotas were established considering the following factors:

(1) Total actual 1975 and estimated 1976 and 1977 net disposals of each substance by all manufacturers.

(2) Projected trends in the national rate of net disposals of each substance.

(3) Estimates of inventories of each substance and of any substance manufactured from it, and trends in accumulation of such inventories.

(4) Projected demand as indicated by procurement quota applications which were filed pursuant to § 1303.12 of Title 21 of the Code of Federal Regulations.

The Drug Enforcement Administration is becoming increasingly concerned about the uncontrolled non-medical use of Amphetamines. This non-medical use of controlled substances containing Amphetamine has become widespread in the United States. The chronic, intensive medically unsupervised use of Amphetamines is considered to be a major social problem. In light of all of the above considerations, the Administrator of the Drug Enforcement Administration is proposing a 1977 aggregate production quota which will not allow the build-up of excessive inventories of this substance.

Pursuant to Title 21 Code of Federal Regulations, § 1303.23(c), the Administrator of the Drug Enforcement Administration will in early 1977 review individual manufacturing quotas allocated for 1977.

Based upon consideration of the above factors, the Administrator of the Drug Enforcement Administration hereby proposes that aggregate production quota for Amphetamine for 1977, expressed in grams in terms of anhydrous base, be established as follows:

SCHEDULE II

Basic class:	*Proposed 1977 quota*
Amphetamine	3,564,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may object or comment on the proposals relating to any one or more of the above mentioned substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by December 1, 1976. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall be on or before November 30, 1976).

Dated: October 21, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-31786 Filed 10-29-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COPPER RIVER MERIDIAN, ALASKA

Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501 effective at 10 a.m. December 1, 1976.

COPPER RIVER MERIDIAN, ALASKA

T. 4 N., R. 4 W.
Sec. 19: Lots 1, 2, 3, 4, 5, 6, 7, E½, NE¼ NW¼
Sec. 29: Lots 1, 2, 3, 4, 5, NE¼NE¼, NE¼ NW¼, W½NW¼, S½
Sec. 30: Lots 1, 2, 3, 4, 5, E½, SE¼NW¼, E½SW¼
Sec. 31: Lots 1, 2, 3, 4, E½, E½W½
Sec. 32: All
Tract A
Containing 22,162.34 acres.

2. The center of this township is located approximately 13 miles west of Glennallen, Alaska. The terrain is nearly level, with gentle slopes toward Tolsona Creek, which flows southerly from the northwest corner of the township through the west half of the township. Numerous small lakes are scattered throughout the township, and Tolsona Lake on the west boundary. The Glenn Highway extends E. and W. through the township entering on the east boundary approximately 2 miles north of the south boundary and exiting on the west boundary approximately ½ mile south of Tolsona Lake.

Vegetation within the township consists of dense stands of spruce timber, with scattered willow and alder underbrush.

Soil consists generally of sandy loam with a humus and moss overburden.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provision of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

IRVING ZIRPEL, Jr.,
Chief, Division of Cadastral Survey.

OCTOBER 22, 1976.

[FR Doc.76-31878 Filed 10-29-76;8:45 am]

[INT DES 76-43]

PROPOSED ALUNITE PROJECT IN BEAVER COUNTY, UTAH

Draft Environmental Statement; Public Hearings and Comments

The Secretary of the Interior announced in the FEDERAL REGISTER of Wednesday, October 20, 1976, (Vol. 41, No. 204 pg. 46357) the availability of the draft environmental statement for the proposed Alunite Project and public hearings to be held.

Notice is hereby given that public hearings will be held and oral and/or written comments will be received by an administrative law judge at the following locations:

Persons desiring to testify orally are requested to contact the District Manager, Cedar City Distirct Office, Bureau of Land Management, P.O. Box 729, 1579 North Main Street, Cedar City, Utah 84720 (Telephone: (801) 586-2401), prior to close of business November 29, 1976. Witnesses presenting oral comments are also requested to limit their testimony to ten (10) minutes. Copies of complete oral statements or other written comments are encouraged and will be accepted at the hearings and made part of the official record.

Milford High School Auditorium, Milford, Utah, on November 30, 1976, at 7:30 p.m.

The Salt Palace, Suite A, 100 South West Temple Street, Salt Lake City, Utah, on December 1, 1976, at 7:30 p.m.

The public is also invited to submit written comments on the draft statement to the Bureau of Land Management, Cedar City District Manager until December 6, 1976.

All viewpoints expressed at the public hearings or presented in writing will be considered in preparation of the final environmental statement.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

Approved: October 28, 1976.

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

[FR Doc.76-32108 Filed 10-29-76;9:22 am]

Fish and Wildlife Service
ENDANGERED SPECIES PERMIT
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: National Zoological Park Smithsonian Institution, Washington, D.C. 20009; Theodore H. Reed, D.V.M., Director.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Import one young female Asiatic elephant, Elaphus maximus, as a gift from the children of Sri Lanka to the children of the United States to mark the Bicentennial Anniversary of the United States.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Zoological Park
Smithsonian Institution
Washington, D. C. 20009

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological Park
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Theodore H. Reed, D.V.M.
Director (202) 381-7222.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
National Zoological Park
Washington, D. C. 20009

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list licenses or permit numbers)
PRT 5-3-X; PRT 8-142-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
ASAP

11. DURATION NEEDED
through 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In Ink) — DATE
T H Reed D.V.M. — 7 Sept. 76

3-200
(5/74)

NATIONAL ZOOLOGICAL PARK,
SMITHSONIAN INSTITUTION,
Washington, D.C. 20009,
September 3, 1976.

MR. LYNN A. GREENWALT
Director, U.S. Fish and Wildlife Service
Attn: Law Enforcement, P.O. Box 19183,
Washington, D.C.

DEAR SIR:

1. Request permit to import one (1) female Asiatic elephant, Elaphus maximus, approximately three (3) years old, from Sri Lanka. See No. 8 below.

2. Has been in captivity, probably captive-born.

3. N.A.

4. Captive-born (or wild-caught) in Sri Lanka.

5. To be kept at the National Zoological Park, Washington, D.C.

6. (i) The animal is to be kept at the National Zoo Elephant House. The inside is a standard elephant cage (cement floor, barred front) which is 24 ft. by 27 ft.; an adjacent enclosure (24 ft. by 18 ft.) of the same design is also available. The new outdoor yard (which, because of the climate, may be used throughout most of the year) has a substrate of graded blue stone in layers to a depth of two feet. The yard is 100 ft. by 106 ft. (ex-

cluding the dry moat and pool); there is an oval pool 50 ft. by 70 ft., sloping to a depth of six ft. A large shade tree and rubbing posts are in the yard.

(ii) The staff of the Office of Animal Management has had over 30 years of combined experience with elephants. In addition, the Office of Zoological Research has carried out studies on the Asiatic elephant in Ceylon, and the Office of Animal Health has had experience in treating both the African and Asiatic elephant. (See previous applications for staff résumés and attached list of 12 publications on elephants.)

(iii) We are willing to participate in a cooperative breeding program and to contribute data to a studbook on elephants.

(iv) The shipment of this animal will be by air and thus the crate will conform to IATA Live Animal Regulations (Container Note 17).

(v) There has been only one death (out of five elephants) in the past five years: a two-year old female *Elaphus maximus* which had been at the National Zoo for six weeks on loan from another zoo. The final diagnosis was severe gastroenteritis (and iatrogenic lipid pneumonia).

7. Attached is a copy of the correspondence with the Embassy of Sri Lanka.

8. This young elephant has been offered as a gift from the children of Sri Lanka to the children of the United States to mark the Bicentennial Anniversary of the United States. The animal is to be flown to Washington, D.C., from Sri Lanka through a London airport. The National Zoo has requested details of origin, age, etc., on the specimen and will forward them to F.W.S. when received. Arrangements for this transaction made prior to July 14, 1976 (when the species was placed on the Endangered Species List). The young elephant will be placed with two adult females. No particular research project is planned on this animal, but records of its growth, development and social relationship to the adults will be maintained. We would be willing to have this animal participate in a propagation program when it reaches maturity. Upon its arrival in Washington, the specimen would be incorporated into our current educational program on endangered species. Upon its death the animal will be autopsied and the carcass offered to the U.S. National Museum (Smithsonian Institution).

THEODORE H. REED,
D.V.M. Director.

NATIONAL ZOOLOGICAL PARK,
SMITHSONIAN INSTITUTION,
Washington, D.C., September 14, 1976.

Mr. LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service, Attn: Law Enforcement, P.O. Box 19183, Washington, D.C.

Your ref:
File NO. PRT 2-373, September 14, 1976.

DEAR SIR: In reference to our permit application to import one (1) female Asiatic elephant, Elaphus maximus, dated September 3rd:

We have received the information from Sri Lanka identifying the specimen which their government wishes to send us. A copy of the information—a telegram—is enclosed for attachment to our original application.

Sincerely,

THEODORE H. REED,
D.V.M. Director.

DEPARTMENT OF STATE

UNCLASSIFIED 1324

PAGE 01, COLOMB 03357, 031318Z.
AG
ACTION SMI-01.
Info Oct-01 NEA-01 ISO-00 OES-06 INT-05 L-03/026W; 103B28.

R 0311307 Sep 76, FM Amembassy Colombo, to Secstate WashDC 5742.
Unclas Colombo 3357.
F.D. 11652: N/A, Tags: CE, TBIO.
Subject: Sri Lanka Government offer of baby elephant to National Zoological Park, Smithsonian Institution, Washington.
Ref (A) Colombo 2710, (B) State 185279.

1. Please inform National Zoo that MDEA has provided following information about gift elephant: Name, Komalie; age, 2 years; sex, female; length of time in captivity, 1 year and 11 months. Komalie was found orphaned.

2. Dimensions of wooden crate in which Komalie is to be sent are length 60 inches; breadth, 36 inches; height, 52 inches, refd.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-373-07; please refer to this number when submitting comments. All relevant comments received on or before November 30, 1976, will be considered.

Dated: October 22, 1976.

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

[FR Doc.76-31784 Filed 10-29-76;8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant; L and J Game Bird Ranch; 4850 Alcorn Road, Fallon, Nevada 89406; Mr. C. J. Chamberlain.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one) Captive, Self-Sustaining Population
☐ [illegible] ☒ XX PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
The requested SCP Permit is desired in order that I may legally transport and sell the surplus stock from existing breeders. They are as follows: Brown Eared Manchurian, Mikado, Elliots and White Eared (pending approval of Import Permit submitted this date.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
C. J. (Jim) Chamberlain
4850 Alcorn Road
Fallon, Nevada 89406
Ph. (702)867-2237

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT 5- 7½" | WEIGHT 140
DATE OF BIRTH 18 February 1911 | COLOR HAIR Brown | COLOR EYES Blue
PHONE NUMBER WHERE EMPLOYED As above | SOCIAL SECURITY NUMBER 530-30-0581
OCCUPATION Retired * Civil Service * Navy Dept.
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
None

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
None
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N. A.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N. A.

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
As above
4850 Alcorn Road
Fallon, NV. 89406

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document(s))
Nevada Game Bird Farm License #1 (Commercial). (copy attached).

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N. A.

10. DESIRED EFFECTIVE DATE As soon as possible

11. DURATION NEEDED 2 years, or as authorized.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Title 50 17.73 Attachments and enclosures, including pictures and diagrams are included with application for Import Permit - as directed by Ms. Hester on 9 Aug. '76.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) C. J. Chamberlain | DATE 16 August 1976

FORM 9-70 8/76

Captive, Self-sustaining Permit

Title 50

17.83

Attachment to Form 3-200

Application requirements:

(1) Pheasant species sought to be covered by the attached Permit application are as follows: Brown Eared Manchurian (Crossoptilon-manchuricum); White Eared Manchurian (Crossoptilon-crossoptilon); Elliots (Syrmaticus-elliotl); and, Mikado (Syrmaticus-mikado).

This requested Permit if authorized will enable me to sell legally (interstate) the surplus stock from my existing breeders as listed above.

(2) Diagrams and pictures of the interior and exterior facilities are attached to the enclosed "Import Permit" application.

(3) I have been raising the above listed birds for the past nine (9) years and have been very successful in the propagation of these species. I hold the Master Breeder Award, The Star Breeder Award and Outstanding Propagation Awards for each year since 1970, issued by the American Game Bird Breeders Cooperative Federation.

In 1973 I was given the "Pheasant Trophy" by the Canadian Ornamental Pheasant and Game Bird Association as the outstanding pheasant breeder of that year. That particular year I successfully raised thirty (30) Brown Eared Manchurians. This year, 1976, I raised 24 of the Brown Eared from a single pair of breeders.

(4) I shall be very happy to participate in any cooperative breeding program and maintain or contribute data to a "Stud Book" as directed by the U.S. Fish and Wildlife Service.

(5) All birds shipped will be in unused wire bound wooden crates, suitably padded to prevent any scalping or injury. Food and water containers will be securely wired in corners of the crates. Only one bird will be transported in each crate which will be of sufficient size for bird to stand and turn around in. Crates will be painted a solid color to differentiate them from apples and oranges. "Live Birds—Please Rush" will be printed in large letters on four sides of crates.

(6) During the past five (5) years the only loss of birds, by any cause, was the loss of four Blue Eared Manchurians and one Brown Eared. A skunk dug under the back fence and did his thing. The following day an electric fence (two wires) was installed around the perimeter of the pens—no further loss due to predators, or disease has occurred.

(7) It is believed that the statements made in (3), (4), (5), and (6) above would fully justify the issuance of the requested Permit.

(7)(i) As stated above, I have been raising the birds sought to be covered by the CSSP Permit for nine (9) years. I have been very successful in propagating these birds and as a result have a surplus of the young which must be moved each fall or early spring. In order to insure the survival of our endangered species surplus stock must be placed in the custody of qualified aviculturists for the enhancement of these species.

(7)(ii) I have hopes that the termination of the activity covered by the requested Permit will be a long way in the future. However, at the time when I decide to terminate my activities all birds will be disposed of to qualified breeders holding the CSSP Permit, or as directed by the latest regulations of the U.S. Fish and Wildlife Service.

Permit Conditions:

(c) I fully understand that the above Permit, if authorized and issued will enable me to transact transfers only to those holding CSSP Permits.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-353-25; please refer to this number when submitting comments. All relevant comments received on or before November 30, 1976, will be considered.

Dated: October 22, 1976.

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

[FR Doc.76-31785 Filed 10-29-76;8:45 am]

National Park Service

BROAD STREET SITE, FORT SUMTER NATIONAL MONUMENT, SOUTH CAROLINA

Availability of Environmental Assessment on Development Concept Plan

An Environmental Assessment considering alternative approaches for the preparation of a development concept plan for the Charleston Harbor front site at the Boad Street location fronting of the Ashley River is available for inspection at the Southeast Regional Office of the National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349, or the Office of the Superintendent, Fort Sumter National Monument, Drawer R. Sullivan's Island, South Carolina 29482.

In addition to the alternatives, the assessment considers the nature of the resources, impacts of the various alternatives, mitigating measures to soften the effect of an alternative on the human environment and adverse effects that cannot be avoided should an alternative be implemented. Public comments on the assessment and their alternatives are solicited. Written comments on the assessment will be received at the offices listed above for a period of 30 days following issuance of this notice.

Dated: September 20, 1976.

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

[FR Doc.76-31900 Filed 10-29-76;8:45 am]

GENERAL MANAGEMENT AND DEVELOPMENT CONCEPT PLANS FOR GULF ISLANDS NATIONAL SEASHORE, FLA. AND MISS.

Environmental Assessment; Availability

An Environmental Assessment considering alternatives for visitor use, development and resource management of Gulf Islands National Seashore and Environmental Assessments considering alternatives for development and management of Davis Bayou, Naval Live Oaks and Santa Rosa are available for inspection at the Southeast Regional Office of the National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349; the Office of the Superintendent, Gulf Islands National Seashore, P.O. Box T, Ocean Springs, Mississippi 39564.

In addition to the alternatives, the assessments consider the nature of the resources, impacts of the various alternatives, mitigating measures to soften the effect of an alternative on the human environment and adverse effects that cannot be avoided should an alternative be implemented. Public comments on the assessments and their alternatives are solicited. Comments will be received at the offices listed above for a period ending December 1, 1976.

Dated: October 26, 1976.

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

[FR Doc.76-32063 Filed 10-29-76;8:45 am]

Office of the Secretary

DICKEY/LINCOLN SCHOOL TRANSMISSION PROJECT ENVIRONMENTAL STATEMENT

Intent To Prepare Draft Environmental Statement

Notice of intent to prepare an environmental impact statement is hereby given by the United States Department of the Interior, Dickey/Lincoln School Transmission EIS Team, Federal Office Building, Room 209, Bangor, Maine 04401.

The environmental statement will cover contemplated transmission lines and related facilities from the proposed Dickey/Lincoln School Lakes Hydroelectric Project in northern Maine. Between 300 and 500 miles of transmission lines will be required to integrate the authorized generation from the facility in northern Maine into the New England Transmission Grid. These transmission facilities will be routed through portions of Maine, New Hampshire, and Vermont. Two new substations and expansions of up to eight existing substations will utilize up to 30 acres of land. Transmission lines will require between 3,500 and 9,000 acres of rights-of-way. The program for continued maintenance, as well as proposed mitigation measures, will also be discussed in the statement.

Suggestions and comments are solicited for consideration in the preparation of the draft environmental statement. A notice was published in the FEDERAL REGISTER on June 14, 1976 (41 FR 23987), to inform interested citizens of public informational meetings that were held by the U.S. Department of the Interior on July 14, 15, 16, 19, 20, and 21, 1976.

Another series of public informational meetings will be held on December 2, 3, 6, 7, 8, 9, and 10, and a notice will be published in the FEDERAL REGISTER giving further information at least 30 days prior to these meetings.

Upon filing of the draft environmental statement with the Council on Environ-

mental Quality (CEQ), comments will be received on the draft statement itself. A draft environmental statement is now planned for filing with the CEQ in November 1977.

Dated: October 20, 1976.

HARRY D. HURLESS,
Project Manager.

[FR Doc.76-31873 Filed 10-29-76;8:45 am]

DICKEY/LINCOLN SCHOOL TRANSMISSION PROJECT

Public Meetings

This notice is published to inform interested citizens of public meetings to be held by the U.S. Department of the Interior. The Department is currently conducting transmission studies related to the proposed Dickey/Lincoln School Lakes Hydroelectric Project. The purpose of these studies is to: (1) identify a proposed marketing strategy for the hydroelectric peaking and energy from the project; (2) determine the best electrical plan to integrate the Dickey/Lincoln School Lakes generation into the New England area power system; and (3) determine the most feasible alternative transmision line routes between the generation site in northern Maine and terminal points connecting with the existing New England transmission system.

These meetings are being held to present information and to solicit public input related to the proposed power marketing, electrical system plans, and transmission corridors that have been identified by the Interior Department. The dates, hours, and places of these meetings are as follows: December 2, 1976, 7 p.m., Montpelier High School cafeteria, Bailey Avenue, Montpelier, Vermont; December 3, 1976, 7 p.m., Concord Public Library auditorium, 45 Green Street, Concord, New Hampshire; December 6, 1976, 7 p.m., Forest Hills High School, English Room 3, Main Street, Jackman, Maine; December 7, 1976, 7 p.m., Groveton High School study hall-gym, 38 State Street, Groveton, New Hampshire; December 8, 1976, 7 p.m., Augusta Civic Center, Kennebec Room, Community Drive, Augusta, Maine; December 9, 1976, 7 p.m., Bangor City Hall, Council Chambers, 73 Harlow Street, Bangor, Maine; December 10, 1976, 7 p.m., University of Maine, Folsom Hall, Room 105, Presque Isle, Maine.

All interested parties are urged to attend these meetings. Comments received will assist the Department in evaluating factors pertinent to the above-mentioned studies and proposals. These meetings will be the final public meetings on the transmission facilities prior to the draft environmental impact statement. The draft statement is scheduled to be filed with the Council on Environmental Quality (CEQ) in November 1977, and public meetings will be held in January and February 1978.

Date: October 20, 1976.

HARRY D. HURLESS,
Project Manager.

[FR Doc.7631874 Filed 10-29-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on November 16, 1976.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: October 27, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-31906 Filed 10-29-76;8:45 am]

Commodity Credit Corporation

[Amdt. 1]

NONFAT DRY MILK

Monthly Sales List (Period July 1, 1976 Through May 31, 1977)

The CCC Monthly Sales List for the period July 1, 1976, through May 31, 1977, published at 41 FR 29198 is amended by inserting the following as the last sentence of Section 27 entitled "Nonfat dry milk-Unrestricted Use Sales":

From time to time, an invitation will be issued for competitive offers under Announcement PV-DS-1 to purchase nonfat dry milk which is 20 months old or older or which has a moisture content of 4.2 percent but not more than 5.0 percent.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427).)

Effective Date: 2:30 p.m. (e.s.t.) September 30, 1976.

Signed at Washington, D.C. on October 20, 1976.

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

[FR Doc.76-31910 Filed 10-29-76;8:45 am]

Farmers Home Administration

[Notice of Designation Number A315]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Nebraska Counties as a result of the following:

Adams, Boone, Burt, Butler, Chase, Colfax, Cuming, Douglas, Madison, Nemaha, Platte, Sarpy, Saunders, Seward, Stanton, and Washington Counties because of drought affecting the 1976 crop which begins January 1, 1976, and ends December 31, 1976.

Dundy—Hailstorms June 23 and July 3, 1976, and drought the 1976 crop year which begins January 1 and ends December 31, 1976.

Frontier—Hail and windstorms July 3, July 27, and August 5, 1976.

Furnas—Hailstorm August 5, 1976, and drought the 1976 crop year which begins January 1 and ends December 31, 1976.

Hayes—Hailstorms July 3 and August 1, 1976, and drought the 1976 crop year which begins January 1 and ends December 31, 1976.

Hitchcock—Hailstorm July 3, 1976, and drought the 1976 crop year which begins January 1 and ends December 31, 1976.

Lancaster—Drought the 1976 crop year which begins January 1 and ends December 31, 1976, and winterkill on wheat because of hard freezes February 1 through April 30, 1976.

Red Willow—Hailstorms April 16, May 27, July 27, and August 5, 1976, and Drought the 1976 crop year which begins January 1 and ends December 31, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for emergency loans must be received by this Department no later than December 15, 1976, for physical losses and July 14, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes

it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 21st day of October, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-31832 Filed 10-29-76;8:45 am]

Soil Conservation Service

MURPHY BROOK RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE, VERMONT

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Qaulity Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Murphy Brook RC&D Measure, Ludlow, Vermont.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, USDA, One Burlington Square, Suite 205, Burlington, Vermont 05401, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for flood prevention. The planned works of improvement include construction of approximately 100 feet of stone lined channel and 260 feet of bituminous coated corrugated metal arch pipe, with headwall and crash guard. The pipe outlet into the Black River will be protected with riprap and all disturbed areas will be vegetated.

The environmental assessment file is available for inspection during regular working hours at the following location:

USDA, Soil Conservation Service, One Burlington Square, Suite 205, Burlington, Vermont 05401

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until November 11, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: October 21, 1976.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources.

[FR Doc.76-31877 Filed 10-29-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held on Friday, November 19, 1976, at 10:00 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Government member assignments by product category.
(4) Industry member presentation of future report outlines.
(5) Presentation and discussion of any new Committee findings relative to technical matters and foreign availability of telecommunications equipment.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 28, 1976, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reveiwed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Office, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The Complete Notice of Determination to close portions of the meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on April 30, 1976 (41 FR 18129).

Dated: October 26, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-31864 Filed 10-29-76;8:45 am]

National Bureau of Standards

PROPOSED DISCONTINUANCE OF CERTAIN NBS RADIO BROADCAST SERVICES

Request for Public Comment

The purpose of this notice is to announce and invite public comment upon the proposed discontinuance of certain standard time and frequency broadcasts from radio stations operated by the National Bureau of Standards (NBS).

NBS presently transmits standard time and frequency broadcasts from radio stations WWV in Ft. Collins, Colorado, WWVB in Boulder, Colorado, and WWVH on Kauai, Hawaii. The changes, proposed to become effective 90 days from the publication of this notice in the FEDERAL REGISTER unless further modified on the basis of comment received, will result in the following modifications of service from radio stations WWV in Ft. Collins and WWVH on Kauai.

1. Discontinuance of transmissions on 2.5, 20, and 25 MHz from WWV, and
2. Discontinuance of transmissions on 20 MHz from WWVH.

All other present transmissions (5, 10, and 15 MHz from WWV, and 2.5, 5, 10, and 15 MHz from WWVH, as well as the 60 kHz transmission from WWVB) will

continue unchanged at present power levels. As radio propagation conditions related to sunspot activity change in the future, the decision to discontinue the aforementioned transmissions will necessarily be periodically reviewed.

The proposed discontinuance of service will result in significantly reduced station operating costs by freeing some transmitters and other electronic equipment for use as dedicated backup systems in an automated operation and will enable the funding of the examination of alternatives for improved services.

The specific transmission frequencies selected for termination are based on an extensive survey of WWV/WWVH users conducted during the first half of 1975. While the purpose of that survey was to assist in the consideration of various alternatives that would reduce operating costs and conserve energy, the more than 12,000 responses received during the survey showed conclusively that the frequencies being terminated are used and needed much less than the remaining services. Copies of the NBS report on the survey (NBS Technical Note 674, "Report on the 1975 Survey of Users of the Services of Radio Stations WWV and WWVH," October 1975) are available at a cost of $15.0 from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (order by SD Catalog No. C13.46:674).

In addition, commercially available receivers that can receive signals at 20 and/or 25 MHz always have provisions for receiving signals at 5, 10, or 15 MHz, and these signals can be used in lieu of 20 and 25 MHz.

In order that NBS may be able to assess fully the impact of the proposed discontinuance of service, the public is invited to comment on this proposal. NBS is particularly interested in hearing from persons or organizations that listen to the 2.5 MHz transmission from WWV. Comments should be in writing and mailed within 60 days from the publication of this notice in the FEDERAL REGISTER. Comments should be addressed to Dr. James A. Barnes, Chief, Time and Frequency Division, National Bureau of Standards, Boulder, Colorado 80302.

Dated: October 28, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-32069 Filed 10-29-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

CALIFORNIA PSRO AREA XVI

Results of Notification of Physicians

On August 16, 1976, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Organization for Professional Standards Review of Santa Barbara and San Luis Obispo Counties, designating it as the Professional Standards Review Organization for PSRO Area XVI, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.7.

Such notice was also published in three consecutive issues of the Santa Barbara News Press and San Luis Obispo County Telegram-Tribune on August 16, 17, and 18, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area XVI of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XVI who objects to the Secretary entering into an agreement with the Organization for Professional Standards Review of Santa Barbara and San Luis Obispo Counties on the grounds that such organization is not representative of doctors in PSRO Area XVI, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1538, FDR Station, New York, New York 10022, on or before September 15, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area XVI, the Secretary has determined, pursuant to 42 CFR 101.105, that more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area XVI have expressed timely objection to entering into an agreement with the Organization for Professional Standards Review of Santa Barbara and San Luis Obispo Counties.

Therefore, on November 1, 1976, the Secretary will, in accordance with 42 CFR 101.106, begin to conduct a poll of all doctors of medicine or osteopathy who are engaged in active practice in PSRO Area XVI to determine whether the Organization for Professional Standards Review of Santa Barbara and San Luis Obispo Counties is representative of such doctors in the area.

Each such doctor will receive a ballot on which he shall indicate whether in his opinion the Organization for Professional Standards Review of Santa Barbara and San Luis Obispo Counties is or is not representative of the doctors of medicine or osteopathy engaged in active practice in PSRO Area XVI. Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XVI who has not received a ballot on or before November 8, 1976, may request in writing a ballot from the Secretary of Health, Education, and Welfare, P.O. Box 1538, FDR Station, New York, New York 10022. Only those completed ballots postmarked no later than December 1, 1976, and returned in the stamped self-addressed envelope provided to each individual doctor will be considered valid.

Dated: October 22, 1976.

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

[FR Doc.76-32043 Filed 10-29-76;8:45 am]

ILLINOIS PSRO AREA III

Results of Notification of Physicians

On August 25, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Chicago Foundation for Medical Care designating it as the Professional Standards Review Organization for PSRO Area III of the State of Illinois, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.17.

Such notice was also published in three consecutive issues of the Chicago Tribune, Chicago Sun-Times, and the Chicago Daily News on August 25, 26, and 27, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area III of the State of Illinois of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Illinois who objects to the Secretary entering into an agreement with the Chicago Foundation for Medical Care on the grounds that such organization is not representative of doctors in PSRO Area III of the State of Illinois, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1538, FDA Station, New York, New York 10022 on or before September 24, 1976.

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

Dated: October 22, 1976.

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

[FR Doc.76-32044 Filed 10-29-76;8:45 am]

NEW JERSEY PSRO AREA VII

Results of Notification of Physicians

On July 30, 1976, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Central New Jersey Professional Standards Review Organization, Inc., designating it as the Professional Standards Review Organization for PSRO Area VII, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.34.

Such notice was also published in three consecutive issues of the *Newark Star Ledger* and the *Trentonian* on July 30, 31 and August 2, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VII of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VII who objects to the Secretary entering into an agreement with the Central New Jersey Professional Standards Review Organization, Inc. on the grounds that such organization is not representative of doctors in PSRO Area VII, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before August 30, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area VII, the Secretary has determined, pursuant to 42 CFR 101.105, that more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VII have expressed timely objection to the Secretary entering into an agreement with the Central New Jersey Professional Standards Review Organization, Inc.

Therefore, on November 1, 1976, the Secretary will, in accordance with 42 CFR 101.106, begin to conduct a poll of all doctors of medicine or osteopathy who are engaged in active practice in PSRO Area VII to determine whether the Central New Jersey Professional Standards Review Organization, Inc. is representative of such doctors in the area.

Each such doctor will receive a ballot on which he shall indicate whether in his opinion the Central New Jersey Professional Standards Review Organization, Inc. is or is not representative of the doctors of medicine or osteopathy engaged in active practice in PSRO Area VII. Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VII who has not received a ballot on or before November 8, 1976 may request in writing a ballot from the Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. Only those completed ballots postmarked no later than December 1, 1976 and returned in the stamped self-addressed envelope provided to each individual doctor will be considered valid.

Dated: October 22, 1976.

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

[FR Doc.76-32045 Filed 10-29-76;8:45 am]

Office of the Secretary

CONSUMER ADVISORY COUNCIL

Open Meeting

Pursuant to Pub. L. 92-463 of October 8, 1972, notice is hereby given that there will be a public meeting of the Consumer Advisory Council to the Office of Consumer Affairs, U.S. Department of Health, Education, and Welfare, which will commence at 9:00 a.m. on November 15 in Room 5104, New Executive Office Building, 17th and H Streets, N.W., Washington, D.C. 20506 and continue at 9:00 on November 16 in the same location.

The Consumer Advisory Council was established under Section 5 of Executive Order #11583 issued February 24, 1971, to advise the Director of the Office of Consumer Affairs with respect to policy matters relating to consumer interests, the effectiveness of Federal programs and operation which affect the interests of consumers, problems of primary importance to consumers and ways in which unmet consumer needs can appropriately be met through Federal Government action.

The meeting is open to the public with the number of persons admitted subject to reasonable limitation according to space available.

The agenda will include review and evaluation of consumer participation mechanisms under the Consumer Representation Plans of the Federal Executive agencies.

Signed in Washington, D.C. this 22nd day of OCTOBER, 1976.

VIRGINIA H. KNAUER,
Director, Office of Consumer Affairs and Executive Secretary,
Consumer Advisory Council.

[FR Doc.76-31909 Filed 10-29-76;8:45 am]

Social and Rehabilitation Service

WORK INCENTIVE PROGRAM

Limitations for Social and Supportive Services Entitlement

Notice is hereby given of limits to entitlement for the Work Incentive Program for child care and supportive services, pursuant to section 402(a)(19)(G) and 403(d) of the Social Security Act for Fiscal Year 1976 and the Transition Quarter (July 1, 1976, through September 30, 1976) for 18 States which requested that a portion of their unused Fiscal Year 1976 limit of entitlement be transferred to the Transition Quarter. Requests for transferring unused Fiscal Year 1976 entitlement to the Transition Quarter were made by the 18 States in response to Action Transmittals SRS-AT-76-112, dated July 8, 1976, and SRS-AT-76-143, dated September 8, 1976. The Fiscal Year 1976 limits of entitlement for States not listed herein remain the same as those previously published in the FEDERAL REGISTER (41 FR 33317), August 9, 1976, and transmitted by SRS-AT-76-125. Limits of entitlement for the Transition Quarter, July 1, 1976, through September 30, 1976, for States not listed herein remain the same as those previously published in the FEDERAL REGISTER (41 FR 42692), September 28, 1976, and transmitted by SRS-AT-76-151.

Requests for Federal financial participation in expenditures incurred pursuant to section 402(a)(19)(G) and 403(d) of the Social Security Act during the periods July 1, 1975, through June 30, 1976, (Fiscal Year 1976), and July 1, 1976, through September 30, 1976, (Transition Quarter), for the States listed herein will be honored only to the extent of limits as follows:

	Fiscal year 1976	Transition quarter
Alabama	1,295,158	318,773
Alaska	498,441	178,182
Arizona	1,408,235	323,569
Arkansas	817,517	205,510
California	8,226,461	3,347,200
Florida	1,737,432	1,400,348
Idaho	589,686	217,460
Illinois	3,556,291	2,193,087
Indiana	1,105,000	365,018
Kentucky	1,214,134	459,533
Louisiana	999,532	402,527
Maryland	2,275,448	1,168,518
New York	11,487,014	4,106,339
Ohio	3,028,236	883,082
Oregon	2,083,599	836,995
Pennsylvania	4,544,020	1,113,955
Virginia	1,375,630	359,415
Washington	2,590,155	720,527

Dated: October 21, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

[FR Doc.76-31716 Filed 10-29-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONSUMER REPRESENTATION PLANS

Organizational Chart; Correction

On September 28, 1976, there was published as Part II, Consumer Representation Plans for various Departments and Agencies. On Page 42811, Appendix AI to the Department of Housing and Urban Development Plan sets forth a organizational chart for HUD. That chart does not reflect the current organization of HUD and a correction is being published.

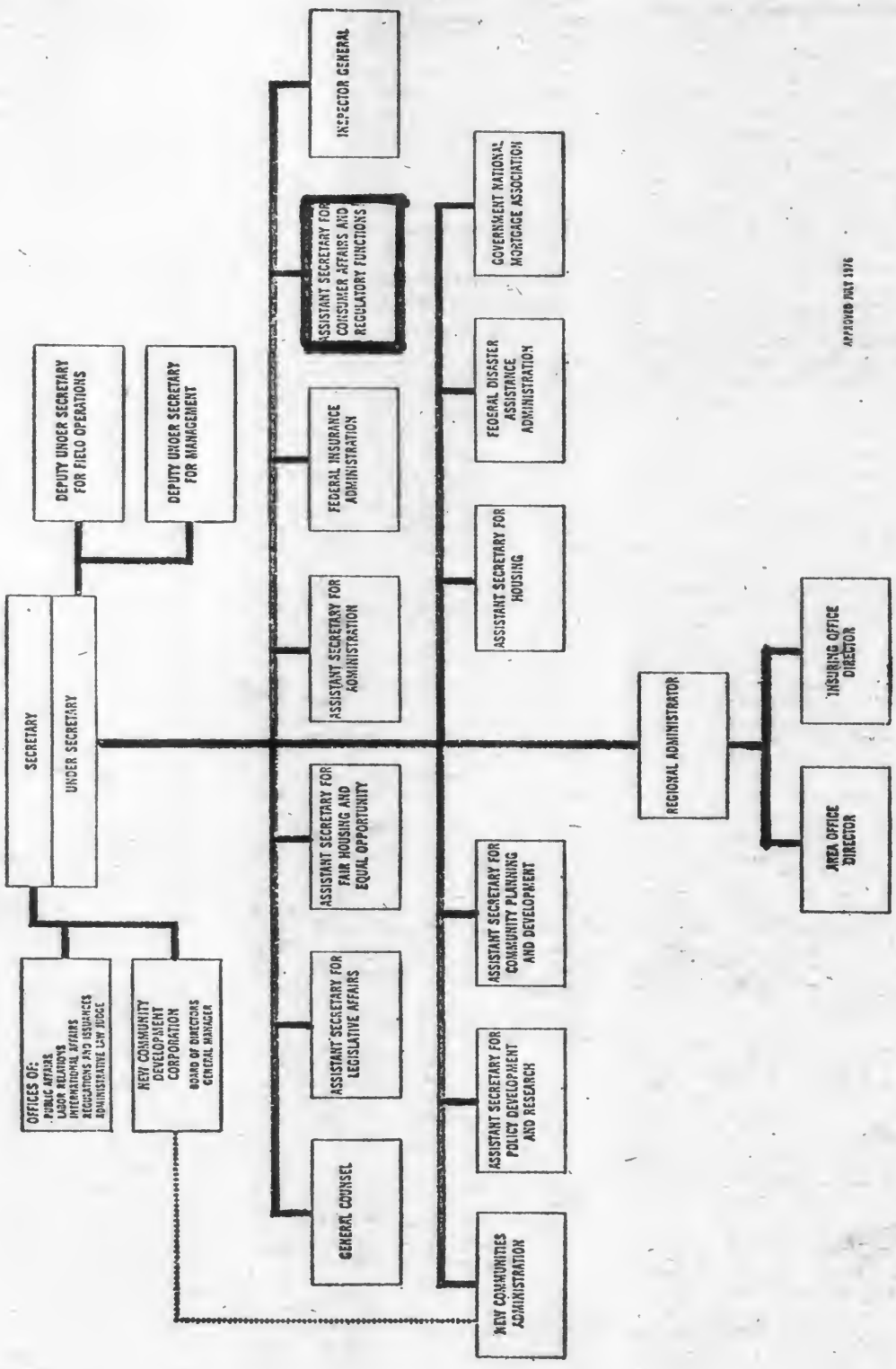
Accordingly, Appendix AI to HUD's Consumer Representation Plan appearing at 41 FR 42811 is corrected to appear as set forth hereinafter.

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

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs.

APPENDIX A1

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT



[FR Doc.76-31834 Filed 10-29-76;8:45 am]

[Docket No. D-76-466]

REGION IV (ATLANTA), PROPERTY DISPOSITION COMMITTEES

Redelegation of Authority

The Assistant Secretary for Housing has established a Regional Office Property Disposition Committee in each Regional Office and redelegated authority to the Committees through a redelegation of authority and assignment of functions published at 35 FR 4022 (March 3, 1970) as amended by 35 FR 16102 (October 14, 1970) and 36 FR 14229 (July 31, 1971) and further amended by 41 FR 26946 (June 30, 1976).

SECTION A. *Authority of the Regional Office Property Disposition Committee.* The Regional Office Property Disposition Committee for Region IV has been redelegated the authority to pass upon and determine the action to be taken with respect to the disposition program for public offering by competitive bids of any property acquired by the Secretary, located within its respective jurisdiction, in connection with multifamily housing under any title of the National Housing Act (12 U.S.C. 1701, et seq.), college housing under Title IV of the Housing Act of 1950 (12 U.S.C. 1749–1749c), housing for the elderly or handicapped under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), and nonresidential property under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b). The disposition programs for such properties shall include the terms of sale, manner of financing, and where appropriate, the terms, amounts, interest rates, and amortization plans of mortgages taken as security, and any special provisions in connection with the sale of such properties, together with a statement of the Finding of the Environmental Clearance required under HUD Handbook 1390.1. The disposition program shall also include the carrying out of appropriate advertisement for each public offering: *Provided,* That in all cases where the minimum acceptable sales price is determined to be in excess of $300,000, the program of advertisement shall be carried out by the Office of Property Disposition, Office of Housing.

SEC. B. *Establishment of an Area Office Property Disposition Committee in each Area Office in Region IV and redelegation of authority.* An Area Office Property Disposition Committee is hereby established in each Area Office in Region IV and redelegated all powers and authorities of the Regional Office Property Disposition Committee within the jurisdiction of the Area Office. The Area Office Property Disposition Committee shall consist of the following members: Area Director, Chairman; Deputy Area Director, Housing Management Division; Director, Housing Production and Mortgage Credit Division/Chief Underwriter; Director, Community Planning and Development Division; Director, Equal Opportunity Division; Area Counsel; and such other members as the Area Director shall designate in writing. The Chief, Property Disposition Branch/Chief, Loan Management and Property Disposition Branch shall serve the Committee in an advisory capacity and, except in the event of a tie vote, shall be a non-voting member.

SEC. C. *Establishment of an Insuring Office Property Disposition Committee in each Insuring Office in Region IV and redelegation of authority.* An Insuring Office Property Disposition Committee is hereby established in each Insuring Office in Region IV and redelegated all powers and authorities of the Regional Property Disposition Committee within the jurisdiction of the Insuring Office. The Insuring Office Property Disposition Committee shall consist of the following members: Insuring Office Director, Chairman; Deputy Insuring Office Director; Director, Housing Management Division; Chief Underwriter; Equal Opportunity Specialist; Community Planning and Development Specialist or Environmental Control Officer, where such position(s) exist; and such other members as the Insuring Office Director shall designate in writing. The Chief, Property Disposition Branch shall serve the Committee in an advisory capacity and, except in the event of a tie vote, shall be a non-voting member.

SEC. D. *Procedures.* The following procedures shall apply to the Regional Office, Area Office, and Insuring Office Committees:

1. The Committees shall meet at the call of the Chairman or Acting Chairman. Any Committee action must be taken at a meeting of the Committee and must be approved by a majority vote of all members of the Committee, whether present or not. The Committee shall maintain written minutes of each meeting. Such minutes shall be dated, consecutively numbered, and shall be signed by each member attending the meeting, indicating either an affirmative or negative vote. Copies of all executed minutes together with a copy of each approved disposition program shall be submitted to the Director, Office of Property Disposition, Office of Housing, within three working days following the meeting of the Committee, and to the Regional Administrator for disposition programs approved by other than the Regional Office Committee.

2. The minutes of the meeting and disposition program approved by the Committee shall constitute the basis of the public offering and acceptance or rejection of bids and the execution of all documents and instruments relating and incident thereto, including instruments of conveyance.

3. In order to carry out the functions of the Committee, the Chairman is authorized to execute any deed, deed of release, assignment and satisfaction of mortgage, contract to purchase (installment contract of purchase), offer acceptance, or other form of contract sale, or other instrument relating to such properties or any interest therein acquired by the Secretary.

4. Any employee who has been formally designated to serve in an acting capacity for a member of the Committee in connection with his Departmental duties shall serve as a member of the Committee in the absence of such member.

SEC. E. *Exercise of redelegated authority.* This redelegation of authority shall not be construed to modify or otherwise affect the administrative or supervisory powers of the Regional Administrator, Area Directors, or Insuring Office Directors, or any of them, to whom a delegate is responsible.

(Redelegation of Authority by the Assistant Secretary for Housing effective February 7, 1970 (35 FR 4022, March 3, 1970) as amended by 35 FR 16102, October 14, 1970, and 36 FR 14229, July 31, 1971, and further amended by 41 FR 26946, June 30, 1976).

Effective date. This redelegation of authority shall be effective as of August 16, 1976.

M. BRUCE NESTLEHUTT,
Deputy Regional Administrator,
Region IV (Atlanta).

[FR Doc.76-31836 Filed 10-29-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-196]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from August 3, 1976 to August 25, 1976 (List No. 20-76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/115/0, Type BE 6.0 winch; approval limited to mechanical components only and for a maximum working load 13,440 lbs. pull at the drums (6,720 lbs. per fall); identified by Schat Davits, Ltd. drawings S–704458/9 dated October 30, 1975, F–102787 dated October 21, 1975, and drawing list dated June 21, 1976, Trackway-mounted unit, manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Florida 32754, effective August 3, 1976.

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS

Approval No. 160.017/33/1, Model E–1004D, Type II embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. LC–104, Rev. 4, dated September 23, 1966, approval limited to ladders 65 feet or less in length, manufactured by Roberton and Schwartz, Inc., 480 Potrero Avenue, San Francisco, California 94110, effective August 10, 1976. (It is an extension of Approval No. 160.017/33/1 dated August 31, 1971.)

Approval No. 160.017/34/1, Model P–1006–A, Type I embarkation-debarkation ladder, rope suspension, steel ears, dwg. LC–106, Rev. 4, dated September 23, 1966, manufactured by Roberton and Schwartz, Inc., 480 Potrero Avenue, San Francisco, California 94110, effective August 10, 1976. (It is an extension of Approval No. 160.017/34/1 dated August 31, 1971.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/209/0, Type ORD/DHM (MKIII) fixed gravity davit; approved for a maximum working load of 16,350 lbs. per set (8,175 lbs. per arm) using single-part falls; identified by Schat Davits, Ltd. general arrangement drawing F 102873 dated July 1, 1976, and drawing list D 402230, undated, approved for installations of Types "A", "B," and "C" shown on Dwg. D402214, manufactured by Watercraft America, Inc., P.O. Box 307 Mims, Florida 32754, effective August 24, 1976.

MARINE BUOYANT DEVICE

Approval No. 160.064/1137/0, child, Model No. 84, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, 6077 S. W. Lakeview Boulevard, Lake Oswego, Oregon 97034, effective August 23, 1976.

Approval No. 160.064/1138/0, child, Model No. 85, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, 6077 S. W. Lakeview Boulevard, Lake Oswego, Oregon 97034, effective August 23, 1976.

Approval No. 160.064/1139/0, adult, Model No. 94, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, 6077 S. W. Lakeview Boulevard, Lake Oswego, Oregon 97034, effective August 23, 1976.

Approval No. 160.064/1140/0, adult, Model No. 95, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, effective August 23, 1976.

Approval No. 160.064/1141/0, adult, Model No. 96, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, effective August 23, 1976.

Approval No. 160.064/1142/0, adult, Model No. 97, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, effective August 23, 1976.

FLOATING ELECTRIC WATER LIGHT

Approval No. 161.010/1/1, Chromalloy Model SM–1 Illumination Marker with mounting bracket; Illumination Marker Assembly dwg. P1–02–0033 Rev. A; Bracket Assembly dwg. A3–01–0073, manufactured by ACR Electronics, Inc., 3901 North 29th Avenue, Hollywood, Florida 33020, formerly Chromolloy Electronics Division, effective August 25, 1976. (It supersedes Approval No. 161.010/1/1 dated February 27, 1975 to show change of name of manufacturer.)

Approval No. 161.010/6/0, Illumination Marker ACR/SM–2, manufactured by ACR Electronics, Inc., 3901 North 29th Avenue, Hollywood, Florida 33020, effective August 25, 1976. (It supersedes Approval No. 161.010/6/0 dated August 25, 1975 to show change of name of manufacturer.)

CLASS A EPIRB

Approval No. 161.011/5/0, Model ACR/RLB–10, Class A, float free, emergency position indicating radio beacon, FCC type accepted on March 19, 1975 under 47 CFR Part 83, manufactured by ACR Electronics, Inc., 3901 North 29th Avenue, Hollywood, Florida 33020, formerly Chromalloy Electronics Division, effective August 25, 1976. (It supersedes Approval No. 161.011/5/0 dated April 7, 1975 to show change of name of manufacturer.)

Dated: October 21, 1976.

H. G. LYONS,
Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76–31883 Filed 10–29–76;8:45 am]

Federal Aviation Administration

CONSULTATIVE PLANNING ON AVIATION METRICATION

Conference

The purpose of this notice is to announce a Consultative Planning Conference on Aviation Metrication. (The establishment of annual consultative planning procedures was originally documented and publicized in 33 FR 19205, dated December 24, 1963, and 35 FR 17798, dated November 19, 1970.)

The Department of Transportation announces that this two-day conference will commence at 9:00 a.m. on November 16, 1976, in conference room 2230, DOT Headquarters Building, 400 7th Street, S.W., Washington, D.C. 20590.

The meeting will be open to the public and persons who wish to present views on the topics to be discussed may do so by submitting their views in writing to:

Associate Administrator for Policy Development and Review (Acting).
Attention: ASP–10,
Federal Aviation Administration,
800 Independence Avenue, S.W.,
Washington, D.C. 20591.

In addition, persons who wish to attend the meeting may submit their written views at that time or following the meeting not later than a date which will be given at the meeting.

The Metric Conversion Act of 1975 (Pub. L. 94–168) declares, in part, that the policy of the United States shall be to coordinate and plan the increasing use of the metric system. The Federal Aviation Administration is involved in several metrication activities to possibly bring about metric conversion in measurement units and engineering standards for aviation.

The purpose of this consultative planning conference is to interchange ideas and views on metrication with the aviation community and the general public that will help shape future plans and policies of the FAA with respect to metrication.

The following items are of major interest;

(1) Air Traffic Control;
(2) Aircraft Operations;
(3) Airports;
(4) Weather Observing and Dissemination;
(5) Aeronautical Charts;
(6) Personnel Training;
(7) Navigational Aids;
(8) Design and Manufacture of Aviation Products;
(9) Maintenance in Support of Aviation Products; and
(10) Transitioning.

These items are confined to those areas for which FAA has statutory responsibility but do not exclude aerospace considerations that may impact on the aviation community.

F. A. MEISTER,
Acting Associate Administrator for Policy Development and Review.

OCTOBER 19, 1976.

[FR Doc.76–31789 Filed 10–29–76;8:45 am]

INTERSTATE HIGHWAY 40

Grant for Construction in Memphis, Tennessee; Public Hearing

The purpose of this notice is to announce a public hearing to be held in Memphis, Tennessee, on Tuesday, November 23, 1976, to consider whether a Federal grant should be approved for the completion of construction of a 3.6-mile segment of Interstate Highway 40 in Memphis, including 1 mile through Overton Park.

Secretary of Transportation William T. Coleman, Jr. has delegated to me the authority for deciding whether an application for a Federal grant should be approved for completion of construction of Interstate Highway 40 in Memphis, through Overton Park, as proposed by the Tennessee Department of Transportation (TDOT).

The current proposal represents a revision from an earlier proposal which was rejected by former Secretary of Transportation John A. Volpe, on January 18, 1973.[1] In rejecting that proposal, former Secretary Volpe noted that locations for I-40 outside of Overton Park, or a "no build" alternative, might be prudent and feasible within the meaning of the applicable Federal statutes, including section 4(f) of the Department of Transportation Act, 49 U.S.C. 1653(f), and that a tunnel design might be less harmful to the park than the open-cut, partially depressed design proposed at that time.

In September 1974, TDOT submitted a "Response to the January 18, 1973, Secretarial Decision," which reiterated the recommendation for the previously rejected alignment and design. On January 31, 1975, former Secretary of Transportation Claude S. Brinegar requested U.S. Department of Transportation (DOT) staff to evaluate other alternatives, including a cut-and-cover tunnel through Overton Park.

On April 21, 1975, Secretary Coleman, based on his review of the record (including material developed by DOT staff pursuant to former Secretary Brinegar's request), determined that—barring the development of unforeseen information—a cut-and-cover tunnel underneath the existing busway in Overton Park, meeting six construction and design standards which he specified, would meet the standards of section 4(f) of the DOT Act.[2] Accordingly, he instructed the Federal Highway Administration (FHWA), in cooperation with TDOT, to prepare and circulate an environmental impact statement (EIS) for such a cut-and-cover tunnel design.

On October 18, 1976, TDOT submitted a proposal for a fully depressed, partially covered design, which is set forth in a proposed "Final Environmental Impact and Section 4(f) Statement", prepared jointly by TDOT and FHWA. This document is now available for review at the public libraries in Memphis. A limited additional number of copies will also be available on Monday, November 1, and can be obtained by citizen groups, businesses and governmental bodies potentially affected by the decision. Copies may be obtained at the office of Frank P. Polumbo, Jr., Director of Public Works of the City of Memphis, 125 N. Main Street (Room 602), Memphis, Tennessee 38103.

In light of the considerable interest and controversy which have surrounded the issue of the possible construction of I-40, I shall conduct a public hearing on the new proposal. Interested elected public officials and representatives of civic organizations are invited to present their views. The hearing will be conducted in a manner comparable to a Congressional hearing. It will be held on Tuesday, November 23, 1976, at a location in Memphis to be announced shortly. The agenda will be (all times are Central Standard Time):

10:30 a.m.–11:30 a.m.—Elected public officials favoring construction;

11:30 a.m.–12:30 p.m.—Elected public officials opposed to construction;

2:00 p.m.–3:00 p.m.—Representatives of civic groups favoring construction; and

3:00 p.m.–4:00 p.m.—Representatives of civic groups opposed to construction.

Participants will be permitted a maximum of 10 minutes for each presentation. Those of the same point of view are urged to combine their presentations. Written copies of presentations will be helpful, but are not required.

Any elected public official or representative of a civic, public interest, or industry group desiring to participate at the hearing should write to: Deputy Secretary of Transportation (I-40 Hearing), 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone: 202-426-4357), to be received no later than November 10, giving the following information:

1. Name.
2. Address.
3. Phone number during normal working hours.
4. Capacity in which presentation will be made (i.e., public official or civic, public interest, or industry group representative, with name of group represented).
5. Position—pro or con.
6. Time (maximum of 10 minutes) desired for presentation.

Additionally, written presentations by any interested persons, including those who may not have sufficient time to express their full views at the hearing, may be submitted directly to me (address Deputy Secretary of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, and indicate "I-40 Presentation" on envelope), to be received not later than November 30, 1976.

A schedule for the hearing will be prepared listing the participants in the order in which their presentations will be made. If more requests to testify are made than the time allotted will permit, we will attempt to obtain prior agreement on time allocations, or will allot time through the drawing of names by lot. The public and the press are invited to the hearing, which will be transcribed electronically. The transcription and all written submission will become a part of the record in this proceeding.

For the information of the public, we expect to issue, within approximately one week, a set of questions that we believe are particularly relevant to the decision on this matter.

The holding of this hearing is not a precedent for the way in which similar matters will be handled in the future.

Issued in Washington, D.C., October 28, 1976.

JOHN W. BARNUM,
Deputy Secretary of Transportation.

[FR Doc.76-32099 Filed 10-29-76;8:45 am]

[1] "Secretarial Decision on I-40, Overton Park, Memphis, Tennessee", January 18, 1973.

[2] Memorandum from the Secretary of Transportation, Subject: "Location and Design Elements for I-40, Overton Park, Memphis, Tennessee", April 21, 1975.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

INTERNATIONAL CENTRE COMMITTEE

Meeting

Notice is hereby given that the regular meeting of the International Centre Committee of the Advisory Council on Historic Preservation will be held on November 16, 1976, beginning at 9:30 a.m. in the Board Room of the American Institute of Architects Building, Washington, D.C. This meeting will be open to the public.

The International Centre Committee coordinates United States membership and participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property in Rome, Italy. The Committee identifies special preservation problems in the United States, arranges for International Centre assistance in solving them, reviews American applicants for Centre training courses, convenes meetings of experts, and makes recommendations on American criteria and standards for preservation and restoration. The Committee's membership includes representatives of 29 national institutions and Federal agencies interested in the Centre's activities.

The agenda is as follows:

Call to Order.
Chairman's Welcome.
Introduction.
Order of Business.
Consideration of April 1, 1976, meeting minutes.
I. Report of the Chairman.
II. International Centre General Assembly, April 1977.
III. Report on new status of Advisory Council on Historic Preservation.
IV. Reports:
A. U.S. students to attend Centre training courses in 1977.
B. National Conservation Advisory Council activities.
C. Review of historic preservation training programs in U.S.
D. Discussion of recommendations of International Meeting on the training of experts in conservation.
E. Activities of US/ICOMOS.
V. Other Business.

Additional information is available from the Executive Secretary, International Centre Committee, Suite 430, 1522 K Street, NW, Washington, D.C. 20005.

Dated: October 28, 1976.

ANNE E. GRIMMER,
Executive Secretary.

[FR Doc.76-32033 Filed 10-29-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-10-113; Docket 29968, 28253, 21318, 21380, 21394, 21397, 21398, 27863, 24088, 24413, 28112, 28270, 25768, 27812, 27935, 27814, 28183, 29690, 27828]

ALLEGHENY AIRLINES, INC. ET AL.

Order Instituting Investigation in Louisville Service Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of October, 1976.

On September 2, 1975, the Louisville and Jefferson County Air Board and the Louisville Area Chamber of Commerce (Louisville) petitioned the Board for an investigation of the need for new or additional air service in eleven Louisville markets, including consideration of the deletion of the authority of certain carriers in a number of these markets. Specifically, Louisville proposes investigation of the need for (1) first nonstop authority between Louisville and Houston, Los Angeles, and San Francisco; (2) new or additional nonstop authority between Louisville and Baltimore, Dallas/Ft. Worth, Denver, Kansas City, Memphis, Nashville, and Washington; (3) replacement of the existing nonstop carriers in the Louisville-St. Louis market; and (4) deletion of Eastern Air Lines in the Louisville-Baltimore/Nashville/St. Louis markets and Trans World Airlines in all Louisville markets.

Louisville alleges that there has never been a systematic examination of the community's service needs, that no new carriers have been certificated at Louisville since 1955, and that no major route proceedings involving Louisville service have been held since 1958. Furthermore, the petitioner contends that the service offered by the incumbent carriers has declined dramatically in several Louisville markets over the past few years, most notably in the Louisville-Memphis and Louisville-Nashville markets, and that these markets as well as certain other Louisville markets warrant new or additional nonstop service. The petition includes an analysis of past service and traffic in each of the eleven listed Louisville markets, and forecasts of the potential for new or additional nonstop service in each market.

Answers in support of Louisville's petition have been filed by Allegheny Airlines,[1] Delta Air Lines, Frontier Airlines, the St. Louis Airport Authority-City of St. Louis (St. Louis parties),[2] and the State of Maryland.[3] Eastern and TWA have filed answers opposing the petition, and Louisville has filed a reply.[4] Finally, on September 2, 1976, Louisville filed a motion for expedition and Allegheny and Frontier filed answers in support of Louisville's motion.

Further, a number of carrier applications relating to the markets concerned are presently pending before the Board.[5] Allegheny, Ozark, and Piedmont have pending applications for Louisville-Washington/Baltimore authority which have previously been consolidated into the Louisville-Washington/Baltimore Service Investigation, Docket 21318. Braniff has applications in Docket 25768 and 27812 to add Louisville and/or Houston to new or existing segments, which could give the carrier, inter alia, nonstop authority in the Louisville-Baltimore/Dallas/Ft. Worth/Houston/Memphis/Nashville/Washington markets. Frontier has applied for a new Denver-Kansas City-St. Louis-Louisville segment in Docket 28183 which could give the carrier permissive nonstop authority between Louisville and each of the other three points on the segment. Allegheny also has an application on file for Louisville-St. Louis nonstop authority in Docket 28112. Delta has applied for nonstop authority in the Louisville-Memphis/Dallas/Ft. Worth markets, Docket 27814, and Allegheny has an application in Docket 24088 for Louisville-Memphis nonstop authority. Allegheny in Docket 24413 and Ozark in Docket 27828 have filed applications for Louisville-Nashville nonstop authority.[6] Finally, American and Hughes Airwest have applied for Louisville-Los Angeles nonstop authority in Dockets 28270 and 29690, respectively.

In a separate but related matter, Allegheny has filed an application in Docket 27863 and a motion for hearing, requesting nonstop authority in the Louisville-Houston and Cincinnati-Houston markets. Delta has filed an application for the same authority in Docket 27935 and an answer in support of Allegheny's motion for hearing. Other answers in support of Allegheny's motion have been filed by Cincinnati, Buffalo, Pittsburgh, Houston, and Louisville civic parties.[7] American and Eastern have filed answers opposing Allegheny's motion, and Allegheny has filed a reply.[8] On May 7, 1976, the Houston parties filed a motion for consolidation and hearing of the Allegheny and Delta applications. Answers were filed by American, Delta, and Eastern.

Upon consideration of the pleadings and all the relevant facts, we have decided to institute an investigation to consider (1) the need for new or improved nonstop service between Louisville, on the one hand, and Houston, Los Angeles, Memphis, Nashville, Washington, and Baltimore, on the other hand, (2) the possible deletion of Eastern's nonstop authority in the Louisville-Baltimore and Louisville-Nashville markets, and (3) the need for first nonstop service in the Cincinnati-Houston market. We will not, however, accede to the Louisville parties' request to include Dallas-Ft. Worth, Denver, Kansas City, San Francisco, or St. Louis service within the scope of the investigation,[9] nor will we grant Nashville's request to include Nashville-Indianapolis/Milwaukee nonstop authority.

At the outset, we would note that the Louisville markets at issue are not particularly large in terms of traffic size, the largest being the Louisville-Baltimore/Washington market with 91,440 passengers in 1974.[10] If market size was the sole determinant in granting priority treat-

[1] Allegheny, however, proposes that the Louisville-Houston and Louisville-Memphis markets be considered in separate proceedings.

[2] St. Louis, however, opposes the deletion of TWA's authority in the St. Louis-Louisville market.

[3] In addition, the City and County of Denver and the Public Utilities Commission of the State of Colorado (Colorado parties) have filed a petition for leave to intervene. In view of our disposition of the Denver-Louisville portion of Louisville's petition and the fact that no carrier has proposed to serve Denver as a beyond point, we will deny the petition for leave to intervene.

[4] Louisville's reply was accompanied by a motion for leave to file an otherwise unauthorized document, which we will grant.

[5] A full list of these applications is set forth in Appendix A. Appendix filed as part of original documents.

[6] Ozark's application was filed under Subpart M, however, by Order 75-5-93, the Board determined that because of the nature of Ozark's single-plane restriction, the application was not appropriate for processing under Subpart M procedure. However, the Board determined that Ozark's petition would be treated as a motion for hearing. Answers to that petition were filed by American, the Metropolitan Nashville Airport Authority, the Louisville and Jefferson County Air Board, and the Indianapolis Airport Authority. Petitions for leave to intervene were filed by Eastern, Louisville, Milwaukee and Nashville. Subsequently, Nashville filed a petition to expand the scope of the proceeding to include the issue of Nashville-Indianapolis and Nashville-Milwaukee nonstop authority. (Ozark proposes to serve these two markets on a single-plane basis as beyond markets if it receives Louisville-Nashville nonstop authority.) Indianapolis filed an answer in support of that motion. Finally, on June 11, 1976, Nashville filed a motion to expedite which was answered by American and Allegheny.

[7] The Greater Cincinnati Chamber of Commerce, the Kenton County Airport Board, and the City of Cincinnati; the Niagara Frontier Transportation Authority and the Buffalo Area Chamber of Commerce; Allegheny County and the Pittsburgh Airport Advisory Committee; the City of Houston and the Houston Chamber of Commerce; and the Louisville and Jefferson County Air Board. In addition, petitions for leave to intervene have been filed by the Houston and Louisville parties for leave to file an otherwise unauthor-Dayton Area Chamber of Commerce (Dayton parties), and Cincinnati filed a motion for expeditious consideration.

[8] Allegheny's reply was attached to a motion for leave to file an otherwise unauthorized document, which we will grant.

[9] A list of pending carrier applications relating to these markets, as well as our disposition thereof, is set forth in Appendix A.

[10] Unless otherwise indicated, all traffic figures cited herein are true O&D plus interline connecting passengers for calendar year 1974, as shown in the Board's O&D Surveys.

ment to route applications, some of these markets might not be accorded such treatment. However, as discussed more fully below, certain of these markets warrant consideration on the basis of factors other than market size.

First, the Louisville-Washington/Baltimore market, with about 250 passengers daily, is the largest of the markets included in Louisville's petition. An investigation of the need for new or additional nonstop service in these markets was originally instituted by the Board in 1969 in the Louisville-Washington/Baltimore Service Investigation, Docket 21318.[11] Eastern Air Lines holds nonstop authority in both the Washington and Baltimore markets, although the carrier has provided no single-plane service in the Louisville-Baltimore market, and has reduced its Louisville-Washington service from three to two daily nonstop round trips in the last few years. In view of this and the continued civic and carrier interest in these markets, we have decided to consolidate the Louisville-Washington/Baltimore proceeding into the present investigation being set for hearing.[12] Our decision, however, should not be taken as an indication of whether, at this time, we would proceed to consider the matter of additional service in the markets involved in the Louisville-Washington/Baltimore Service Investigation were the question of the institution of that case before us for the first time.

In addition, we have decided to include the issue of deletion of Eastern's nonstop authority in the Louisville-Baltimore market. This market is significantly smaller than the primary Louisville-Washington market, and does not appear to be large enough to support competitive nonstop service. Moreover, Eastern has not used its authority in this market over the last six years, and the carrier appears to have no interest or incentive in serving the market. Inclusion of this issue should not unduly expand the scope of this proceeding, and will enable the Board to more fully explore the needs of the market.[13]

Second, the Louisville-Houston market generally receives no single-plane service, and most of the connecting service is offered over circuitous routings via Atlanta.[14] No carrier holds nonstop authority in the market, and while three carriers hold single-plane authority, that authority has been essentially unused during the past five or more years.[15] Although traffic levels in the local Louisville-Houston market are not particularly high (17,710 passengers annually or 49 per day), the availability of beyond-traffic might well support a modest level of nonstop service on an economic basis.[16] In any event, we believe that the substantial benefits of first effective air service, in a market which generally receives only circuitous connecting service, weigh in favor of a priority hearing at this time to determine whether such service should be authorized.

Third, in conjunction with our determination to proceed with a priority hearing on the Louisville-Houston market, we have decided as a matter of discretion to include consideration of the need for first nonstop service in the Cincinnati-Houston market as well. The Cincinnati-Houston market is larger than Louisville-Houston, although an examination of Allegheny's proposal in Docket 27863 indicates that the market does not have the same level of support from beyond markets as the Louisville-Houston market. However, as Allegheny's proposal for an extension to Houston encompasses both Cincinnati and Louisville nonstop services, inclusion of the Cincinnati market should not unduly broaden or complicate the scope of the proceeding. Nevertheless, we intend to judge the needs of these two markets on their individual merits.

Fourth, because the Louisville-Memphis and Louisville-Nashville markets are not particularly large, they might not be accorded priority treatment if an additional factor were not present. However, both of these markets have experienced substantial declines in the level of service by the incumbent nonstop carriers over the past several years. In the Louisville-Memphis market, American, the incumbent nonstop carrier, has reduced its service from a level of 3½ daily nonstop round trips in 1970 down to one and one-half daily nonstop round trips at present. Despite the decline in service, the Louisville-Memphis market generated over 40,000 passengers in 1974, down only slightly from the 1970 traffic level, while American's load factors have climbed steadily over this period. Similarly, in the Louisville-Nashville market, American's nonstop service has declined from a level of three daily round trips in 1970 down to one daily round trip at present, while Eastern, the second nonstop carrier in the market, has offered only sporadic nonstop service throughout the last six years. Since 1970, traffic in the market has declined by 60 percent down to 14,370 pasengers in 1974.[17] It appears that the trunkline carriers presently authorized to provide nonstop service have in large measure lost interest in serving these markets. We are, of course, not prepared to say at this point, on the basis of the limited facts before us, whether these markets warrant or can support an increased level of nonstop service. Nevertheless, this deterioration in service by the incumbent nonstop carriers, coupled with the presence of several applicant carriers who appear willing to provide upgraded service, has persuaded us that these two markets should be accorded priority hearing.

As in the case of the Louisville-Baltimore market, we have decided to include the issue of deletion of Eastern's essentially unused nonstop authority in the Louisville-Nashville market. This market is clearly not large enough to support the competitive nonstop services of three carriers, and in view of Eastern's past performance, it appears that the carrier has little or no interest or incentive in providing nonstop service in the market.

Finally, we will include the issue of first nonstop authority in the Louisville-Los Angeles market. Currently, American and TWA have one-stop authority in the market and these carriers presently offer three and one-half one-stop round trips. In view of the traffic in this market—39,000 passengers in 1974—it appears ripe for a determination of the need for first nonstop service.

We will not, however, include consideration of nonstop authority in the five remaining markets set forth in Louisville's petition. The petitioner's own forecasts indicate that three of these five markets, Louisville-Denver/Kansas City/San Francisco, will be unable to support even a minimal nonstop service level of two daily round trips.[18] However, to arrive at these forecasts, the petitioner had to estimate that 85 percent or more of the

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[11] Instituted by Order 69-8-92, August 18, 1969, as amended by Order 69-11-132, November 26, 1969 (expanding the issues to include Baltimore as both a separate and a hyphenated point).

[12] By Orders 69-11-132 and 70-2-4, the Board consolidated into the investigation in Docket 21318 applications of Allegheny (Docket 21397), Mohawk (Docket 21394), Ozark (Docket 21380), and Piedmont (Docket 21398). However, the authority requested by Mohawk is encompassed by the application of Allegheny, its successor. Accordingly, Mohawk's application will be dismissed as moot.

[13] This is similar to our decision in the Additional Dallas/Ft. Worth-Kansas City Nonstop Service Case (Docket 28778) to include the issue of deletion of Frontier's nonstop authority in that market. See Order 76-1-82.

[14] O.A.G., September 15, 1976. Currently, Eastern offers one one-stop Houston-Louisville flight over Atlanta. Routings over Atlanta involve a journey of over 1,000 miles as compared to the nonstop Louisville-Houston distance of 746 miles.

[15] Delta and Eastern each hold one-stop authority via Atlanta, while American holds one-stop authority via Nashville subject to a long-haul restriction.

[16] Allegheny, for example, is proposing through service to Pittsburgh and Buffalo as part of its service package, while Delta has cited its ability to provide through service to points such as Columbus and Dayton, Ohio.

[17] In 1970 and 1971 when at least three round trips were offered, nonstop load factors in the market were satisfactory, although since the cutback in service, load factors have fallen well below the 50 percent level. The decline in Louisville-Nashville traffic may, of course, be attributable to factors other than the reduction of nonstop service by the incumbents, such as improvements in surface transportation or operations of commuter air carriers. However, these matters which relate to the question of need for service can best be resolved on the basis of an evidentiary record.

[18] Louisville forecasts a nonstop service potential of only one daily round trip in the Denver and San Francisco markets, and only 1½ round trips in the Kansas City market.

local passengers in these three markets would utilize these limited nonstop services. In our view, it is unlikely that such limited services would attract such a high share of the market. Aside from this limited and questionable potential,[19] none of these three markets are sufficiently large to warrant priority treatment. The San Francisco market which receives single-plane service from American and TWA generated only 35 daily passengers in each direction.[20] Further, the fact that neither of the restricted incumbents have applied for nonstop authority in this market underscores the lack of economic potential of such service at this time. The Louisville-Kansas City market with about 42 passengers daily in each direction presently receives one daily nonstop round trip from TWA (only one-half a round trip less than the potential forecast by Louisville), and two additional daily round trips from TWA and Ozark combined. The Louisville-Denver market is even smaller, with only about 20 passengers daily in each direction. Under these circumstances, these three markets do not warrant priority treatment at this time.

The Louisville-St. Louis market, with about 110 passengers per day each way in 1974, presently receives a satisfactory pattern of three daily nonstop round trips from TWA as well as an additional daily one-stop round trip from Ozark. Louisville essentially concedes that TWA's service has been satisfactory, with load factors averaging between 45 and 50 percent. Nevertheless, Louisville argues that the B–707 aircraft used by TWA are ill-suited for this market, and that by using smaller DC–9 or B–737 aircraft, the market could support four rather than the present three daily nonstop round trips. This relatively modest incremental benefit is not in our view sufficient to warrant priority treatment to the Louisville-St. Louis market.

Similarly, the Louisville-Dallas/Ft. Worth market presently receives a satisfactory pattern of nonstop service. Although the market generated only about 80 passengers daily in each direction in 1974, American Airlines presently offers 3½ daily nonstop round trips. More importantly, this level of nonstop service represents a substantial increase over the single nonstop round trip offered prior to 1973, and in fact, American has added nonstop service at a rate of almost one daily round trip each year for the past three years.[21] While recognizing this improving pattern of service, Louisville nevertheless cites the high experienced load factors on these nonstop flights over the years as an indication of the need for competitive service. Although load factors on American's flights were at times relatively high, reaching a peak of 75 percent in 1972, these load factors have declined steadily since that time down to 64 percent for calendar year 1975.[22] In view of the fact that American increased its nonstop service level in October 1975 and again in December 1975, there is reason to believe this downward trend in load factors will continue. In short, there has been no showing that American's service is unsatisfactory or deficient—to the contrary, it appears that the carrier's service has been relatively responsive to the needs of the market.

Moreover, our decision to consider the need for first nonstop service in the Louisville-Houston market cannot be ignored in assessing the Louisville–Dallas/Ft. Worth market. Nonstop Louisville-Houston service would undoubtedly attract passengers presently traveling on connecting services over the Dallas/Ft. Worth gateway, and would thereby reduce to some extent the load factors on American's Louisville-Dallas/Ft. Worth nonstop flights.[23] In considering the relative needs of these two markets, it is apparent that the potential benefits of first nonstop, single-plane service in the Louisville-Houston market warrant priority of hearing over the question of additional competitive nonstop authority in the Louisville-Dallas/Ft. Worth market.

Further, we will not expand the scope of this case to include Nashville-Indianapolis/Milwaukee nonstop authority as requested by Nashville. No carrier has applied for nonstop authority in these markets, and Nashville has not submitted any facts which indicate that these markets merit a priority hearing.

Finally, the applicants have not submitted sufficient information for us to determine the environmental consequences of their certificate amendment applications at this time. Therefore, we will require Allegheny, American, Braniff, Delta, Hughes Airwest, Ozark, and Piedmont to file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow these carriers, and all other carriers filing applications in this proceeding, 40 days from the date of service of this order to file their environmental evaluations.

Accordingly, It Is Ordered That: 1. A proceeding to be known as the Louisville Service Case, Docket 29968, be and it hereby is instituted and shall be set down for hearing before an administrative law judge of the Board at a time hereinafter designated, as the orderly administration of the Board's docket permits;

2. The isues in said proceeding shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in new or additional nonstop air transportation between:

(i) Louisville, Kentucky, on the one hand, and Baltimore, Maryland, Washington, D.C., or the hyphenated point Washington/Baltimore, on the other hand;

(ii) Louisville, Kentucky, on the one hand, and Los Angeles, California, Memphis, Tennessee, and/or Nashville, Tennessee, on the other hand; and/or

(iii) Houston, Texas, on the one hand, and Cincinnati, Ohio, and/or Louisville, Kentucky, on the other hand?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service? and

(c) What conditions, if any, should be placed on the operations of such carrier(s)?

3. Any authority granted in the above proceeding shall be ineligible for subsidy;

4. The Louisville-Washington/Baltimore Service Investigation, Docket 21318,[24] be and it hereby is consolidated into the proceeding instituted by paragraph (1) above;

5. The following applications and petitions, to the extent that they conform to the scope of the issues as hereinabove stated, be and they hereby are consolidated into the proceeding instituted by paragraph (1) above:

	Docket
Allegheny	24088
	24413
	27863
American	28270
Braniff	25768
	27812
Delta	27814
	27935
Hughes Airwest	29690
Ozark	27828
Louisville parties	28253

6. To the extent the application and petitions listed in paragraph (5) do not

[19] Louisville's traffic forecasting methodology is based upon comparisons of Louisville's traffic and service with that of other generally larger air service centers such as Cincinnati, Indianapolis, and Memphis. We share many of the doubts raised by Eastern concerning the reliability of these types of comparisons in constructing traffic forecasts, and accordingly, we have not attached a great deal of weight to Louisville's forecasts.

[20] The Louisville-San Francisco market has received one and one-half one-stop round trips (O.A.G., May 1, 1976). Curretntly, the market receives one westbound one-stop flight from TWA.

[21] The present level of nonstop service appears to be greater than warranted by local Louisville-Dallas/Ft. Worth traffic alone, which in 1974 amounted to an average of less than 50 true O&D passengers daily each way. American's ability to provide its current level of nonstop service is primarily due to the large amount of on-line connecting and beyond traffic the carrier has been able to flow over the Louisville-Dallas/Ft. Worth sector.

[22] In order to make the detailed service segment data available to all interested persons, we find that disclosure of the service segment data on file with the Board for single-plane operations in the 11 Louisville markets in question (as well as Cincinnati-Houston) is required by the public interest. (See 14 CFR 241.19–6.)

[23] By the same token, such a bleedoff of flow traffic from the Louisville-Dallas/Ft. Worth market would reduce the amount of traffic available to support new competitive service in that market.

[24] Including the applications of Allegheny (Docket 21397), Ozark (Docket 21380), and Piedmont (Docket 21398).

conform to the scope of the proceeding, the nonconforming portions thereof be and they hereby are dismissed without prejudice;

7. Additional applications conforming the scope of the proceeding, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days after the date of service of this order, and answers thereto shal be filed within 10 days thereafter;

8. Except to the extent granted herein, the motions of Allegheny Airlines in Docket 27863, Ozark in Docket 27828, the Houston parties in Dockets 27863 and 27935, Louisville in Docket 28253 and Nashville in Docket 27828 for expedited hearing and similar relief, be and they hereby are denied;

9. The petition of Nashville in Docket 27828 to expand the scope of the proceeding be and it hereby is denied;

10. The following be and they hereby are made parties to the above proceeding: Allegheny Airlines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; Ozark Air Lines; Eastern Air Lines, Inc.; American Airlines, Inc.; Trans World Airlines, Inc.; Hughes Airwest; the Louisville and Jefferson County Air Board and the Louisville Area Chamber of Commerce; the Greater Cincinnati Chamber of Commerce, the Kenton County Airport Board, and the City of Cincinnati; the City of Houston, and the Houston Chamber of Commerce; the City of Dayton, Ohio, and the Dayton Area Chamber of Commerce: the State of Maryland; the Metropolitan Nashville Airport Authority; the Indianapolis Airport Authority; and Milwaukee County and the Air Service Division of the Metropolitan Milwaukee Association of Commerce;

11. The motion of the City and County of Denver and the Public Utilities Commission of the State of Colorado (Colorado parties) in Docket 28253 for leave to intervene be and it hereby is denied;

12. The motions of Allegheny Airlines in Docket 27863 and the Louisville parties in Docket 28253 for leave to file otherwise unauthorized documents be and they hereby are granted;

13. The application of Mohawk Airlines, Docket 21394, be and it hereby is dismissed as moot:

14. Allegheny Airlines, American Airlines, Braniff Airways, Delta Air Lines, Hughes Airwest, Ozark Air Lines, Piedmont Aviation, and all other carriers filing applications in this proceeding shall file environmental evaluations pursuant to § 312.12 of the Board's Procedural Regulations within 40 days of the date of service of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[*]

PHYLLIS T. KAYLOR,
Secretary.

[*] Concurrence and dissent filed as part of original document.

[FR Doc.76-31901 Filed 10-29-76;8:45 am]

CONTINENTAL AIR LINES, INC., ET AL.

Order Regarding Mainland-Hawaii General Fare Increase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of October, 1976.

By Order 76-10-69, October 15, 1976, the Board suspended a proposal by Continental Air Lines, Inc. (Continental), Pan American World Airways, Inc. (Pan American) and Western Air Lines, Inc. (Western) for an overall fare increase of 4.5 percent in their Mainland-Hawaii markets.[1] The Board indicated that, consistent with previous practice, the fares should be evaluated on the basis of the most current data available (the year ended June 1976), rather than on the basis of a return on investment (ROI) updated from the year ended March 1976, as the carriers had done. The suspension was also prompted by additional time needed to reconcile conflicting data for the year ended June 1976.

The Board has now reconciled this conflict and completed its review and concludes that the proposed 4.5 percent increase in normal fares would produce an excessive ROI and should not, therefore, be permitted. As shown in the attachment, including the proposed 4.5 percent increase, the adjusted ROI is 13.85 percent. Our analysis includes the various DPFI adjustments (using a 62-percent standard-load factor), and adjustment in costs to November 1[2] when the increases would have been implemented. Other than the use of a 62-percent standard-load factor, our analysis herein has not been based upon the Board's recent decision in the Hawaii Fares Investigation. Although the Board's decision in that case calls for refinements in the methodology used herein for the Hawaii rate-making entity, these refinements tend to offset one another, as the opinion states. Thus, we have concluded not to defer our decision with respect to the instant proposal until a revised methodology is completed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It Is Ordered That:

1. The investigation and suspension of the fares and provisions described in ordering paragraphs 1 and 2 of Order 76-10-69 is hereby affirmed;

2. This proceeding be assigned before an administrative law judge of the Board at a time and place hereafter to be designated;

3. A copy of this order be filed in the aforesaid tariff and served upon Continental Airlines, Inc., Pan American World Airways, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[1] The suspension did not include the increase as it applied to the discount fares.

[2] Appendix filed as part of original document.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-31902 Filed 10-29-76;8:45 am]

[Order 76-10-79[1]; Agreement C.A.B. 19949, as amended Docket 29944]

PAN AMERICAN WORLD AIRWAYS, INC. AND AEROFLOT SOVIET AIRLINES

Order to Show Cause, Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of October, 1976.

Agreement for Bilateral Provision of services between Pan American World Airways, Inc. and Aeroflot Soviet Airlines.

The last sentence on page one and beginning on page two states: "The relevant agreement between Pan American World Airways, Inc. and Aeroflot Soviet Airlines . . . was concluded on January 23, 1968. * * *" The date should be January 23, 1967.

By the Civil Aeronautics Board.

Dated: October 22, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-31903 Filed 10-29-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 2:00 p.m. on November 23, 1976, at 1225 Connecticut Ave., NW., Washington, D.C. 20036.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss followup to the Forum on Civil Rights Issues.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 27, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-31870 Filed 10-29-76;8:45 am]

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations

[1] Published at (41 FR 46636) 10-22-76.

of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) to this Commission will convene at 9:00 am. and end at 5:00 pm. on November 15, 1976, at the Directors Room, 163 Madison Avenue, Detroit, Michigan 48226.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is: 1. Final plans for release and followup of Sault Ste. Marie report; 2. Continued followup of previous reports; 3. Future programming and future procedures.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 27, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-31871 Filed 10-29-76;8:45 am]

NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) to this Commission will convene at 4:00 pm. and end at 7:00 pm. on December 8, 1976, at Phelps Stokes Fund, 10 East 87 Street, New York, New York.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss progress made on current project and monitoring activities.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 27, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-31872 Filed 10-29-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PROCUREMENT POLICY ADVISORY COMMITTEE

Meeting

OCTOBER 27, 1976.

In accordance with provisions of Public Law 92-463 (Federal Advisory Committee Act) the Procurement Policy Advisory Committee will hold its first meeting from 9:00 a.m. to 5:00 p.m. on Tuesday, November 16, 1976, in Room 2010 (second floor), New Executive Office Building, 726 Jackson Place NW., Washington, D.C. This meeting will be open to the public. The purpose of the meeting is to organize the committee; brief committee members on the missions, overall organization and operation, procurement organization and current procurement issues of ERDA. Time has been reserved for an open discussion of issues of interest to committee members. The agenda of the meeting is as follows:

9:00— 9:30	Welcome and introduction of committee members—Mr. Harry M. Tayloe, Division of Procurement, ERDA.
9:30— 9:45	Organization, purpose and operational format of the committee—Mr. R. G. Romatowski, Assistant Administrator for Administration, ERDA.
9:45—10:15	Overview of ERDA—Mr. R. G. Romatowski, Assistant Administrator for Administration, ERDA.
10:15—10:30	Break.
10:30—11:15	Procurement Organization of ERDA—Mr. Michael J. Tashjian, Director of Procurement, ERDA.
11:15—12:15	Current Procurement Issues—Mr. Michael J. Tashjian.
12:15— 2:00	Lunch.
2:00— 5:00	Open discussion. This portion of the agenda is reserved for discussions of procurement issues of special interest to members of the committee.

Practical considerations may dictate unannounced alterations in the agenda or schedule.

The membership of the committee has been selected with the objective of creating a fair balance in terms of the points of view represented and the functions of the Procurement Policy Advisory Committee. There has been no discrimination on the basis of race, color, creed, national origin, religion or sex.

Mr. Romatowski, Assistant Administrator for Administration, will chair the first meeting pending selection of a permanent chairman. The chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof postmarked no later than November 10, 1976, to the Director of Procurement, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on November 12, 1976, to Mr. Harry M. Tayloe, Division of Procurement on (301) 353-5526 between 8:30 a.m. and 5:00 p.m. e.s.t.

(c) Questions at the meeting may be propounded only by members of the committee and ERDA officials assigned to participate with the committee in its deliberations.

(d) Seating will be made available to the public on a first-come, first-served basis.

(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) Copies of minutes will be made available for copying, following their certification by the chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-32018 Filed 10-29-76;8:45 am]

COMMITTEE OF SENIOR REVIEWERS

Cancellation of Meeting

OCTOBER 27, 1976.

Notice is hereby given of the cancellation of the meeting of the Committee of Senior Reviewers of November 8 and 9, 1976, which was published in the FEDERAL REGISTER on October 21, 1976, FR Doc. No. 76-30937, page 46513.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-32017 Filed 10-29-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50264; FRL 637-7]

ARMACK CO.

Issuance of an Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 6922-EUP-1. Armak Company, McCook, Illinois 60525. This experimental use permit allows the use of the remaining supply of 114 pounds of the herbicide dimethyldodecylamine caprylate on azaleas, narrowleaf and broadleaf evergreens, and deciduous shrubs to evaluate its use as a pinching agent. A total of approximately 90 acres is involved; the program is authorized only in the States of Alabama, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, and Virginia. The experimental use

permit is effective from September 22, 1976, to September 22, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: October 22, 1976.

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

[FR Doc.76-31937 Filed 10-29-76;8:45 am]

[FRL 637-6]

WATER POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended October 18, 1972 (Public Law 92-500), directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than one year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories. The original list of 27 source categories was published January 16, 1973 (38 FR 1624). Standards of performance have been promulgated for all 27 source categories.

The Administrator, after evaluating available information, has determined that pesticide chemicals is an additional category of point sources which meets the above requirements. Evaluation of other point source categories is in progress, and the list will be supplemented from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 306(b)(1)(A) of the Act amends the list of categories of sources as follows:

LIST OF CATEGORIES OF SOURCES

42. Pesticide Chemicals Manufacturing.

Interim final effluent limitations guidelines for existing sources applicable to the above point source categories appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: October 18, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-31936 Filed 10-29-76;8:45 am]

[FRL 638-1]

ORGANIC SOLIDS REUSE PLAN

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Organic Solids Reuse Plan proposed by the Madison Metropolitan Sewer District, Wisconsin.

The analysis of the alternatives indicates that the sludge management needs of the Madison Metropolitan Sewer District would be most adequately met by abandoning the present system of lagoon disposal of liquid anaerobically digested sludge and adopting a system of land disposal of liquid anaerobically digested sludge on privately owned agricultural land. The program would involve marketing the sludge to farmers at their request.

To receive additional public comments, the Environmental Protection Agency Region V will hold an open public hearing on this DEIS on November 30, 1976, at 8:00 pm at the Fitchburg Town Hall, 4 miles south of Beltline on Fish Hatchery Road, Dane County, Wisconsin. All interested persons are invited to express their views at these hearings. To ensure the accuracy of the record, oral statements should be accompanied by a written statement. Oral statements should summarize extensive written materials to allow time for all interested persons to be heard.

This DEIS was transmitted to the Council on Environmental Quality (CEQ) on October 22, 1976. In accordance with CEQ's notice of availability, comments are due on December 12, 1976. Copies of the DEIS are available for review and comment from: Ms. Cynthia Wakat, Environmental Protection Agency, Region V, EIS Preparation Section, 12th Floor, 230 South Dearborn Street, Chicago, Illinois 60604 (telephone 313-535-2157).

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region V Library, 14th Floor, 230 South Dearborn Street, Chicago, Illinois 60604.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Public libraries in the following cities:

Belvidere, Wisconsin, Edgerton, Wisconsin, Evansville, Wisconsin, Janesville, Wisconsin, Milton, Wisconsin, Madison, Wisconsin.

Information copies of the DEIS are available from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036, at cost.

Copies of the DEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: October 27, 1976.

WILLIAM D. DICKERSON,
Acting Director,
Office of Federal Activities.

[FR Doc.76-32024 Filed 10-29-76;8:45 am]

[FRL 638-2]

PITTSTON OIL REFINERY AND MARINE TERMINAL

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Pittston Oil Refinery and Marine Terminal, Eastport, Maine.

The proposed action is the issuance of a Federal permit to the Pittston Company of New York for the construction of a 250,000 barrel per day oil refinery and marine terminal in the City of Eastport, Maine. The DEIS is a joint effort to fulfill the responsibilities of the Environmental Protection Agency's National Pollutant Discharge Elimination System pursuant to section 402 of the FWPCA, the U.S. Army Corps of Engineers section 404 permit pursuant to the FWPCA and section 10 permit pursuant to the Rivers and Harbors Act of 1899, and an action of the Federal Aviation Administration to release the City of Eastport from the terms of a previous grant agreement.

To receive additional public comments, the Environmental Protection Agency, Region I will hold an open public hearing on this DEIS on December 3, 1976 at 1:00 p.m., at the Eastport High School, Eastport, Maine. All interested persons are invited to express their views at these hearings. To ensure the accuracy of the record, oral statements should be accompanied by a written statement. Oral statements should summarize extensive written materials to allow time for all interested persons to be heard.

This DEIS was transmitted to the Council on Environmental Quality (CEQ) on October 22, 1976. In accordance with CEQ's notice of availability, comments are due on December 13, 1976. Copies of the DEIS are available for review and comment from: Ms. Mary Shaughnessy, Environmental Protection Agency, Region I, Environmental Policy Coordination Office, Room 2203, JFK Federal Building, Boston, Massachusetts 02203 (telephone: 617-223-4635).

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region I, Library, JFK Federal Building, Boston, Massachusetts 02203.
Eastport City Library, Eastport, Maine.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.

Information copies of the DEIS are available at cost from the Environmental

Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

Copies of the DEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: October 27, 1976.

WILLIAM D. DICKERSON,
Acting Director,
Office of Federal Activities.

[FR Doc.76-32025 Filed 10-29-76;8:45 am]

[FRL 637-8]

WASTEWATER COLLECTION AND TREATMENT FACILITIES CRAMSTON, RHODE ISLAND

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Wastewater, Collection and Treatment Facilities, Cramston, Rhode Island.

The proposed action is the consolidation, improvement and expansion of wastewater treatment facilities in the City of Cramston, a portion of Providence County, Rhode Island.

To receive additional public comments, the Environmental Protection Agency, Region 1 will hold an open public hearing on this DEIS on November 18, 1976, at 7:30 p.m. at the Hugh B. Bain School, 135 Gansett Avenue, Cramston, Rhode Island. All interested persons are invited to express their views at this hearing. To ensure the accuracy of the record, oral statements should be accompanied by a written statement. Oral statements should summarize extensive written materials to allow time for all interested persons to be heard.

This DEIS was transmitted to the Council on Environmental Quality (CEQ) on October 21, 1976. In accordance with CEQ's notice of availability, comments are due on December 13, 1976. Copies of the DEIS are available for review and comment from: Mr. Bob Mendoza, Environmental Policy Coordination Office, Region I, Room 2203, JFK Federal Building, Boston, Massachusetts 02203, telephone 617-223-4635.

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region I Library, 22nd Floor, JFK Federal Building, Boston,, Massachusetts 02203.
City Hall, Public Works Department, Gansett Avenue, Cramston, Rhode Island.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.

Information copies of the DEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

Copies of the DEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: October 27, 1976.

WILLIAM D. DICKERSON,
Acting Director,
Office of Federal Activities.

[FR Doc.76-32026 Filed 10-29-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20945-20948; FCC 76-912]

BELO BROADCASTING CORP. (WFAA), ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: September 28, 1976.

Released: October 19, 1976.

In regards to applications of Belo Broadcasting Corporation (WFAA), Dallas, Texas, Has: 570 kHz, 5 kW, U, Docket No. 20945, File No. BR-395, for renewal of license; Belo Broadcasting Corporation (KZEW), Dallas, Texas, Has: 97.9 MHz, 99 kW, U, Docket No. 20946, File No. BRH-1192, for renewal of license; Maxwell Broadcasting Corporation, Dallas, Texas, Docket No. 20947, File No. BP-19778; Requests: 570 kHz, 5 kW, U, for construction permit; Maxwell Broadcasting Corporation, Dallas, Texas, Docket No. 20948; File No. BPH-9159, requests: 97.9 MHz, 100 kW, U, for construction permit.

1. The Commission has before it for consideration: (i) the above-captioned applications, as amended, which are mutually exclusive in that they seek the same facilities in Dallas, Texas; (ii) a petition to deny the applications of Maxwell Broadcasting Corporation [Maxwell], filed on behalf of Belo Broadcasting Corporation [Belo]; (iii) an opposition to petition to deny filed on behalf of Maxwell; and (iv) a reply to opposition to petition to deny filed on behalf of Belo.

2. Maxwell's application proposes the use of the antenna system, buildings, and site presently authorized and used in the operation of station WFAA. However, Belo informed Maxwell by a letter dated October 30, 1974, that Belo "shares in ownership and/or control of the antenna systems and buildings" [emphasis added] that Maxwell proposes to use, and that under no circumstances would Maxwell be permitted to use such facilities, even in the event that Belo's renewal applications are denied. Subsequently, Belo filed the instant petition to deny in which it maintained that Maxwell's application was fatally defective, in that the site and facilities are not available to Maxwell, and that therefore Maxwell has failed to demonstrate a reasonable assurance of the availability of its proposed site.

3. In its opposition, Maxwell drew attention to Belo's assertion that it owns or controls the "antenna systems and buildings" but that Belo does not assert the same rights over the "site". In fact, Maxwell indicated that Belo merely holds a non-exclusive license "to locate, construct, maintain, operate, reconstruct and remove radio towers . . ." on the site with Carter Publications, Inc., licensee of station WBAP.[1] Maxwell further alleged that the license agreement, granted by the Dallas Power and Light Company, automatically terminates when the grantees (Belo and Carter) cease to use the premises for such purposes, and that Dallas Power and Light has the power to grant other licenses for the same site, so long as they do not substantially interfere with Belo's and Carter's use of the property. Therefore, Maxwell concluded that Belo does not own or control the site, and cannot prevent Maxwell's use of the site. In addition, Maxwell maintained that the zoning ordinance applicable to the site restricts the use of the property only to commercial radio transmitting stations and towers, and that Belo's position must be interpreted as pure obstructionism and abuse of process.

4. In reply, Belo asserted that Maxwell has failed to make any showing that it has present assurances of the site's availability. Belo challenged the validity of the laymen's interpretation of the license agreement in several respects. Belo maintained that its undivided ½ interest in the license will survive even if its renewals are denied, so long as Carter continues to operate its tower and that Belo must consent, which it does not, to have Maxwell become a lawful joint licensee. Further, Belo stated that Maxwell has failed to demonstrate that its use of the site would not interfere with the Belo-Carter use of the site. Therefore, Belo concluded that Maxwell has failed to demonstrate that the site specified would be available to it, and as a result, Maxwell's application is fatally defective, and should be denied.

5. On numerous occasions, the Commission has enunciated the policy that when an applicant proposes a site, he must do so with reasonable assurance in good faith that the site will be available to him. It is not necessary that an applicant have absolute assurance nor legal control of a site. United Television Co., Inc., 18 FCC 2d 363, 371, 16 RR 2d 621, 631.

However, a different standard is appropriate in a case involving an incumbent/challenger. The Commission has held that "absent some contrary indication or unusual circumstances" it would be reasonable for an applicant to assume that a renewal applicant, whose application has been denied, would be receptive to an offer to purchase its transmitter site. Belo Broadcasting Corp., supra. An application that proposes the site then used by the renewal applicant, would not be considered "fatally defective" at the

"In proceedings involving new applicants, a properly substantiated allegation that an applicant has not approached the owner of property specified as a prospective site would ordinarily be adequate, standing alone, to

[1] Maxwell alleges that Belo obtained the site in a fraudulent manner, and therefore questions Belo's right even to use the site. This is a matter properly raised before a local court of competent jurisdiction, but it is not a matter for resolution by the Commission.

warrant the addition of a site availability issue * * *."[2]

time of filing, if subsequent to filing, the applicant is put on notice that the site is unavailable. Post-Newsweek Stations of Florida, Inc., 46 FCC 2d 647, 648 (1974).

6. In the case at hand, it was reasonable for Maxwell to assume that Belo would be interested in making its site available, if the renewal applications were denied, and therefore, Maxwell's application was not fatally defective when it was tendered for filing. The question then arises whether Maxwell can rely on the presumption of availability of the proposed site, after being informed by Belo that the antenna systems, building and site will not be made available under any circumstances. The Commission cannot resolve this issue, with the facts before it, since it is unclear whether either Belo or Dallas Power and Light, under the terms of their relationship, would have the authority either unilaterally to make the site available, or unilaterally to deny site to Maxwell. Although Belo has failed to demonstrate that it has the authority to deny Maxwell use of the site, Maxwell's sole reliance on the presumption that it would be available is not sufficient to overcome the substantial questions that have been raised. Under these circumstances, a site availability issue is warranted.[3] United Broadcasting Company, 58 FCC 2d 1346, released April 23, 1976.

7. The Commission reviewed Maxwell's ascertainment as originally filed and found that the compositional showing (demographics), general public survey, listing of the problems and needs of the community of license and proposed programming complied with the requirements of the Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971). However, Maxwell failed to consult with representatives of several significant groups within the proposed city of license, specifically: labor unions, youth (i.e., students); and, business and manufacturing groups. Accordingly, by letter of November 19, 1975, the Commission advised Maxwell of these deficiencies and requested the applicant to supplement its ascertainment showing. In response thereto, Maxwell filed an amendment on December 15, 1975, which included names of leaders representing the aforementioned groups. The Commission, after reviewing the applicant's amended ascertainment showing, is satisfied that Maxwell has complied with the requirements of the Primer.

8. The Commission is presently unable to find Maxwell financially qualified. Based on the information submitted by the applicant, it appears that approximately $240,000 will be required to construct the proposed AM and FM stations, and to operate them for a period of three months. However, the applicant includes in his working capital requirement only $33,600 per year for rent and utilities for the proposed AM station and only $39,600 per year for rent and utilities for the proposed FM station. Based on the Commission's experience with stations of a similar nature, it would appear that these anticipated costs are unrealistically low. Therefore, the $240,000 estimate cannot be accepted. To meet its requirements, Maxwell relies upon a $200,000 personal loan and anticipated revenues. However, anticipated revenues may not be relied upon to offset anticipated construction costs and operation costs for the first three months. Orange Nine, Inc., 7 FCC 2d 788, 9 RR 2d 1157 (1967). Therefore, only $200,000 appears to be available. Accordingly, a general financial issue will be specified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, *It Is Ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Maxwell Broadcasting Corporation has reasonable assurance of the availability of its proposed transmitter site.

2. To determine whether Maxwell Broadcasting Corporation is financially qualified to construct and operate its proposed station.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. *It Is Further Ordered*, That the petition to deny the applications of Maxwell Broadcasting Corporation filed by Belo Broadcasting Corporation IS GRANTED to the extent indicated above and IS DENIED in all other respects.

12. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

13. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,[4]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-31891 Filed 10-29-76;8:45 am]

[2] Belo Broadcasting Corp., 42 FCC 2d 1011, 1012; 28 RR 2d 732, 735 [Rev. Bd., 1973].

[3] It should be noted that Maxwell has not submitted any interpretation of the license agreement by competent legal counsel which would support its position. Neither has Maxwell submitted any indication of the willingness of Dallas Power and Light to make the site available to it. In addition, Maxwell has failed to support its apparent reliance on section 73.239 of the Commission's rules, by failing to demonstrate that no other comparable site is available in the area.

[4] Commissioners Fogarty and White not participating.

[Report No. 828]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

OCTOBER 18, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commisison's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20012–CD–P–(2)–77, Tel-Page Corporation (KUO590), C.P. for additional facilities to operate on 454.075 MHz at Loc. #1: 0.25 mile SW of Jct of Parish & McCarthy, Ionia, N.Y. and same facilities at Loc. #2: 222 Midtown Tower, Rochester, New York.

20013–CD–P–77, Scandinavia Telephone Company (KUS264), C.P. to change antenna system operating on 158.10 MHz located 2 miles Southeast of Scandinavia, Wisconsin.

20014–CD–P–77, Suburban Mobile Telephone Company (New), C.P. for a new station to operate on 454.175 MHz located at Third & Market Streets, Oxford, Pennsylvania.

20015–CD–P–(2)–77, Churchill County Telephone & Telegraph System (KOP264), C.P. to change antenna system operating on 152.66 MHz and for additional facilities to operate on 152.72 MHz located at Rattlesnake Hill, 8,000 feet NE of Fallon, Nevada.

20016–CD–P–77, Rockford Communications Company, Inc. (KSJ610), C.P. for additional Standby facilities to operate on 152.09 MHz located North of Meridian Road at Route 20, near Rockford, Illinois.

20017–CD–P–77, Hawkins Communications, Inc. (KGA250), C.P. to relocate facilities operating on 152.15 MHz at Loc. #1: 3600 Georgetown Road, Arbutus, Maryland.

20018–CD–P–77, Mobil Talk, Inc. (KUD229), C.P. to change antenna system and replace transmitter and change frequency from 152.15 MHz to 454.225 MHz located 0.4 mile North of Route 40 & Jumonville Road, Uniontown, Pennsylvania.

20019–CD–AL–(2)–77, Radio Telephone Company of Gainesville, Inc. Consent to Assignment of License from Radio Telephone Company of Gainesville, Inc., Assignor to Radio Telephone Company of Daytona Beach, Inc., Assignee. Stations: KIY464 and and KUC852, Daytona Beach, Florida.

20020–CD–P–77, Autofone, Inc. (KUO573), C.P. to relocate facilities operating on 152.18 MHz at Loc. #1: Kellam Road, Dublin, Georgia.

20021–CD–P–(3)–77, Anserphone, Inc. (KQK 714), C.P. for additional facilities to operate on 152.24 MHz at new Loc. #2: 3 miles S.E. of New Castle, Pennsylvania; same facilities at new Loc. #3: 156 Boyd Street, Masury, Ohio; and Control facilities operating on 454.225 MHz at new Loc. #4: 355 North Hubbard Road, Lowellville, Ohio.

20022–CD–P–77, Gary C. Richards (New), C.P. for a new station to operate on 152.09 MHz located at 538 Hazelgreen Place, Helena, Montana.

20023–CD–AL–77, Harold's Radio Service, Inc. Consent to Assignment of License from Harold's Radio Service, Inc., Assignor to Paging & Mobile Telephone Co., Inc., Assignee. Station: KUO648, Evansville, Indiana.

CORRECTION

22897–CD–P–(14)–76, Hawaiian Telephone Company. Correct Call Sign to read (New). All other particulars to remain as reported on PN #826 Dated October 4, 1976.

RURAL RADIO

60004–CR–P–77, The Mountain States Telephone and Telegraph Company (New), C.P. for a new Rural Subscriber station to operate on 157.77 MHz located 8.4 Km (5.2 miles) South-Southwest of Table Rock, Wyoming.

60005–CR–AL–(2)–77, Umpqua Telephone Co., Inc. Consent to Assignment of License from Umpqua Telephone Co., Inc., Assignor to Cascade Utilities, Inc., Assignee. Stations: WBK259 & WBK260, Elkton, Oregon.

60006–CR–P–77, The Mountain States Telephone and Telegraph Company (New), C.P. for a new Rural Subscriber station to operate on 157.77 MHz located 10.3 Km (6.4 miles) ENE of Little America, Wyoming.

POINT TO POINT MICROWAVE RADIO SERVICE

12–CF–P–77, The Lincoln County Telephone System, Inc. (WBA78), Alamo, Nevada. Lat. 37°21'50" N., Long. 115°09'50" W. C.P. to increase structure height; and move antenna on frequency 2115.2V MHz toward Mt. Irish with passive reflector; and move and replace antenna on frequency 2118.4H toward Alamo, Nevada with passive reflector.

14–CF–P–77, Hawaiian Telephone Company (WDD39), Bishop 1177 Bishop Street, Honolulu, Hawaii Lat. 21°18'47" N., Long. 157°51'43" W. C.P. to add a new point communication on frequency 10915H 11075H MHz toward Airport, Hawaii on azimuth 291.2°.

15–CF–P–77, Same, (New), Honolulu International Airport, Honolulu, Hawaii Lat. 21°20'06" N., Long. 157°55'20" W. C.P. for a new station on frequencies 11445H 11605H MHz toward Bishop, Hawaii on azimuth 111.2°.

18–CF–P–77, American Telephone and Telegraph Company (KJM70), 130 W. Nassau Street, Lake City, Florida Lat. 30°11'17" N., Long. 82°38'18" W. C.P. to add frequency 3870.0V MHz toward Ellisville, Florida.

19–CF–P–77, Same, (WQN65) 4.7 miles SE of Ellisville, Florida Lat. 29°56'53" N., Long. 82°33'29" W. C.P. to add frequency 3910.0V MHz toward Lake City, Florida.

30–CF–P–77, General Telephone Company of Wisconsin (New), 306 W. Conant Street, Portage, Wisconsin Lat. 43°32'23" N., Long. 89°27'48" W. C.P. for a new station 11465V MHz toward Poynette, Wisconsin on azimuth 154.6°.

58–CF–P–77, Northwestern Bell Telephone Company (KBD58), 125 South Dakota Avenue, Sioux Falls, South Dakota Lat. 43°32'48" N., Long. 96'43'48" W. C.P. to add frequency 3910H MHz toward Pumpkin Center, South Dakota on azimuth 268.4°.

59–CF–P–77, Same, (New), Watertown CO 118 South Maple, Watertown, South Dakota, Lat. 44°53'54" N., Long. 97°06'45" W. C.P. for a new station on frequencies 10815H 11055H MHz toward Watertown RS, South Dakota on azimuth 106.9°.

60–CF–P–77, Same, (KBT62), Watertown RS 3.2 miles E of Watertown, South Dakota Lat. 44°53'03" N., Long. 97°02'49" W. C.P. to change name; and add a new point of communication on frequencies 11345H 11585H MHz toward Watertown CO, South Dakota on azimuth 286.9°.

67–CF–MP–77, New York Telephone Company (KEF74), 36 South Street, Auburn, New York, Lat. 42°55'45" N., Long. 76°33'57" W. C.P. to increase structure height; move and replace antenna on frequencies 11035H 10875H MHz toward Fort Hill, New York on azimuth 312.0°.

68–CF–MP–77, Same, (WBB395), Fort Hill 1.1 miles SSE of Savannah, New York Lat. 43°-03'10" N., Long. 76°45'11" W. C. P. to decrease structure height; and move and replace antenna on frequencies 11605H 11445V MHz toward Van Buren on azimuth 79.6 degrees and 11485H 11325V MHz toward Auburn, New York on azimuth 131.9°.

69–CF–MP–77, Same, (KEF75), 2 miles NW of Warners, Van Vuren, New York Lat. 43°-06'19" N., Long. 76°21'31" W. C. P. replace antenna on frequencies 11035H 10875V MHz toward Syracuse, New York on azimuth 110.0°, and 11155H 10955V MHz toward Fort Hill, New York on azimuth 259.8°.

70–CF–P–77, Wisconsin Telephone Company, (WSL73), 1.5 miles E of Poynette, Wisconsin Lat. 43°23'13" N. Long. 89°21'49" W. C. P. to add a new point communication on frequency 10855V MHz toward Portage, New York on azimuth 334.6°.

78–CF–P–77, General Telephone Company of Florida (KGP52), Plant City Jct. 1.73 miles WNW of Plant City, Florida Lat. 28°-01'32" N., Long. 82°10'01" W. C. P. to change name and location of transmit station as shown above; and add a new point of communication on frequencies 3730V 3790H MHz toward Lithia, Florida on azimuth 182.5° 2162.4H MHz toward Highland City, Florida on azimuth 106.5°.

79–CF–P–77, Same (WAH395), Road 640 & Browning Road, Lithia, Florida Lat. 27°50'-49" N., Long. 82°10'33" W. C. P. to add frequency 6256.5H MHz toward Wimauma, Florida on azimuth 227.6°; and a new point of communication on frequencies 3750H 3770V MHz toward Plant City Jct., Florida on azimuth 2.5°.

80–CF–P–77, Same, (KIB48), Peterson & Highlands Road, Highland City, Florida Lat. 27°57'40" N., Long. 81°55'21" W. C. P. to add a new point of communication on frequency 2112.4H MHz toward Plant City Jct., Florida on azimuth 286.5°.

81–CF–P–77, Same, (WIU84), 2.4 miles WNW of Wimauma, Florida Lat. 27°42'57" N., Long. 82°20'13" W. C. P. to add frequencies 6152.75V MHz toward St. Petersburg, Florida on azimuth 281.6° and 6004.5H MHz toward Lithia, Florida on azimuth 47.6°.

82–CF–P–77, Same, (KIY21), 830 Arlington Avenue, St. Petersburg, Florida Lat. 27°-46'19" N., Long. 82°38'44" W. C. P. to add a new frequency 6404.8V MHz toward Wimauma, Florida on azimuth 101.5°.

65–CF–P–77, RCA American Communications, (New), NASA Installation, Kokee Park, Hawaii. (Lat. 22°07'22" N., Long. 159°40'12" W.): CP for a new station; 2129.0V MHz toward Barking Sand, Hawaii via passive reflector at Makaha, Hawaii on azimuths 25.7° and 103.5°, respectively.

66–CF–P–77, Same, (New), South Nohili Road, Barking Sand Pacific Missile Range, Hawaii (Lat. 22°01'46" N., Long. 159°47'-06" W.): CP for a new station; 2179.0V MHz toward Kokee Park, Hawaii via passive reflector at Makaha, Hawaii on azimuths 283.6° and 205.7° respectively.

4722–CF–P–76, Southern Bell Telephone Company (KJM35), Lake Hamilton, Florida. Correct azimuth toward Frostproof to read 176.9°; Correct frequencies 4180H toward Polk City and Frostproof to read 4190H. All other particulars remain as reported on Public Notice No. 818, dated August 9, 1976.

4723–CF–P–76, Same, (KJM36), Frostproof, Florida. Correct frequency 6192.2H to read 6197.2H MHz toward Avon Park. All other particulars remain as reported on Public Notice No. 818, dated August 9, 1976.

8174–CF–P–76, United States Transmission Systems, Inc. (WAH 499), 2.5 miles NW of Delta, Pennsylvania. (Lat. 39°44'40" N., Long. 76°21'32" W.): This entry appearing in Public Notice dated October 12, 1976 is corrected to show coordinates listed as above. All other particulars remain the same.

[FR Doc.76-31894 Filed 10-29-76;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: October 13, 1976.
Released: October 21, 1976.

Notice is hereby given pursuant to §§ 1.472(c) and 1.573(d) of the Commission's rules, that on December 6, 1976, the TV and FM translator applications listed in the attached Appendix will be con-

sidered as ready and available for processing. Pursuant to §§ 1.227(d) and 1.519 (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 December 3, 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 December 3, 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(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3089 (new), Franklin, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 56, 722–728 MHz, 1 watt. Primary: WSKG, Binghamton, New York.

BPTT-3090 (new), South Otsellic, Georgetown, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 58, 734–740 MHz, 10 watts. Primary: WSKG, Binghamton, New York.

BPTT-3091 (new), Guilford, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 59, 740–746 MHz, 1 watt. Primary: WSKG, Binghamton, New York.

BPTT-3092 (new), Treadwell, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 59, 740–746 MHz, 1 watt. Primary: WSKG, Binghamton, New York.

BPTT-3093 (new), Unadilla, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Maidson and Otsego Counties. Req: Channel 59, 740–746 MHz, 1 watt. Primary: WSKG, Binghamton, New York.

BPTT-3094 (new), Downsville, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 62, 758–764 MHz, 1 watt. Primary: WSKG, Binghamton, New York.

BPTT-3095 (new), Bainbridge, Afton, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 63, 764–770 MHz, 10 watts. Primary: WSKG, Binghamton, New York.

BPTT-3096 (new), Delhi, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 65, 776–782 MHz, 10 watts. Primary: WSKG, Binghamton, New York.

BPTT-3097 (new), Mt. Upton, Gilbertsonville, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 65, 776–782 MHz, 10 watts. Primary: WSKG, Binghamton, New York.

BPTT-3098 (new), Otego, Wellsbridge, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 65, 776–782 MHz, 10 watts. Primary: WSKG, Binghamton, New York.

BPTT-3099 (new), Norwich, Oxford, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 66, 782–788 MHz, 100 watts. Primary: WSKG, Binghamton, New York.

BPTT-3100 (new), New Berlin, South New Berlin, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenago, Madison and Otsego Counties. Req: Channel 67, 788–794 MHz, 10 watts. Primary: WSKG, Binghamton, New York.

BPTT-3101 (new), Walton, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 67, 788–794 MHz, 10 watts. Primary: WSKG, Binghamton, New York.

BPTT-3102 (new), Smyrna, Sherbourne, Earlsville, New York, Board of Cooperative Educational Services, Sole Supervisory District—Delaware, Chenango, Madison and Otsego Counties. Req: Channel 69, 800–806 MHz, 100 watts. Primary: WSKG, Binghamton, New York.

BPTT-3103 (new), Swenda Lake Area in Pope County, Minnesota, Starbuck Area Development Corporation. Req: Channel 64, 770–776 MHz, 100 watts. Primary: WCCO–TV, Minneapolis, Minnesota.

BPTT-3104 (new), Swenda Lake Area in Pope County, Minnesota, Starbuck Area Development Corporation. Req: Channel 66, 782–788 MHz, 100 watts. Primary: WTCN–TV, Minneapolis, Minnesota.

BPTT-3105 (new), Swenda Lake Area in Pope County, Minnesota, Starbuck Area Development Corporation. Req: Channel 68, 794–800 MHz, 100 watts. Primary: KMSP–TV, Minneapolis, Minnesota.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5675 (new), Harrison, North Bridgton, Bridgton, Maine, Colby-Bates-Bowdoin Educational Telecasting Corporation. Req: Channel 3, 60–66 MHz, 1 watt. Primary: WCBB, Augusta, Maine.

BPTTV-5677 (new), Starbuck, Villard Lake Area, Lake Emily Area, Minnesota, Starbuck Area Development Corporation. Req: Channel 2, 54–60 MHz, 10 watts. Primary: KMSP–TV, Minneapolis, Minnesota.

BPTTV-5678 (new), Starbuck, Villard Lake Area, Lake Emily Area, Minnesota, Starbuck Area Development Corporation. Req: Channel 6, 82–88 MHz, 10 watts. Primary: WTCN–TV, Minneapolis, Minnesota.

BPTTV-5679 (new), Starbuck, Villard Lake Area, Lake Emily Area, Minnesota, Starbuck Area Development Corporation. Req: Channel 13, 210–216 MHz, 10 watts. Primary: WCCO–TV, Minneapolis, Minnesota.

[FR Doc.76–31893 Filed 10–29–76;8:45 am]

[FCC 76–915; Docket Nos. 20952, 20953; File Nos. BR–3466, BRH–2550, BRSCA–1360]

JANUS BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

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

In re applications of: Fredrick Leonard Lindholm, Donald George McCoy, General Partners, and David Arvid Johnson, Limited Partner, d/b as Janus Broadcasting Company, for renewal of license of Radio Station WGNE Panama City Beach, Florida, and for renewal of Main & SCA License of Radio Station WGNE–FM Panama City Beach, Florida.

1. The Commission has before it for consideration the above-captioned applications, and its inquiries into the operation of Station WGNE, Panama City Beach, Florida.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain a licensee of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, *It Is Ordered*, That the captioned applications are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine all the facts and circumstances surrounding the broacast on WGNE in July, August, and September 1975 of a contest called "Play WGNE", also referred to as "Radio Roulette."

(b) In light of the evidence adduced under issue (a) above, to determine whether and, if so, the extent to which the applicant or any of its principals, officers, or employees, prearranged or predetermined, in whole or in part, the outcome of a purportedly bona fide contest of chance with intent to deceive the listening public, in violation of section 509 of the Communications Act of 1934, as amended.

(c) To determine whether Fredrick Leonard Lindholm, general partner in Janus Broadcasting Company and general manager of WGNE, or Donald George McCoy, general partner in Janus Broadcasting Company and sales manager of WGNE, or both, have misrepresented or were lacking in candor with the Commission regarding the facts and circumstances, or their knowledge thereof surrounding the broadcast of the "Play WGNE" contest conducted in July, August, and September 1975.

(d) To determine whether the applicant misrepresented, in broadcast announcements, the WGNE coverage area.

(e) To determine whether the applicant has deceptively claimed in broadcast announcements and other advertisements to be the number one station in the market.

(f) To determine whether the applicant broadcast announcements regarding the comparative size of its listening audience based on information obtained in a survey that the applicant knew, or had reason to know, was not designed, conducted, or analyzed in accordance with accepted statistical principles and procedures, reasonably free from avoidable bias, and based on a properly selected sample of adequate size.

(g) To determine whether, in light of the evidence adduced under the pre-

ceding issues, the licensee of WGNE and WGNE–FM possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the captioned applications would serve the public interest, convenience, and necessity.

4. *It Is Further Ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (f), inclusive.

5. *It Is Further Ordered*, That pursuant to Public Notice, *Questions Concerning Basic Qualifications of Broadcast Applicant*, FCC 73–1024, 28 RR 2d 705, released October 5, 1973, action on the application (BALH–2262) for assignment of license of Station WRKT–FM, Cocoa Beach, Florida, to Fredrick L. Lindholm, Donald G. McCoy, and David A. Johnson, d/b as Janus Broadcasting Company of Cocoa Beach, shall be deferred pending resolution of the issues in the instant proceeding.

6. *It Is Further Ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (f), inclusive, and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee and that a grant of the applications would serve the public interest, convenience and necessity.

7. *It Is Further Ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. *It Is Further Ordered*, That the applicant herein, pursuant to section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commisison's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by § 1.594(g) of the Rules.

9. *It Is Further Ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested, to Fredrick Leonard Lindholm, Donald George McCoy, General Partners, and David Arvid Johnson, Limited Partner, d/b as Janus Broadcasting Company, licensee of Station WGNE and WGNE–FM, Panama City Beach, Florida.

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

[FR Doc.76–31892 Filed 10–29–76;8:45 am]

[1] Commissioners Fogarty and White not participating.

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service." Notice of 36th meeting; Tuesday, November 16—9:30 a.m. (all-day meeting). Conference Room A–205, 1229–20th Street, N.W., Washington, D.C.

NOTE.—Meeting room location is subject to change. Check at Room A–205 first.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC–66 Summary Record.
4. Begin preparation of MMS R–5, Standard for "General Purpose Marine Receivers"—(a) Determination of format. (b) Consideration of F 1 reception.

NOTE.—Attendees are asked to bring their copy of MMS R–4 (SSB Receivers) to the meeting.

5. Discussion of problem areas.
6. Solicitation of work assignments.
7. Other business.
8. Establishment of next meeting date.

H. R. Smith, Chairman, SC–66, ITT Mackay Marine, 441 U.S. Highway No. 1, Elizabeth, N.J. 07202. Phone: (201) 527–0300.

Members of Special Committee No. 65, "SHIP RADAR". Notice of 50th meeting; Wednesday, November 17, 1976—1:30 p.m. Conference room 8210, 2025 M Street, N.W., Washington, D.C.

Agenda for SC–65 Committee Meeting appears on reverse side of this sheet. SC–65 Working Group schedule. To be held at 2025 M Street, N.W., Washington, D.C.

Working group	Room	Date	Time
Reliability	8210	Nov. 17	9:30 a.m.

If other Working Group meetings are scheduled, Group Members will be notified.

AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda.
2. Acceptance of SC–65 Summary Records; Appointment of Rapporteur.
3. Progress Report of Reliability Working Group.
4. Status Reports on Other Working Groups.
5. Other business.
6. Establishment of next meeting date.

Irvin Hurwitz, Chairman, SC–65, Federal Communications Commission, Washington, D.C. 20554. Phone: (202) 632–7197.

EXECUTIVE COMMITTEE MEETING, THURSDAY, NOVEMBER 18, 1976

The next Executive Committee Meeting will be on Thursday, November 18, 1976, at 9:30 a.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
5. Status Reports on Other Committees.
6. New Membership Applications for Executive Committee Approval.
7. Report on 1977 Philadelphia Assembly Meeting.
8. Approval of SC–65 "Ship Radar" Papers.
9. Discussion on Membership Campaign Proposal.
10. Report on FY–1976 Audit and related matters.
11. Summary Reports and Announcements.
12. New Business.
13. Establishment of next meeting date.

RTCM SC 69/FCC WARC–79 ADVISORY COMMITTEE FOR MARITIME MOBILE SERVICE

ELEVENTH MEETING

2025 M Street, N.W., Washington, D.C.
Room 8210, 9:30 a.m. to 12:30 p.m.
Tuesday, November 23, 1976

AGENDA

1. Call of the Agenda.
2. Chairman's Opening Remarks.
3. Reports of the Task Forces.
4. Review work to be accomplished.
5. Further Business.
6. Set date for next meeting.
7. Adjournment.

Charles Dorian, Chairman SC 69, COMSAT General, 950 L'Enfant Plaza, S.W., Washington, D.C. 20024. Phone: 202–554–6829.

To comply with the advance notice requirements of Pub. L. 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632–6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–31896 Filed 10–29–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

LIST OF ENERGY CONSERVATION MEASURES AND RENEWABLE-RESOURCE ENERGY MEASURES

Request for Public Comment

Section 432(d), (42 U.S.C. 6325), of the Energy Conservation and Production

Act (Act), Pub. L. 94-385, 90 Stat. 1125 *et seq.* (1976) provides that the Federal Energy Administration (FEA) shall develop by rule, after consultation with the Secretary of Housing and Urban Development (Secretary), and publish a list of energy conservation measures and renewable-resource energy measures, which are eligible for financial assistance pursuant to Section 509 of the Housing and Urban Development Act of 1970 or Section 451 of the Act. The purpose of this notice is to solicit, from interested persons, information which may include views, comments, studies, data and other pertinent documentation to assist FEA in the development of the energy measures list.

The Secretary is authorized to provide financial assistance in carrying out a national demonstration program to test the feasibility and effectiveness of various forms of financial assistance for encouraging the installation or implementation of approved energy conservation measures and approved renewable-resource energy measures in existing dwelling units pursuant to Section 509 of the Housing and Urban Development Act of 1970, (section 441 of the Act; 12 U.S.C. 1701z-8) as amended. Financial assistance, authorized in the amount of $200 million, may be made available to owners of or tenants occupying existing dwelling units in the form of grants, low interest rate loans, interest subsidies, loan guarantees, and such other forms of assistance as the Secretary deems appropriate.

The energy measures shall be eligible for energy conservation and renewable-resource obligation guarantees pursuant to section 451 of the Act, (42 U.S.C. 6881). The aggregate outstanding principal amount of obligations which may be guaranteed may not at any one time exceed $2 billion. Such guarantees or commitments to guarantee are to be used to guarantee obligations to finance any energy measure which is undertaken by a person or qualified state entity and which is to be installed or otherwise implemented in any building or industrial plant, the construction of which has been completed prior to August 14, 1976. Residential buildings containing two or fewer dwelling units are not eligible for assistance under this program.

Furthermore, to be eligible for financial assistance for Supplemental State Energy Conservation Plans, section 431 of the Act, (42 U.S.C. 6326), each plan shall include procedures for carrying out a continuing public education effort to increase significantly public awareness of energy and cost savings which are likely to result from implementation of the energy measures.

Two types of energy measures are to be developed by FEA:

(1) energy conservation measures; and

(2) renewable-resource energy measures.

Each energy measure to be developed by FEA by rule:

(1) must modify any building or industrial plant, the construction of which has been completed prior to August 14, 1976; and

(2) must not include the purchase or installation of any appliance;

An "energy conservation measure" is a measure which FEA has determined to be likely to improve the efficiency of energy use and to reduce projected energy costs in a sufficient amount. A sufficient amount is one which shall enable a person to recover the total cost of installing and purchasing such measure within the useful life of the modification or 15 years, whichever is less.

A "renewable-resource energy measure" is a measure which FEA has determined to involve changing, in whole or in part, the fuel or source of the energy used to meet the requirements of a building or industrial plant from a depletable source of energy to a nondepletable source of energy. Such change must be likely to reduce projected energy costs in an amount sufficient to enable a person to recover the total cost of purchasing and installing such measure within the useful life of the modification involved or 25 years, whichever is less.

With respect to the recovery of costs for either type of energy measure, tax benefit or Federal financial assistance applicable thereto shall be disregarded.

The term "building" means any structure which includes provision for a heating and cooling system, or both, or for a hot water system.

The term "industrial plant" means any fixed equipment or facility which is used in connection with, or as part of, any process or system for industrial production or output.

FEA solicits the submission of pertinent information from interested parties. Such information may be used by FEA in the development of a list of the two types of energy measures. It should be noted that FEA has begun an independent analytic effort to develop these energy measures.

Information shall be submitted in writing and may contain recommended energy measures, arguments, views, comments, data, studies and other pertinent documentation.

Information and comments on all energy conservation measures are requested, but the following measures are of particular interest: Insulation and vapor barriers; storm windows and doors; caulking and weatherstripping; clock thermostats; and heat pumps. Likewise, information on all renewable-resource energy measures is requested, but the following measures are of particular interest: Solar screens; solar hot water systems; solar space heating systems; and solar cooling systems.

While all responses provided will be considered by FEA, those containing the following information are considered to be most helpful to FEA.

1. *Suggested energy measures.* What energy conservation and renewable-resource energy measures are suggested for inclusion on the list? It would also be helpful if communications on energy conservation measures and renewable-resource energy measures were separately identified.

With respect to any suggested energy conservation measure:

(a) Does it involve conversion from one fuel or energy source to another?

(b) Is its primary purpose an improvement in efficiency of energy use?

Provide supporting studies and documents if practicable.

2. *Specifications.* What are the standard means of identifying the characteristics, quality and performance of the measure? Federal or other specifications or test procedures? If none, are there any specifications or test procedures currently being developed or has any Federal agency or other organization made any statement on the measure?

3. *Useful life.* What is the life of the suggested measure? How is this determined?

4. *Performance.* What factors might affect achievement of design performance? How significantly might actual performance differ from design performance?

5. *Cost.* What purchase, installation, operating and maintenance costs are associated with the measure?

6. *Energy savings.* What is the energy savings expected to result from installation of the measure? How is the projected energy savings determined?

7. *Cost effectiveness.* FEA may utilize information received in response to this notice in undertaking cost effectiveness and other analyses relative to energy measures. FEA requests that any cost effectiveness data submitted be calculated on the basis of the projected energy prices indicated in Table 1. Any cost effectiveness evaluations provided in response to this notice will be helpful.

8. *Applications.* For what types of buildings and/or industrial plants is the measure intended?

9. *Sensitivity.* How much will useful life, costs, energy savings and cost effectiveness change with variations in users, regional locations, application type and other factors?

TABLE 1.—*Projected energy prices (constant 1975 prices)*

	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Electricity (mills per kWh): [1]																	
Residential	30.80	31.15	31.41	31.66	31.91	32.17	32.42	32.72	33.02	33.31	33.61	33.91	34.10	34.29	34.48	34.67	34.86
Commercial	30.44	30.56	30.67	30.79	30.90	31.02	31.14	31.44	31.74	32.03	32.33	32.63	32.82	33.01	33.20	33.39	33.68
Industrial	16.90	17.92	18.95	19.97	20.99	21.01	23.03	23.33	23.63	23.92	24.22	24.52	24.71	24.10	25.09	25.28	26.47
Natural gas (per Tcf): [2]																	
Residential	$1.54	$1.72	$1.89	$2.06	$2.24	$2.42	$2.59	$2.64	$2.70	$2.75	$2.81	$2.86	$2.98	$3.10	$3.21	$3.33	$3.45
Commercial	1.14	1.32	1.51	1.69	1.87	2.06	2.24	2.29	2.35	2.40	2.46	2.51	2.63	2.75	2.86	2.98	2.10
Industrial	0.68	0.86	1.04	1.22	1.40	1.58	1.76	1.81	1.87	1.92	1.98	2.03	2.15	2.27	2.38	2.50	2.62
Distillate (per gallon): [3]																	
Residential	0.303	0.398	0.402	0.407	0.411	0.416	0.421	0.418	0.416	0.414	0.412	0.410	0.410	0.410	0.410	0.410	0.410
Commercial	0.393	0.394	0.395	0.397	0.398	0.399	0.400	0.398	0.396	0.394	0.391	0.389	0.390	0.390	0.390	0.390	0.390
Industrial	0.393	0.394	0.395	0.397	0.398	0.399	0.400	0.398	0.396	0.394	0.391	0.389	0.390	0.390	0.390	0.390	0.390
Residual fuel (per gallon): [4]																	
Commercial	0.309	0.316	0.322	0.329	0.335	0.342	0.348	0.354	0.360	0.366	0.372	0.379	0.380	0.381	0.382	0.383	0.384
Industrial	0.309	0.316	0.322	0.329	0.335	0.342	0.348	0.354	0.360	0.366	0.372	0.379	0.380	0.381	0.382	0.383	0.384

[1] Edison Electric Institute.
[2] Bureau of Mines.
[3] Bureau of Labor Statistics.
[4] Monthly Energy Review.

Interested persons are invited to make their written submissions to Executive Communications, Room 3309, Box JH, Federal Energy Administration, Washington, D.C. 20461. Submissions should be identified on the outside envelope or other container and on the material submitted to the FEA with the desigation "Energy Measures List." Ten copies should be submitted. All comments received by 4:30 p.m., e.d.t. December 30, 1976, may be used by FEA in the development of energy measures.

Any information or data considered by the person furnishing it to be confidential must be so idetified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information and to treat it according to its determination.

All submitted communications not considered confidential by FEA will be available for public review in the FEA Reading Room, Room 2107, Federal Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C.

On the basis of its own analyses and the information received, FEA shall develop proposed energy measures which shall be issued in a notice of proposed rulemaking.

Issued in Washington, D.C., October 26, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc 76-31833 Filed 10-27-76;11:57 am]

FEDERAL MARITIME COMMISSION

Agreement Filed

THE WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Arnold P. Lay, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Agreement No. 2846-28, among the members of the above-named conference, permits the conference to consult and agree with other conferences concerning inland European rates and practices including the filing of common inland tariffs.

By order of the Federal Maritime Commission.

Dated: October 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31899 Filed 10-29-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP 72-110 (PGA76-13), etc.]

ALGONQUIN GAS TRANSMISSION CO., ET AL.

Order Deferring Action On Proposed Rate Increases and Permitting Interventions

Issued: October 21, 1976.

In the matter of: Algonquin Gas Transmission Company, Docket No. RP72-110 (PGA76-13);

Arkansas Louisiana Gas Company, Docket No. RP76-19 (PGA76-4);

Chattanooga Gas Company, Docket No. CP73-329 (PGA77-1);

Cities Service Gas Company, Docket No. RP72-142 (PGA76-8a);

Colorado Interstate Gas Company Docket No. RP72-122 (PGA76-6);

Columbia Gas Transmission Corporation, Docket No. RP73-65 (PGA76-6 and 76-7);

Commercial Pipeline Company, Inc., Docket No. RP75-8 (PGA76-8a);

Consolidated Gas Supply Corporation, Docket No. RP72-157 (PGA76-9);

East Tennessee Natural Gas Company, Docket No. RP71-15 (PGA76-5);

El Paso Natural Gas Company, Docket No. RP72-155 (PGA76-5);

Florida Gas Transmission Company, Docket No. RP72-136 (PGA76-4);

Granite State Gas Transmission, Inc., Docket No. RP73-17 (PGA76-5);

Kentucky-West Virginia Gas Company, Docket No. RP73-97 (PGA76-4);

Lawrenceburg Gas Transmission Corporation, Docket No. RP72-23 (PGA76-5);

Michigan-Wisconsin Pipe Line Company, Docket No. RP73-14 (PGA76-4);

Mid Louisiana Gas Company, Docket No. RP-3-43 (PGA76-4);

Midwestern Gas Transmission Company, Docket No. RP71-16 (PGA76-6);

Mississippi River Transmission Corporation, Docket No. RP72-149 (PGA76-15 and 76-16);

Montana-Dakota Utilities Company, Docket No. RP74-97 (PGA76-3);

Natural Gas Pipeline Company of America, Docket No. RP71-125 (PGA76-9);

Northern Natural Gas Company, Docket No. RP71-107 (PGA76-3);

Northwest Pipeline Corporation, Docket No. RP72-154 (PGA76-6);

Oklahoma Natural Gas Gathering Corporation, Docket No. RP72-115 (PGA76-5a);

Pacific Interstate Transmission Company, Docket No. CP76-104 (PGA76-2);

Panhandle Eastern Pipe Line Company, Docket No. RP73-36 (PGA76-4);

Sea Robin Pipeline Company, Docket No. RP73-89 (PGA76-3);

South Georgia Natural Gas Company, Docket No. RP73-49 (PGA76-6);

Southern Natural Gas Company, Dock-No. RP73-43 (PGA76-4);

Southwest Gas Corporation, Docket No. RP72–121 (PGA76–7);
Tennessee Gas Pipeline Company, Docket No. RP73–114 (PGA76–4);
Tennessee Natural Gas Lines, Inc., Docket No. RP71–11 (PGA76–5);
Texas Eastern Transmission Corporation, Docket No. RP74–41 (PGA76–8);
Texas Gas Transmission Corporation, Docket No. RP72–156 (PGA76–4);
Transcontinental Gas Pipe Line Company, Docket No. RP73–3 (PGA76–4);
Transwestern Pipeline Company, Docket No. RP74–52 (PGA76–5);
Trunkline Gas Company, Docket No. RP73–35 (PGA76–4);
United Gas Pipe Line Company, Docket No. RP72–133 (PGA76–4);
Utah Gas Service Company, Docket No. RP76–35 (PGA76–3);
Valley Gas Transmission Company, Docket No. RP73–94 (PGA76–4);
Western Transmission Corporation, Docket No. RP72–31 (PGA76–2).

By Opinion No. 770[1] the Commission, established a new just and reasonable national base rate for post-January 1, 1975 gas of $1.42 per Mcf[2], with an escalation of 1 cent per quarter and a new uniform national base rate for 1973–1974 biennium gas of $1.01 per Mcf[3], both new rates to be effective as of the date of issuance of the order. Therein, the Commission provided for waiver of Section 154.38(d)(4)(iv) of the Regulations to permit natural gas pipeline companies to file a one time special purchased gas adjustment (PGA) filing on or before September 27, 1976, to track increases in purchased gas costs attributable to increased producer rates filed on or before August 26, 1976, such PGA increase to be effective October 27, 1976. The Commission also provided for a surcharge to be added to this adjustment to permit the pipeline to recover cost increases incurred prior to the adjustment date.

By order issued August 13, 1976, the Commission imposed a refund obligation on producers collecting the increased rates pursuant to the order of the United States Court of Appeals for the District of Columbia Circuit in *American Public Gas Association* v. *F.P.C.*, Case No. 76–1694, issued August 9, 1976. By subsequent order issued September 22, 1976, the Commission modified Ordering Paragraph (D) of Opinion No. 770 to provide that the surcharge previously permitted be collected over a 12 month period, with a 9 percent carrying charge accruing for the duration of the surcharge.

[1] National Rates for Jurisdictional Sales of Natural Gas Dedicated to Interstate Commerce on or after January 1, 1973. For the Period January 1, 1975 to December 31, 1976, Docket No. RM75–14, issued July 27, 1976.
[2] Subject to adjustment.
[3] Also subject to adjustment.

The forty pipelines listed in the caption to this order filed timely adjustments seeking to track increased producer costs based on producer filings prior to August 26, 1976.[4] Public notice of these filings has been issued, with comments, protests, and petitions to intervene due on or before October 14, 15, or 18, 1976, for the various pipelines. Numerous filings have been made by pipeline customers, state commissions, and other interested parties. The parties filing are set out, by petitioner, pipeline, and docket number, in Appendix A hereto.

The position of most of the petitioners is that they be permitted to intervene in the respective proceedings, with the full rights of party thereto. Certain of the petitioners requested a one day or a five month suspension of the increases and an investigation of the producer filings to insure that the gas qualifies for the higher rate. One customer group requested that the Commission stay the effectiveness of the revised tariff sheets pending investigation of the justification of the rate increase sought.

Because some of the producers' filings underlying the PGA filings have been filed erroneously,[5] we shall defer the effectiveness of the revised tariff sheets until December 1, 1976. We shall require each pipeline to refile its PGA adjustment on or before November 10, 1976, to reflect only such producer increases filed on or before November 1, 1976, which are based on a corrected copy of the producer notice of change in rate or the verified statement of a producer that its prior filing requires no correction. The surcharge amount shall be based on all increases incurred by the pipeline for producer increases so filed on or before November 1, 1976, net of producer refunds, if any, with a carrying charge of 9 percent during the duration of the surcharge.

We note that three of the pipelines[6] have combined the Opinion No. 770 increase together with their regular semi-annual PGA increase filing. Our deferral of action on the combined PGA filing is without prejudice to the filing by those pipelines of revised tariff sheets to reflect increases other than increases based on producer rates claimed under Opinion No. 770.

[4] The annual increase reflected in these filings amounts to $2.042 billion. The surcharge amounts to $492 million, including carrying charges.
[5] By order issued October 21, 1976, the Commission restated its intention regarding recompletions and the eligibility of gas flowing therefrom for the new national base rate. Producers were required to file a verified statement that their filings were consistent with this intention or, in the event the filings were inconsistent with our intention to make corrected filings.
[6] Arkansas Louisiana Gas Company (Ark La), El Paso Natural Gas Company (El Paso), and Michigan Wisconsin Gas Company (Mich-Wis).

The Commission finds:

(1) Good cause exists to permit the parties listed in Appendix A to intervene in the respective proceedings in which the petitions were filed.

(2) Good cause exists to defer the effectiveness of the filed tariff sheets until December 1, 1976, subject to the condition that the respective pipeline companies' refile their PGA Adjustments and surcharges on or before November 10, 1976 to reflect any such producer rate increases as were properly filed pursuant to Opinion No. 770, as indicated by producer filings on or before November 1, 1976.

(3) ArkLa, El Paso, and Mich-Wis should be permitted to file their regular semi-annual PGA rate increases to reflect costs other than increased producer rates claimed under Opinion No. 770.

The Commission orders:

(A) The effectiveness of the tariff sheets filed in the capitioned proceedings is hereby deferred until December 1, 1976, subject to the condition that the respective pipeline companies refile their PGA adjustments and surcharges on or before November 10, 1976, to reflect only such producer rate increases filed pursuant to Opinion No. 770 as are based on a verified statement that the previous producer filing requires no correction or a corrected filing of a notice of change in rates, both as are required to be filed on or before November 1, 1976.

(B) The above-named 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 their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(D) The foregoing action of the Commission relative to producer filings under Opinion No. 770 does not constitute a grant or denial of any or all of the petitions for rehearing filed by any party concerning that opinion, and is without prejudice to any contention made by any party in its petition or application for rehearing or reconsideration.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Petitioner	Company/Docket
UGI Corp	Columbia Gas Trans. Corp., RP73-65 (PGA 76-6, 76-7).
Tennessee Public Service Comm	Texas Eastern Trans. Corp., RP72-98 (PGA 76-8).
Do	Southern Natural Gas Co., RP73-646 (PGA 76-4).
City of Hamilton, Ohio	Texas Gas Trans. Co., RP72-156 (PGA 76-4).
Central Illinois Light Co	Natural Gas Pipeline Co., RP71-125 (PGA 76-9).
Do	Panhandle Eastern Pipe Line Co, RP73-36 (PGA 76-4).
Do	Midwestern Gas Trans. Co., RP71-16 (PGA 76-6).
Do	Trunkline Gas Co., RP73-35 (PGA 76-4).
Tennessee Natural Gas Lines, Inc.	Tennessee Gas Pipeline Co., RP73-114 (PGA 76-4).
East Tennessee Group	East Tennessee Natural Gas Co., RP71-15 (PGA 76-5).
Memphis Light & Water Division	Texas Eastern Trans. Corp., RP72-98 (PGA 76-8).
Bay State Gas Co., et al. (19 companies).	Texas Eastern Trans. Corp., RP72-98 (PGA 76-8).
Do	United Gas Pipe Line Co., RP72-133 (PGA 76-4).
Do	Tennessee Gas Pipeline Co., RP73-114 (PGA 76-4).
Do	Algonquin Gas Trans. Co., RP72-110 (PGA 76-6).
Chattanooga Gas Co	Southern Natural Gas Co., RP73-64 (PGA 76-4).
Do	Tennessee Gas Pipeline Co., RP73-114 (PGA 76-4).
Do	East Tennessee Natural Gas Co, RP71-15 (PGA 76-5).
New York Public Service Comm	Texas Eastern Trans. Corp., RP72-98 (PGA 76-8).
Do	Tennessee Gas Pipeline Co., RP73-114 (PGA 76-4).
Do	Transcontinental Gas Pipe Line Corp., RP73-3 (PGA 76-4).
Do	Consolidated Gas Supply Corp., RP72-157 (PGA 76-9).
Laclede Gas Co	Natural Gas Pipeline Co. of America, RP71-125 (PGA 76-9).
Do	United Gas Pipe Line Co., RP72-133 (PGA 76-4).
Do	Mississippi River Trans. Corp., RP72-149 (PGA 76-14, 76-15 and 76-16).
Do	Sea Robin Pipeline Co., RP73-89 (PGA 76-3).
Do	Trunkline Gas Co., RP73-35 (PGA 76-4).
Colorado Interstate Gas Co	Western Trans. Corp., RP72-41 (PGA 76-2).
Gardinier, Inc	Florida Gas Trans. Co., RP72-136 (PGA 76-4).
East Ohio Gas Co	Trunkline Gas Co., RP73-35 (PGA 76-4).
Michigan Wisconsin Pipe Line Co.	Northern Natural Gas Co., RP71-107 (PGA 76-3).
Orange & Rockland Utilities, Inc.	Tennessee Gas Pipeline Co., RP73-114 (PGA 76-4).
Northwest Natural Gas Co	Northwest Pipeline Corp., RP72-154 (PGA 76-6).
Wisconsin Public Service Corp	Michigan Wisconsin Pipe Line Co., RP73-14 (PGA 76-4).
State of Louisiana	United Gas Pipe Line Co., RP72-133 (PGA 76-4).
Wisconsin Natural Gas Co	Michigan Wisconsin Pipe Line Co., RP73-14 (PGA 76-4).
Home Builders Assoc. of Metropolitan Denver.	Colorado Interstate Gas Co., RP72-122 (PGA 76-6).
Southern Calif. Gas Co. and Pacific Lighting Service Co. (Joint Petition).	Pacific Interstate Trans. Co., CP76-104 (PGA 76-2). Transwestern Pipeline Co., RP74-52 (PGA 76-5).
Southern Calif. Gas Co	El Paso Natural Gas Co., RP72-155 (PGA 76-5) and RP76-59.
Cascade Natural Gas Corp	Northwest Pipeline Corp., RP72-154 (PGA 76-6).
East Ohio Gas Co	Panhandle Eastern Pipe Line Co., RP73-36 (PGA 76-4).
Consolidated Gas Supply Corp	Transcontinental Gas Pipe Line Corp., RP73-3 (PGA 76-4).
Do	Texas Eastern Trans. Corp., RP72-98 (PGA 76-8).
Do	Tennessee Gas Pipeline Co., RP73-114 (PGA 76-4).
East Ohio Gas Co	Consolidated Gas Supply Corp., RP72-157 (PGA 76-9).
Peoples Natural Gas Co	Do.
River Gas Co	Do.
West Ohio Gas Co	Columbia Gas Trans. Corp., RP73-65 (PGA 76-6, 76-7).
Colorado Interstate Gas Co	Northwest Pipeline Corp., RP72-154 (PGA 76-6).
San Diego Gas & Electric Co	Pacific Interstate Trans. Co., CP76-104 (PGA 76-2).
Public Service Electric & Gas Co	Tennessee Gas Pipeline Co., RP76-156.
Do	Transcontinental Gas Pipe Line Corp., RP73-3 (PGA 76-4).
Do	Tennessee Gas Pipeline Co., RP73-114.
Do	Texas Eastern Trans. Corp., RP72-98 (PGA 76-8).
Consumers Power Co	Trunkline Gas Co., RP73 35 (PGA 76-4).
State of California	El Paso Natural Gas Co., RP72-155 and RP76-59 (PGA 76-5).
New York State Gas & Electric Corp.	Tennessee Gas Pipeline Co., RP76-156.
Missouri Power & Light Co	Panhandle Eastern Pipe Line Co., RP73-36 (PGA 76-4).
National Fuel Gas Supply Corp	Tennessee Gas Pipeline Co., RP73-114 (PGA 76-4).
Public Service Co. of Colorado	Colorado Interstate Gas Co., RP72-122 (PGA 76-6).
Iowa Power	Northern Natural Gas Co., RP71-107 (PGA 76-3).
Northern Illinois Gas Co	Do.
Metropolitan Utilities District	Do.
Iowa Public Service Co	Do.

[FR Doc.76-31559 Filed 10-29-76;8:45 am]

NATIONAL GAS SURVEY, SUPPLY—TECHNICAL ADVISORY TASK FORCE REGULATORY ASPECTS OF SUBSTITUTE GAS

Meeting

Agenda for meeting of Supply-Technical Advisory Task Force—Regulatory Aspects of Substitute Gas.

Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426.

November 19, 1976, 8:30 a.m.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary National Gas Survey.

1. Call to Order, Mr. William J. McCabe.
2. Review of Task Force Work Completed to Date. Mr. Frank F. Jestrab, Bjella & Jestrab, Williston, North Dakota, Task Force Chairman, and Mr. Martin N. Erck, Senior Counsel, Exxon Company, U.S.A., Houston, Texas, Task Force Vice Chairman.
3. Discussion of Draft Task Force Report, Mr. Frank F. Jestrab.
4. Comments of Task Force Members on Task Force Draft Report.
5. Comments from Interested Parties.
6. Discussion of Other Matters.
7. Adjournment, Mr. William J. McCabe.

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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-31954 Filed 10-28-76;9:55 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of September 21, 1976

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on September 21, 1976.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services has remained moderate in the current quarter. In August industrial production continued to expand at about the average rate in the preceding 4 months. Retail sales apparently rose vigorously, after having changed little on balance since April. Payroll employment in nonfarm establishments rose appreciably further, but according to household survey data, the unemployment rate edged up from 7.8 to 7.9 per cent. The wholesale price index for all commodities was about unchanged in August, as a substantial decline in average prices of farm products and foods offset another large in-

[1] The Record of Policy Actions of the Committee for the meeting of September 21, 1976, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

crease in average prices of industrial commodities. So far this year the advance in the index of average wage rates has been somewhat below the rapid rate of increase during 1975.

The average value of the dollar against leading foreign currencies has remained relatively steady in recent weeks, declining somewhat against most of these currencies but rising against the pound sterling. The Mexican peso was allowed to depreciate on September 1 and in recent days has been about 37 per cent below its old value against the dollar. In July the U.S. foreign trade deficit increased sharply.

M_1 and M_2 grew at moderate rates in August. Inflows of the time and savings deposits included in M_2 were relatively strong, although they slackened from the high rate in July. Inflows of deposits to nonbank thrift institutions accelerated, however, and growth in M_3 remained rapid. Most market interest rates have declined somewhat further in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continued economic expansion, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the period ahead.

By order of the Federal Open Market Committee, October 26, 1976.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.76-31866 Filed 10-29-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 18, 1976. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC and FEA requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before November 19, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

ICC requests an extension change clearance of Form OP-WC-25, Application for Water Carrier Temporary Authority. All water carriers seeking temporary authority, not to exceed 180 days, shall file form OP-WC-25 with the Interstate Commerce Commission. Approximately 15 applications are filed annually. The average number of man-hours required per response is estimated to be six.

FEDERAL ENERGY ADMINISTRATION

FEA requests an extension no change clearance of form FEA-U501-S-O, Lightning and Thermal Operations Application for Award. This form provides the FEA information upon which to make awards to the respective sectors of the economy for accomplishments in the area of energy conservation. The FEA-U501-S-O is a voluntary filing required to obtain benefit. Potential respondents are occupants of commercial and public buildings. There have been 350 of these awards made to date and the FEA estimates it will make another 500 awards during 1977. There are approximately 500 respondents to this report requiring an average of one hour to complete the U501.

The Federal Energy Administration requests clearance of two proposed forms FEA-U527-S-0: Van Pool Demonstration Survey Employees' Form and the FEA-U528-M-0: Van Pool Demonstration Survey Coordinator's Form. These voluntary survey questionnaires will be used to help evaluate the Van Pool Demonstration Program that has been implemented in four urban areas of the United States. The program was designed to demonstrate the potential of van pools to reduce the use of private automobiles and thereby to conserve energy. The demonstration program is testing alternative marketing strategies designed to attract employer sponsorship of van pool programs and will help to develop technical and administrative procedures for implementing employer-sponsored van pool programs nationwide.

The universe from which respondents to the FEA-U527-S-0 will be selected consists of all employees of organizations that are participating in the Van Pool Demonstration Program. The goal of the demonstration program is to obtain the participation of 50 firms with 500 or more employees, therefore, the potential respondent universe is at least 25,000. A random sample of 2,325 respondents will be selected from the universe to receive the FEA-U527-S-0 survey form, fill it out, and return it in a pre-addressed, pre-paid envelope. The form is divided into three schedules. Schedule A is to be filled out by employees already participating in a van pool. Schedule B is to be addressed by employees who have applied to join a van pool. Schedule C is to be completed by employees not wishing to participate in a van pool. The burden is estimated to be 15 minutes per one time response.

The universe from which the respondents to the FEA-U528-M-O will be selected will be the company van pool coordinators of those 50 participating firms, therefore, the universe totals 50. A random sample of 25 respondents will be selected to fill out the form monthly for six months and mail it in a pre-addressed, pre-paid envelope to the contractors performing the survey. The burden is estimated to be 15 minutes per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-31876 Filed 10-29-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of the Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment revised the provisions in the Technical Specifications relating to limiting conditions for operation and surveillance requirements for the facility diesel generators.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 13, 1976, (2) Amendment No. 15 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of October, 1976.

For the Nuclear Regulatory Commission,

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc.76-31655 Filed 10-29-76;8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses No. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) for operation of the Zion Station Units 1 and 2 (the facility) located in Zion, Illinois.

The licensee's application for license amendments dated January 29, 1976, has proposed modification of the Technical Specifications to specify both nominal and limiting settings for reactor protection system and engineered safeguards system instrumentation. The values specified for several trip setpoints would be changed.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Act and the Commission's regulations.

By December 1, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 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 of 10 CFR, and must be filed with Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Mr. John W. Rowe, Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60690, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that 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 (1) the application for amendments dated January 29, 1976, which is available for inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

Dated at Bethesda, Maryland, this 20th day of October 1976.

For the Nuclear Regulatory Commission,

A. SCHWENCER,
Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.76-31652 Filed 10-29-76;8:45 am]

[Docket Nos. 50-516; 50-517]

LONG ISLAND LIGHTING CO. (JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2)

Order Resuming the Evidentiary Hearing

The evidentiary hearing will be resumed on November 9, 1976 at 9:30 a.m. in the Holiday Inn of Riverhead, Exit 72, Long Island Expressway, Riverhead, Long Island, New York, to receive evidence upon certain contentions and other matters as hereinafter specified. The hearing will proceed on successive week days, and will resume on November 16, on November 30, and on December 7, 1976. No hearing will be held in the week beginning November 22, 1976. In the event testimony upon the aforementioned contentions and other matters has not been completed as of December 10th, the hearing will proceed upon December 14th.[1]

Evidence will be taken sequentially upon the following contentions, which have been previously identified in the attachment to the Board's Order of June 25, 1976, and upon the following matters:

VB1a	VB2
VB1b	VB3

Staff testimony re: Land Use, Agricultural Matters, etc. in order to update the FES (Witness, Mr. Kline).

VC1	VC3
VC2	VC4

Staff testimony re: Updating of the FES with respect to Appendix I of Part 50. (Witnesses, Messrs. Kline and Parsant).

VD1	VD3
VD2	

Staff will present a witness (Mr. Gunderson) from the FPC in order to supplement Section 9.2 of the FES.

VE1	VE3
VE2a, b, c.	VF1

Counsel for the County of Suffolk and the New York State Energy Office are requested to notify the Board immediately when witnesses will be called during the resumed hearing to respond to the Board's questions presented in Contention VA4. The Staff is also requested to notify the Board when John G. Spraul will be recalled during the resumed hearing and when testimony will be presented relating to the Staff's inspection (from February, 1976 to date) of the pressure vessel and of other portions of the nuclear steam supply system being fabricated for Jamesport.

The public is invited to attend.

It is so ordered.

Dated at Bethesda, Maryland this 21st day of October, 1976.

For the Atomic Safety and Licensing Board,

SHELDON J. WOLFE,
Chairman.

[FR Doc.76-31656 Filed 10-29-76;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment To Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Provisional Operating License No. DPR-22, issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment incorporated revised testing frequency for 25% of the control rod drives from weekly to monthly.

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[1] On October 19, 1976, the Chairman of this Board contacted Frederick T. Suss, Presiding Examiner of the New York State Board on Electric Generation Sitting and The Environment. Mr. Suss advised that, having been aware that Applicant had requested previously a resumption of proceedings on November 9, 1976 before the NRC Board and in effort to avoid a scheduling conflict between the two Boards, he had ruled during the course of the hearing on September 30th that proceedings would be resumed on November 29th. On October 21, 1976, being advised that this Board had decided to resume the hearing on November 9th and that said hearing would undoubtedly continue through at least December 10, 1976, Mr. Suss stated that, during the hearing scheduled to proceed throughout the week of October 25th, he would entertain a motion by any party to reschedule for a later date the hearing before his Board currently scheduled to commence on November 29, 1976.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 26, 1976, (2) supplemental information dated July 2, 1976, (3) Amendment No. 24 to License No. DPR-22, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of October, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-31654 Filed 10-29-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.88, Revision 2, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," describes methods acceptable to the NRC staff for complying with the Commission's regulations with regard to collection, storage, and maintenance of quality assurance records for all types of nuclear power plants. As originally issued in August 1974, the guide endorsed ANSI Standard N45.2.9-1974, "Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants." Following the original issuance, the staff reviewed NFPA No. 232-1970, "Standard for the Protection of Records," and found that it provides an acceptable and less stringent method of protecting records against the hazards of fire. Revision 1, issued for comment in December 1975, identified and endorsed NFPA No. 232-1970 as an acceptable alternative to the section of ANSI N45.2.9-1974 on fire protection for quality assurance records. Following consideration of public comments, the staff prepared Revision 2 of the guide. The Advisory Committee on Reactor Safeguards has reviewed Revision 2 and has concurred in the regulatory position.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland, this 20th day of October 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-31653 Filed 10-29-76;8:45 am]

INTERFACES FOR STANDARD DESIGNS

Availability of Staff Report

The NRC staff has prepared a draft report entitled "Interfaces for Standard Designs", NUREG-0102, dated August, 1976. The report presents safety-related interfaces that must be addressed in Standard Safety Analysis Reports (SSARs) submitted under the Reference System option of the Commission's standarization program for nuclear power plants. It presents the interfaces for standard designs that encompass either a nuclear steam supply system (NSSS), a balance-of-plant (BOP), or a complete plant consisting of an NSSS and a BOP. The draft report also includes a format for presenting interfaces in SSARs. It is the staff's ultimate objective, after consideration of public comments, to reissue this information as a Regulatory Guide for industry guidance.

The draft report (NUREG-0102) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. Single copies may be obtained on request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Office of Nuclear Reactor Regulation.

All interested persons and organizations who desire to submit written comments for consideration in connection with the draft report should send them to the above address by January 3, 1977. The staff is also available for meetings to discuss the report during this period, if requested.

Dated at Bethesda, MD this 23rd day of October, 1976.

FOR THE NUCLEAR REGULATORY COMMISSION.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76-32036 Filed 10-29-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON TRANSPORTATION OF RADIOACTIVE MATERIALS

Cancellation of Meeting

The November 4, 1976 meeting of the ACRS Working Group on Transportation of Radioactive Materials has been postponed indefinitely. This meeting was announced in FR Vol. 41, No. 202, Monday, October 18, 1976.

It should be noted that the meeting of this Working Group scheduled for November 5, 1976 will be held as announced in FR Vol. 41, No. 205, Thursday, October 21, 1976.

Dated: October 28, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-32127 Filed 10-29-76;10:38 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 October 26, 1976 (44 USC 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 col-

lected; 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

DEPARTMENT OF COMMERCE

Domestic and International Business Administration: Survey of Export Management Companies on Export Trading Company Concept, DIB–4066P, single-time, export management companies, Laverne V. Collins, 395–5867.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Human Development:
National Day Care Home Cost-Effect Study: Phase One Survey, single-time, family and group day care home providers, Kathy Wallman, 395–6140.

REVISIONS

VETERANS ADMINISTRATION

Application for Consideration of Home in the Community Care Program, 10–2407, on occasion, households in 50 States and Puerto Rico, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Prices Received by Farmers, other, (see SF—83), buyers and sellers of farm products, Strasser, A., 395–5867.
Fruit Tree Survey (New England), annually, fruit growers, Hulett, D. T. 395–4730.

EXTENSIONS

CIVIL SERVICE COMMISSION

Request for use of Auditorium, Conference, Training and Examination Facilities (Organizations Other Than Federal Agencies), CSC–855, on occasion, organizations who wish to use CSC facilities, Marsha Traynham, 395–4529.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Weekly Report of Butter and American Cheese Production—Chicago (And Milk Used for Cheese Production), C.E.9–273, weekly, butter and cheese factories, Marsha Traynham, 395–4529.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation: Water User Census, 7–332, Annually, water users on Federal reclamation projects, Ellett, C. A., 395–5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–32062 Filed 10–29–76;8:45 am]

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 October 22, 1976 (44 USC 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 thru 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

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rotating machinery questionnaire: single-time, manufacturers and users of turbomachinery, David T. Hulett, 395–4730.

INTERNATIONAL TRADE COMMISSION

Producers questionnaire—permanent-magnet DC motors, single-time, producers, Laverne V. Collins, 395–5867.
Importers' questionnaire—permanent-magnet DC motors, single-time, importers, Laverne V. Collins, 395–5867.
Questionnaire for producers of cast-iron HH stoves, cast-iron parts of HH stoves and steel stove-to grates, single-time, producers of cast iron products, Laverne V. Collins, 395–5867.
Questionnaire for importers of cast-iron HH stoves, cast-iron parts of HH stoves and steel stove top grates, single-time, importers, Laverne V. Collins, 395–5867.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration: Pneumatic tires, DIB–995, single-time, Cynthia H. Wiggins, 395–5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Patient service questionnaire and patient profile and cost-finding surveys, single-time, nurses, professional staff, David P. Caywood, 395–3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research: Home inspection/warranty survey, single-time, housing, veteran and labor division, Milo B. Sunderhauf, 395–3532.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:
"Refrigeration and air-conditioning equipment, including warm air furnaces", MA–35M, annually, manufacturing establishments, Cynthia H. Wiggins, 395–5631.
"Electric lighting fixtures", MA–36L, annually, manufacturing establishments, Cynthia H. Wiggons, 395–5631.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Navy:
Employment in private shipyards, monthly, shipbuilding and ship repair facilities, Warren Topelius, 395–5872.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration:
Request for duty-free entry of scientific instruments or apparatus, DIB–338P, non-profit institutions established for research or educational purposes, Warren Topelius, 395–5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–32061 Filed 10–29–76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (the Act), notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Tuesday, November 16, 1976, from 9:00 to 3:30 p.m., in Room 4830 of the Department of Commerce, Washington, D.C.

The purpose of this meeting will be to review and discuss the status of, and the United States strategy and objectives for, the multilateral trade negotiations currently underway in Geneva.

In acordance with section 10(d) of the Act, the meeting will not be open to the public because information falling within the purview of 5 U.S.C. 552(b)(1) (the exception to the Freedom of Information Act for information specifically required by Executive order to be kept secret in the interests of foreign policy of the United States) will be reviewed and discussed.

More detailed information can be obtained by contacting Paul T. O'Day, Assistant Special Representative for Trade Negotiations, 1800 G Street, Room 725, Washington, D.C. 20506.

PAUL T. O'DAY,
Assistant Special Representative for Trade Negotiations.

[FR Doc.76–31804 Filed 10–29–76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

MEETING

The Privacy Protection Study Commission hereby announces that it will hold a meeting on November 10, 1976, in Room 2358, Rayburn House Office Building, Washington, D.C., from 9:30 a.m. to 5:30 p.m. The meeting shall be open to the public.

The agenda for the meeting shall include a discussion of Commission business matters and presentations by the staff on the record-keeping practices of statisticians and researchers and Federally funded public assistance and social services programs.

CAROLE W. PARSONS,
Executive Director, Privacy Protection Study Commission.

OCTOBER 27, 1976.

[FR Doc.76–31886 Filed 10–29–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12923; File No. SR-Amex-76-26]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Publ. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 18, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc., (Amex) pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the Act) hereby proposes to amend Rule 900(b)(11) relating to the definition of "series of options".

The Board of Governors of the Amex approved the amendment to Rule 900 (b)(11) on October 7, 1976.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

Under Article VI, Section 11 of The Options Clearing Corporation ("OCC") By-Laws, OCC may adjust the terms of outstanding option contracts to reflect stock dividends, stock splits, reorganizations and other similar events affecting underlying securities. Such adjustments may, in appropriate cases, consist of, or include, a change in the unit of trading for outstanding option contracts. Where the unit of trading for a particular series of option contracts has been adjusted, and trading has subsequently been introduced in option contracts having the same exercise price and expiration date as the adjusted series, but a different unit of trading, OCC has treated the new contracts as comprising a separate series of options and has recently amended the definition of series to include a unit of trading as an element of that definition. The purpose of the proposed rule change is to incorporate it in the definition of "series of options" appearing in Amex Rule 900(b)(11).

It is important for the Exchange to conform its definition of series of options to the OCC definition of that term. In particular this would permit the listing of option contracts having the same exercise price and expiration date but with a different unit of trading than may be currently trading as the result of an adjustment in other outstanding series of that option class due to a stock dividend, stock split or similar event affecting the underlying securities.

Section 6(b)(5) of the Securities Exchange Act of 1934 ("the Act"), in pertinent part, requires that the Exchange's rules be designed to protect investors and the public interest. The Exchange believes that the amendment proposed with respect to Rule 900(b)(11) will ensure the protection of investors and the public interest in that option contracts of the same class having the same exercise price and expiration date, but different units of trading, and therefore different market values, are treated as different series of options for margins and other purposes.

The amendment to Rule 900(b)(11) was considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations. No other comments were solicited or received.

The Exchange does not believe any burden on competition will be imposed by these rules changes.

On or before December 6, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 26, 1976.

[FR Doc.76-31938 Filed 10-29-76;8:45 am]

[Release No. 34-12912; File No. SR-BSE-76-12]

BOSTON STOCK EXCHANGE

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 18, 1976 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change Chapter II, Section 13, to be rescinded.

Sec. 13. No member while on the Floor shall initiate the purchase or sale on the Exchange for his own account or any account in which he, or the member-organization of which he is a partner or stockholder, or any partner or stockholder of such member-organization, is directly or indirectly interested, or any security classified for trading as a stock by the Exchange, in which he holds or has granted any put, call, straddle or option, or in which he has knowledge that the member-organization of which he is a partner or stockholder or any partner or stockholder of such member-organization, holds or has granted any put, call, straddle or option.

Chapter XI, Section 2, to be rescinded.

Sec. 2. No member registered as an odd-lot dealer-specialist or alternate, no member-organization of which he is a partner or stockholder and no allied member associated with any such member-organization shall, directly or indirectly, acquire, hold or grant any interest in any put, call, straddle, or option in any security in which such odd-lot dealer-specialist or alternate is registered.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

PURPOSE OF THE PROPOSED RULE CHANGE

To remove the restrictions which prohibited members, while on the Floor, from dealing in stocks in which they held or had granted a put, call, straddle or option.

BASIS OF THE PROPOSED RULE CHANGE

(i) Not applicable;
(ii) Not applicable;
(iii) Not applicable;
(iv) Not applicable;
(v) Not applicable;
(vi) Not applicable;
(vii) Not applicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited.

BURDEN ON COMPETITION

No burden on competition is perceived by adoption of the proposed rule change.

On or before December 6, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington, D.C. 20549.

Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number refer-

enced in the caption above and should be submitted on or before November 22, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 20, 1976.

[FR Doc.76-31939 Filed 10-29-76;8:45 am]

[Release No. 34-12917; File No. SR-MSE-76-22]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 15, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule Deletion, Rules and Practices for Trading on the Midwest Stock Exchange, Incorporated. The following rule is proposed to be rescinded:

[Rule 16. Specialists shall not execute orders out of the primary market range, except with consent of the firm placing the order.]

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change abolishes the prohibition of specialists executing orders out of the primary market range.

The proposed rule change promotes just and equitable principles of trade and removes impediments to the perfection of the mechanism of a free and open market.

Comments have not been received.

The Midwest Stock Exchange believes that no burden on competition will be imposed by the proposed rule change.

On or before December 6, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 22, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 22, 1976.

[FR Doc.76-31940 Filed 10-29-76;8:45 am]

[Release No. 34-12918; File No. SR-MSE-76-23]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 5, 1975), notice is hereby given that on October 15, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Amendment to Interpretations and Policies, Rule 3, Article IV, Midwest Stock Exchange Rules. The proposed rule change would delete the clause referring to "execution within the primary market range for the day" from the following:

.01 In consideration of transactions in dually traded issues, a member may, subject to obtaining permission from two members of the Committee on Floor Procedures, effect a transaction for a period of five minutes after the final sales in the primary market have been printed on the tape, provided such transaction was in negotiation prior to closing time and consideration is given to all other orders present at the close [and provided the execution is within the primary market range for the day].

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to reflect the abrogation of the requirement that the execution be within the primary market range for the day for transactions prescribed in Interpretations and Policies .01.

The proposed rule change promotes just and equitable principles of trade and removes impediments to the perfection of the mechanism of a free and open market.

Comments were neither solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

On or before December 6, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 22, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 22, 1976.

[FR Doc.76-31941 Filed 10-29-76;8:45 am]

[File No. 81-200]

MSL INDUSTRIES, INC.

Application and Opportunity for Hearing

OCTOBER 26, 1976.

Notice is hereby given that MSL Industries, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from the provisions of Sections 13 and 15(d) of that Act, specifically from the obligation to file an annual report on Form 10-K for the year ended December 31, 1975.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to Section 12 of that Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security, such information and documents required to be included in or filed with an application or registration statement filed pursuant to Section 12, and such annual and quarterly reports as the Commission may prescribe.

Section 15(d) of the 1934 Act provides that each issuer who has filed a registra-

tion statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to Section 13 of the 1934 Act in respect of a security registered pursuant to Section 12 of that Act.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of Section 15(d), if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, and nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

(1) Applicant is a wholly-owned subsidiary of Alleghany Corporation and its only publicly held securities are a class of debentures owned of record by about 200 persons. Thus, there would not appear to be any significant public or investor interest in requiring Applicant to prepare a Form 10–K annual report for 1975.

(2) Thorough disclosure of Applicant's business and financial position was made in the notice and information statement distributed in connection with the merger into Alleghany Corporation in September 1975. Information about Applicant's results for the period ended September 30, 1975 is provided in its Form 10–Q quarterly report. In addition, the results of operations of Applicant will be reflected in the reports filed by Alleghany Corporation under the 1934 Act.

(3) There is limited trading activity in the debentures.

(4) The substantial time, effort and expense required in order to prepare the annual report on Form 10–K for 1975 is disproportionate to the limited benefit, if any, to the public and to investors of the information required to be supplied therein.

In the absence of an exemption, the Applicant would be required to file its annual report for 1975 pursuant to Section 15(d) of the 1934 Act.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than November 22, 1976 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76–31943 Filed 10–29–76;8:45 am]

[Release No. 34–12919 File No. SR–NYSE–76–53]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on October 15, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rescission of Rules 471 and 473 and the amendment of Rule 472 will eliminate the requirement that members and member organizations obtain prior Exchange approval of advertisements, radio and television broadcasting and telephone market reports. Such material would require approval of a member, allied member or appropriate supervisory person of the member organization, would be required to conform to the Exchange's standards for communications with the public and be subject to review by the Exchange.

The text of the rule amendments are attached as Exhibit I–A.

PURPOSE OF PROPOSED CHANGES

Under the proposed changes, Rules 471 and 473 would be rescinded. Rule 471 requires members and member organizations to obtain prior Exchange approval of advertisements. Rule 473 requires members and member organizations to obtain prior Exchange approval for radio and television broadcasting and telephone market reports.

Rule 472 would be amended to require prior approval, by a member, allied member or authorized supervisory person of the member organization, of all advertising issued by the member organization. A definition of advertising has been added to include "any material for use in any newspaper or magazine or other public medium or by radio, telephone recording or television." Member firms would be required to retain such material for inspection by the Exchange. The standards set forth in Rule 474A, which would not be amended, would continue to be applicable to advertising and broadcasting activities.

These amendments properly place compliance with advertising standards in the domain of member organization management which will be responsible for adherence with the standards for communications with the public set forth in Rule 474A. Further, it also eliminates delays and burdens on member organizations.

Advertising would be reviewed by the Exchange after publication on a sampling basis. This method of surveillance is used with all other investment literature (market letters, research reports), i.e., a one-month sample is requested once a year. Failure to comply to standards may subject the member or member organization to enforcement proceedings. Since the Securities Exchange Act of 1934 does not address itself to surveillance procedures to be used by self-regulators, the Exchange is of the opinion that the amended review procedures would continue to fulfill the regulatory obligations.

As with any literature prepared by member organizations, the Exchange staff would offer pre-publication consultation for those firms desiring to submit advertisements voluntarily.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The proposed rescission of Rules 471 and 473 and the amendment of Rule 472 is based on Section 6(b)(8) of the Securities Exchange Act of 1934.

The Exchange has the staff to review member and member organizations for compliance with standards for communications with the public as set forth in Rule 474A and in the Act. This will be accomplished by a spot check of advertising material. Failure to comply with the standards or the Act may result in enforcement proceedings against the member or member organization.

The proposed amendments require the maintenance of standards of truthfulness and good taste in advertising. Such standards relate to the requirements of Section 9(a) and 10(b) of the Act.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE

No comment was solicited or received in connection with the subject proposal.

BURDEN ON COMPETITION

The proposed rescission of the requirement of pre-approval for advertising eliminates a possible burden on competition since many non-member broker/dealers are not subject to such a requirement.

On or before December 6, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents the Commission will: (A) By order approve such proposed rule change, or (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments

concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 22, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 22, 1976.

Rule 471—To Be Rescinded

[Advertising]

[Rule 471. Members and member organizations shall submit to the Exchange—before publication—all advertisements for approval of manner and form of presentation, unless the copy is in a general form previously approved.

* * * Supplementary Material:

.10 Information regarding advertising.—Routine advertisements in a general form previously approved do not have to be submitted to the Exchange. These include: (a) business cards; (b) announcements stating that specific unlisted securities are bought, sold and quoted; (c) announcements of dissolution; (d) approved firm or corporation formations; (e) approved partnership or stockholder changes; (f) approved new offices; or (g) approved employment of registered representatives.

Underwriting ads do not have to be submitted to the Exchange unless a member organization in advertising with a non-member wishes to identify itself in the ad as a member of the New York Stock Exchange.

All other advertisements should be submitted to Regulation & Surveillance, in duplicate, prior to publication. One copy will be returned with an indication of approval or suggested changes in manner or form of presentation.

.20 Requirements administered by SEC for over-the-counter brokers and dealers.—Unless an over-the-counter broker or dealer is registered with the Commission under Section 15(b) of the Securities Exchange Act (see law at ¶ 4453, and following), he may not advertise through the facilities of interstate commerce, except in the case of securities specifically exempted by Regulations §§ 240.15a–1 [¶ 4452], 240.15a–2 [¶ 4452A] and 240.15a–3 [¶ 4452B].]

Rule 472—To Be Amended

Advertising. Market Letters, Sales Literature, Research Reports and Writing Activities

Rule 472. Each *advertisement,* market letter, research report and all sales literature prepared and issued by a member or member organization for general distribution to customers or the public shall be approved in advance by a member, allied member or competent authorized delegate.

In addition, research reports shall be prepared or approved by a supervisory analyst acceptable to the Exchange under the provisions of Rule 344. In the event that the member organization has no principal or employee qualified with the Exchange to approve such material, it shall be approved by a qualified supervisory analyst in another member organization by arrangements between the two member organizations.

Advertisements, market letters, sales literature and research reports which refer to the market or to specific companies or securities, listed or unlisted, shall be retained for at least three years by the member or member organization which prepared the material. The copies retained shall contain the name or names of the persons who prepared the material and the name or names of the persons approving its issuance, and shall at all times within the three-year period be readily available.

* * * Supplementary Material:

.10 Information regarding *advertisements,* market letters, research reports and sales literature.—The requirement for three-year retention of such material applies only to members and member organizations which prepared it for distribution.

The term "advertisement" refers to any material for use in any newspaper or magazine or other public medium or by radio, telephone recording or television.

The term "market letter" refers to any publication, printed or processed, which comments on the securities market or individual securities and is prepared for general distribution to the organization's customers or to the public. It also includes material on investment subjects prepared by a member or personnel of a member organization for publication in newspapers and periodicals.

The term "research report" refers to printed or processed analyses covering individual companies or industries.

The term "sales literature" refers to printed or processed material interpreting the facilities offered by a member organization or its personnel to the public, discussing the place of investment in an individual's financial planning, or calling attention to any market letter, research report or sales literature, which is prepared for and given general distribution.

Internal wires, memoranda and other written communications to branch offices or correspondent firms which refer to securities, industries or the market in general and which are shown or distributed to the public are subject to these standards; internal sales communications to be used in making recommendations to customers are also subject to these standards. All such material should be approved in advance by a member, allied member or competent authorized delegate, and retained by the firm for three years subject to review by the Exchange.

Internal wires and memoranda carrying flash news, or in response to specific inquiries are exempt from these standards. Wires marked "For Internal Use" or "Confidential" are also exempt if their distribution is actually internal. However, close supervision must be exercised to be sure that these communications are used only for internal purposes.

Rule 473—To Be Rescinded

[Radio, Television, Telephone Reports]

[Rule 473. Members and member organizations desiring to broadcast New York Stock Exchange quotations in radio or television programs, or in public telephone market reports, or to make use of radio or television broadcasts for any business purpose, shall first obtain the consent of the Exchange by submitting an outline of the program and an example of the script to be used.

The text of all commercials used on radio and television or in telephone reports, must be approved in advance by the Exchange. Program material (except lists of market quotations) used by members or member organizations on radio, television or public telephone market reports, or program material supplied these media shall be retained by the firm for at least a year and be available to the Exchange upon request.

* * * Supplementary Material:

.10 Information regarding radio, etc., reports.—A single copy of the text of commercials and program material (except lists of quotations) sponsored or supplied by the membership on radio, television and telephone market reports will be adequate.]

[FR Doc.76–31942 Filed 10–29–76;8:45 am]

WATER RESOURCES COUNCIL

PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

Change in Discount Rate

Notice is hereby given that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 6⅜ percent for the period October 1, 1976, through and including September 30, 1977.

The rate has been computed in accordance with Chapter IV, D., "The Discount Rate" in the "Standards for Planning Water and Related Land Resources" of the Water Resources Council, as amended (40 FR 3200), and is to be used by all Federal agencies in plan formulation and evaluation of water and related land resources projects for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

The Department of the Treasury on October 15, 1976, informed the Water Resources Council pursuant to Chapter IV, D., (b) that the interest rate would be seven percent based upon the formula

set forth in Chapter IV, D., (a): "* * * the average yield during the preceding Fiscal Year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity * * *." However, Chapter IV, D., (a) further provides "* * * [t]hat in no event shall the rate be raised or lowered more than one-quarter of one percent for any year." Since the rate in Fiscal Year 1976 was 6⅛ percent (40 FR 3200), the rate for Fisca lYear 1977 is 6⅜ percent.

Dated: October 26, 1976.

GARY D. COBB,
Acting Director.

[FR Doc.76-31788 Filed 10-29-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 180]

ASSIGNMENT OF HEARINGS

OCTOBER 27, 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 106644 (Sub-No. 222), Superior Trucking Company, Inc., application dismissed.

MC-C-9006, J & P Properties, Inc.—Investigation and Revocation of Certificates and MC 136363 (Sub-No. 7), J & P Properties, Inc., now assigned November 9, 1976 at Orlando, Florida; will be held in the Howard Johnson's Downtown Motel, Interstate Highway 50.

MC-C-8878, Fuentes Cargo Corporation, Florida-Texas Freight, Inc., Fratex, Inc., Universal Carloading and Distributing Co., Inc., Colonial Cartage Company, A Corporation, Acme Fast Freight System, Inc., Biscayne Cartage Company, A Corporation, and Flamingo Transportation, Inc.—Investigation of Operations and Practices and Revocation of Certificate and Permits, now assigned November 11, 1976 at Miami, Florida; will be held in Room 208 Federal Building, 51 S.W. First Street.

MC 121664 (Sub-No. 12), G. A. Hornady, Cecil M. Hornady & B. C. Hornady, d/b/a Hornady Brothers Truck Line, now assigned November 16, 1976 at Birmingham, Alabama; will be held in Court Room No. 4, Federal Court House.

MC 11207 (Sub-No. 368), Deaton, Inc.; MC 73165 (Sub-No. 382), Eagle Motor Lines, Inc. and MC 136828 (Sub-No. 5), Cox & Shay Inc., now assigned November 18, 1976 at Birmingham, Alabama; will be held in Court Room No. 4, Federal Court House.

MC 130387, Group Charter and Tour Concepts, Inc. now assigned November 3, 1976 at Newark, New Jersey and will be held in the Moot Court Room, 2nd Floor, Seton Hall Law School, 1111 Raymond Boulevard.

MC 74321 (Sub-No. 120), B. F. Walker, Inc., application dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31921 Filed 10-29-76;8:45 am]

[Notice No. 55]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76546, filed August 12, 1976. Transferee: William L. Rupp, doing business as Rupp Trucking, Adrian, Minn. 56110. Transferor: Wm. J. Rupp (Pearl Rupp, Executrix) and Wm. L. Rupp, doing business as Wm. L. Rupp & Son, Adrian, Minn. 56110. Applicants' representative: William T. Hedeen, Attorney-at-Law, 1018 Fourth Avenue, Worthington, Minn. 56187. Authority sought for purchase by transferee of the operating rights for transferor as set forth in Certificates No. MC-23251 and MC-23251, issued December 23, 1962 and August 27, 1964, respectively, as follows: Livestock, feed, farm machinery, and animal and poultry feed and feed ingredients, from, to, and between specified points in Iowa, Minnesota, and South Dakota. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76591, filed August 26, 1976. Transferee: Fairside Trucking, Inc., 7 Chilton Road, Brockton, Mass. 02401. Transferor: Carney Bros. Trucking, Inc., 262 Main St., Brockton, Mass. 02401. Applicants' representative: Francis E. Barrett, Jr., Attorney-at-Law, 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-123017, issued December 23, 1960, as follows: Wooden poles and wooden pilings, from points in New Hampshire, to points in Massachusetts and Rhode Island. Transferee presently holds authority from this Commission under Certificate No. MC 120171 (Sub-No. 1). Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76623, filed June 10, 1976. Transferee: James R. Howe, P.O. Box 196, Volin, South Dakota 57072. Transferor: Clayton L. Pearson and Diane Pearson, doing business as Pearson Trucking Company, Wakonda, South Dakota 57073. Applicants' representative: Don A. Bierle, Attorney at Law, P.O. Box 38, Yankton, South Dakota 57078. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 24625 issued November 8, 1971, as follows: Livestock, between Yankton, S. Dak., and Sioux City, Iowa; and household goods, emigrant movables, livestock, agricultural commodities, farm implements and parts therefor, feed, and seed, between Beresford and Wakonda, S. Dak., and points within 15 miles each, on the one hand, and, on the other Sioux City, Iowa. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76646, filed July 6, 1976. Transferee: P-M TRANSFER, INC., P.O. Box 56, Lake Park, Iowa 51347. Transferor: Freddie Ahrenstorff, P.O. Box 627, Lake Park, Iowa 51347. Applicant's representative: James M. Hodge, Attorney-at-Law, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought for purchase by transferee of that portion of the operating rights of transferor set forth in Certificate No. MC-20729 (Sub-No. 10), issued by the Commission August 5, 1968, as follows: Petroleum products, in bulk, from the pipeline terminals of Kaneb Pipe Line Company and Williams Brothers Pipeline Company, at or near Milford, Iowa, to points in Minnesota and South Dakota. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b) of the Act.

No. MC-FC-76658, filed August 5, 1976. Transferee: Young Transfer, Inc., 3128 Morson St., Charlotte, N.C. 28208. Transferor: Maureen Y. Welch and Henry E. Welch, doing business as Young Transfer, 3128 Morson St., Charlotte, N.C. 28208. Applicants' representative: William F. Hamel, Attorney-at-Law, 701 E.

Trade St., Charlotte, N.C. 28202. Authority for purchase by transferee of the operating rights of transferor as set forth in Permits No. MC 108339, MC 108339 (Sub-No. 4), and MC 108339 (Sub-No. 6), issued by the Commission March 16, 1961, July 8, 1975, and December 3, 1975, respectively, as follows: pulpboard boxes, paper boxes and corregated paper boxes, waste paper, from and to specified points in Virginia, North Carolina, South Carolina, and Tennessee, for the account of specified shippers. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76670, filed July 22, 1976. Transferee: Payne Transportation, Inc., P.O. Box 1271, Huron, S.D. 57350. Transferor: Bill Payne Trucking Company, P.O. Box 1271, Huron, S.D. 57350. Applicants' representative: William J. Boyd, Attorney-at-Law, 600 Enterprise Dr., Suite 222, Oak Brook, Ill. 60521. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates Nos. MC 129387 (Sub-No. 7), MC 129387 (Sub-No. 8), MC 129387 (Sub-No. 9), MC 129387 (Sub-No. 10), MC 129387 (Sub-No. 11), MC 129387 (Sub-No. 12), MC 129387 (Sub-No. 14), MC 129387 (Sub-No. 15), MC 129387 (Sub-No. 16), and MC 129387 (Sub-No. 18), issued by the Commission March 31, 1970, August 17, 1971, November 13, 1972, July 17, 1972, February 24, 1972, May 1, 1973, January 24, 1974, February 22, 1974, September 27, 1974, and October 18, 1974, respectively, as follows: Meat, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (with specified exceptions), from and to specified points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, subject to certain restrictions. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76683, filed August 3, 1976. Transferee: Norwood Transportation, Inc., 2330 South 7200 West, Magna, Utah 84044. Transferor: Theron E. Coon, doing business as Theron E. Coon Trucking Co., 2330 South 7200 West, Magna, Utah 84044. Applicants' representative: Macoy A. McMurray, Attorney-at-Law, 500 Kennecott Building, Salt Lake City, Utah 84133. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates Nos. MC 125916 (Sub-No. 1), MC 125916 (Sub-No. 2), and MC 125916 (Sub-No. 3), issued by the Commission May 10, 1965, May 14, 1965, and May 18, 1965, respectively, as follows: Drilling mud salt, and salt, in packages and in blocks, and in bulk when moving in mixed shipments with packaged or block salt, from specified points in Utah, to specified points and places in Colorado and Nevada. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76701, filed October 13, 1976. Transferee: Glengarry Transport Limited, Hwy. 34 South, Alexandria, Ontario KOC 1AO. Transferor: Old Colony Transportation Co., Inc., 676 Dartmouth Street, South Dartmouth, Mass. 02748. Applicants' representative: Edward G. Villalon, Attorney-at-Law, Suite 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Authority sought for purchase by transferee of that portion of the operating rights of transferor as set forth in Certificates No. MC 106051 (Sub-No. 41) and MC 106051 (Sub-No. 46), as follows: General commodities, with the usual exceptions, over specified routes, between specified points in New York. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76720, filed August 30, 1976. Transferee: Holliston Sand Company, Inc., Lowland Street, Holliston, Mass. 01746. Transferor: Oliverira Trucking Company, Incorporated, 252 Elm Street, Blackstone, Mass. 01504. Applicants' representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, Mass. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 128052, MC 128052 (Sub-No. 1), and MC 128052 (Sub-No. 3), issued March 29, 1967, May 23, 1969, and August 15, 1969, respectively, as follows: (1) Abrasive sand and (2) filtering sand, and foundry sand, in bulk, from Holliston, Mass., and points in Providence County, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York (except that part of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), Rhode Island, and Vermont; (3) Clay and clay and sand mixtures, except in bulk, from points in Providence County, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont; and (4) cement, in bags, from Woonsocket, R.I., to points in Connecticut and Massachusetts. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76735, filed September 9, 1976. Transferee: WPC Transportation, Inc., 27 Sanger Street, Medford, Mass. 02155. Transferor: William P. Caruso, doing business as WPC Trans., 27 Sanger Street, Medford, Mass. 02155. Applicants' representative: Frederick T. O'Sullivan, Attorney at Law, P.O. Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought for purchase by transferee the Certificate of Registration No. MC 120976 (Sub-No. 1) issued to transferor September 5, 1972, evidencing the right to engage in transportation in interstate commerce as described in certificate No. 1954 issued March 10, 1972, by the Department of Public Utilities of Massachusetts. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31918 Filed 10-29-76;8:45 am]

[Notice No. 56]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 1, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76780. By application filed October 19, 1976, QUALITY HORSE TRANSPORT, INC., 6800 Hubbard Road, Clarkston, Minn. 48016, seeks temporary authority to lease the operating rights of Norman A. Niles, an individual, dba Niles Stables, 300 E. Ely Drive, Northville, MI. 48167, under section 210a(b). The transfer to Quality Horse Transport, Inc., of the operating rights of Norman A. Niles, an individual, dba Niles Stables, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31919 Filed 10-29-76;8:45 am]

[Notice No. 57]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 1, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76786. By application filed October 27, 1976, RED LINE TRANSPORT CORP., 1303 Pulaski Highway, Edgewood, MD., 21041, seeks temporary authority to lease the operating rights of RED LINE TRANSFER CO., INC., 1100 East 68th Street, Baltimore, MD., 21237, under section 210a(b). The transfer to RED LINE TRANSPORT CORP. of the operating rights of RED

LINE TRANSFER CO., INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31920 Filed 10-29-76;8:45 am]

[I.C.C. Order No. 12, S.O. No. 1252]

REROUTING TRAFFIC

St. Johnsbury & Lamoille County Railroad

In the opinion of Joel E. Burns, Agent, the St. Johnsbury & Lamoille County Railroad is unable to transport traffic over its lines because of a strike of certain of its employees.

It is ordered, That:

(a) The St. Johnsbury & Lamoille County Railroad being unable to transport traffic over its line because of a strike of certain of its employees, that line and its connections, are hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of this Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exists between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 13, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 12, 1976.

INTERSTATE COMMERCE COMMISSION,[1]
JOEL E. BURNS,
Agent.

[FR Doc.76-31915 Filed 10-29-76;8:45 am]

[I.C.C. Order No. 13 Under S.O. No. 1252]

REROUTING TRAFFIC

Chicago and North Western Transportation Co.

In the opinion of Joel E. Burns, Agent, the Chicago and North Western Transportation Company is unable to transport traffic over its line between Albia, Iowa, and Bridgeport, Iowa, because of repairs to its bridge at milepost 316.20.

It is ordered, That:

(a) The Chicago and North Western Transportation Company, being unable to transport traffic over its line between Albia, Iowa, and Bridgeport, Iowa, because of repairs to its bridge at milepost 316.20, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 2:15 p.m., October 19, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 12, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 19, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-31916 Filed 10-29-76;8:45 am]

[Corrected Amdt. No. 1 to I.C.C. Order No. 175 Rev. S.O. No. 994]

REROUTING TRAFFIC

Arizona Eastern Railway Co.

Upon further consideration of I.C.C. Order No. 175 (San Diego and Arizona Eastern Railway Company), and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 175 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1976, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m. September 30, 1976, and that this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 28, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-31917 Filed 10-29-76;8:45 am]

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[1] Replaces I.C.C. Order No. 177 issued under Revised Service Order No. 994.