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TUESDAY, JULY 20, 1976

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H.R. 12438..... Pub. Law 94-361
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Twelve agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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DOT/OHMO	CSC		DOT/OHMO	CSC
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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 trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

PROCLAMATION 4449

Space Exploration Day, 1976

By the President of the United States of America

A Proclamation

In the last two decades of our Nation's second century, we entered upon the exploration of yet another frontier—the corridors of space. Seven years ago, on July 20, 1969, this great national effort culminated in a transmission to Earth from a quarter million miles distance—"the Eagle has landed."

The world watched in awe as an American took his historic one small step onto the Moon. A dream of thousands of years had been realized. In keeping with tradition, the American presence in that new land was symbolized by the planting of the Stars and Stripes, which proclaimed the benefits of human freedom for the entire universe.

The space programs reflect not only technological skill of the highest order, they reflect the best in the American character—sacrifice, ingenuity and our unrelenting spirit of adventure. We begin our third century with a further expression of that combination, the brilliant unmanned mission to Mars, the most ambitious of all deep space explorations.

In celebrating the Bicentennial, we have gloried as a people in the history of a great and successful venture in the human experience. We gave thanks for our blessings and offered prayers for the future. It is appropriate that we again call upon Divine Providence for guidance and protection in our quest of space and those endless horizons in all the centuries to come.

As we once set about to conquer the wilderness and settle our continent, now we set out upon a journey into the unknown of our universe. Wherever we reach, we will have come in peace for all mankind.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Tuesday, July 20, 1976, as Space Exploration Day. I urge all Americans, and interested groups and organizations to observe this day with appropriate ceremonies and activities.

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

Gerald R. Ford

[FR Doc.76-21194 Filed 7-19-76;11:31 am]

Executive Order 11926 July 19, 1976

The Vice Presidential Service Badge

By virtue of the authority vested in me as President of the United States of America, and as Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. There is established a Vice Presidential Service Badge to be awarded in the name of the Vice President of the United States of America to members of the Army, Navy, Marine Corps, Air Force, and Coast Guard who have been assigned to duty in the Office of the Vice President for a period of at least one year subsequent to December 19, 1974.

SEC. 2. The Vice Presidential Service Badge may be awarded, upon recommendation of the Military Assistant to the Vice President, by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation, to military personnel of their respective services who have been assigned to duty in the Office of the Vice President.

SEC. 3. The Vice Presidential Service Badge shall be accompanied by a certificate, the design of which is attached hereto and is made a part of this Order. The Vice Presidential Service Badge shall consist of a white enameled disc surrounded by 27 gold rays radiating from the center, $1\frac{15}{16}$ inches in diameter overall. Superimposed on the white disc shall be a gold color device taken from the seal of the Vice President of the United States. The overall design of the badge shall be as shown at the top of the certificate which accompanies the Badge and which is attached to this Order.

SEC. 4. Upon award, the Vice Presidential Service Badge may be worn as a part of the uniform of an individual both during and after his assignment to duty in the Office of the Vice President.

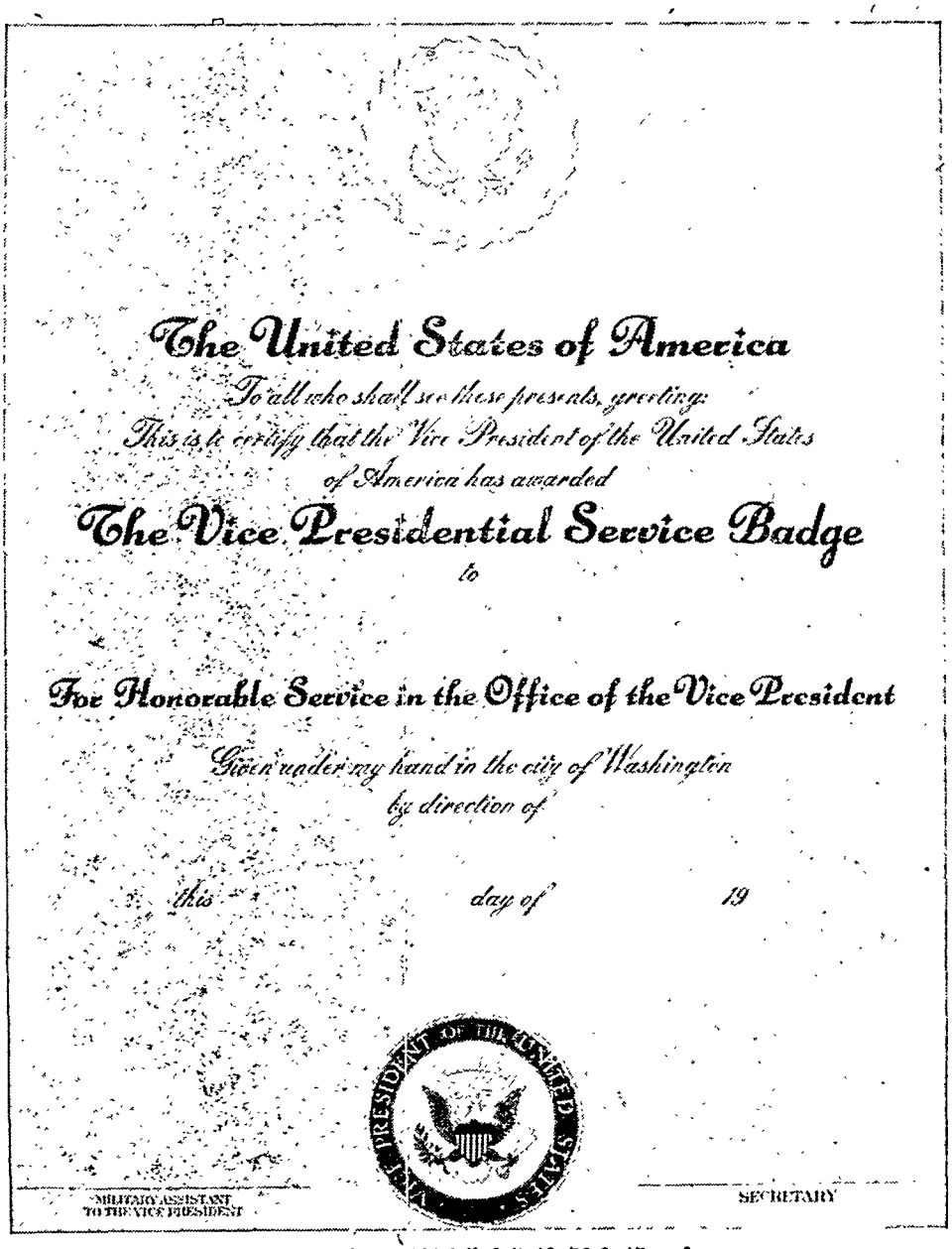
SEC. 5. Only one Vice Presidential Service Badge shall be awarded to an individual. It may be awarded posthumously.

SEC. 6. Notwithstanding the provisions of Sections 1 and 2 of this Order, any member of the Army, Navy, Air Force, Marine Corps, and Coast Guard, who has been assigned to duty in the Office of the Vice President, is authorized to wear the Vice Presidential Service Badge on his uniform commencing on the first day of duty in the Office of the Vice President and thereafter while assigned to such duty.

SEC. 7. Executive Order No. 11544 of July 8, 1970, is hereby superseded; however, individuals previously awarded a Vice Presidential Service Badge under that Order are authorized to continue to wear such badge as part of their uniform.

Gerald R. Ford

THE WHITE HOUSE,
July 19, 1976.



The United States of America

To all who shall see these presents, greeting:

This is to certify that the Vice President of the United States of America has awarded

The Vice Presidential Service Badge

to

For Honorable Service in the Office of the Vice President

Given under my hand in the city of Washington by direction of

this day of 19

MILITARY ASSISTANT TO THE VICE PRESIDENT

SECRETARY

[FR Doc.76-21163 Filed 7-19-76;9:47 am]

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Army

Part 213 is amended to show that seven positions of professors, instructors, and education specialists at the U.S. Army Command and General Staff College, Department of the Army, are excepted under Schedule B. Total employment under this authority may not exceed 2 years.

Effective July 20, 1976, § 213.3207(a) (1) is added as set out below:

§ 213.3207 Department of the Army.

(a) *U.S. Army Command and General Staff College.*

(1) Seven positions of professors, instructors, and education specialists. Total employment under this authority may not exceed 2 years.

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

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

[FR Doc.76–20931 Filed 7–19–76;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Assistant Director for Special Projects and Publications is excepted under Schedule C.

Effective July 20, 1976, § 213.3388(c) (3) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(c) *Office of Communications and Public Affairs.* * * *

(3) One Assistant Director for Special Projects and Publications.

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

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

[FR Doc.76–20932 Filed 7–19–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Confidential Assistant to the Assistant Secretary (Management) is reestablished under Schedule C.

Effective on July 20, 1976, § 213.3312 (a) (31) is amended as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(31) One Confidential Assistant to the Assistant Secretary (Management).

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

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

[FR Doc.76–21004 Filed 7–19–76;8:45 am]

Title 7—Agriculture

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

[Lemon Reg. 47, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 11–17, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 47 (41 FR 28286). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

§ 910.347 [Amended]

(b) *Order, as amended.* Paragraph (b) (1) of § 910.347 (Lemon Regulation 47 (41 FR 28286)) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period July 11, 1976, through July 17, 1976, is hereby fixed at 300,000 cartons."

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

Dated: July 14, 1976.

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

[FR Doc.76–20860 Filed 7–19–76;8:45 am]

[Peach Reg. 13]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

This regulation specifies the grade, size and pack requirements applicable to the handling of Washington peaches during the 1976 season. These requirements are designed to provide consumers with acceptable quality peaches. Such requirements will require peaches to grade Washington Extra Fancy grade except that peaches packed in the western lug, the standard peach box, or approved experimental containers need only meet the requirements of the Washington Fancy grade. The minimum diameter is 2⅜ inches, except the minimum diameter for Elberta peaches in any

container and peaches of any variety when packed in the standard peach box or approved experimental containers is 2¼ inches. All peaches are required to be well matured and have a reasonably uniform degree of firmness. Loose or jumble packs are permitted for containers of a capacity equal to that of a Western lug box if they contain 26 pounds net weight or are well filled. A minimum quantity exemption is provided.

Notice was published in the FEDERAL REGISTER issue of June 29, 1976 (41 FR 26703) that the Department was giving consideration to a proposal which would limit the handling of fresh peaches grown in designated counties in Washington by establishing a regulation, pursuant to the applicable provisions of the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). One comment was filed. It recommended additions to the definition section of this regulation. Such additions have been incorporated.

This regulation is based upon appraisal of the current and prospective crop and market conditions. Washington's 1976 commercial peach crop is estimated at 17,500 tons, compared with commercial production in 1975 of 19,800 tons. The regulation, as hereinafter set forth, is designed to prevent the handling on and after August 1, 1976 of low quality and small size peaches and provide orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Individual shipments, not exceeding 500 pounds, of peaches sold for home use and not for resale, subject to necessary safeguards, are excepted from said requirements in that the quantity of peaches so handled has been relatively inconsequential when compared with the total quantity handled.

The grade, size, and pack requirements for peaches in the specified containers are designed to provide identifiable packs of peaches which meet trade preferences. For example, it has been found that peaches of the Washington Fancy Grade, packed in Western lug boxes or standard peach boxes, compete successfully in distant markets with peaches of similar grade in such containers from other production areas. Washington peaches, except Elberta varieties, packed in standard peach boxes may be of a slightly smaller minimum size than such peaches shipped in other containers because such peaches must compete with peaches that are produced in other areas and marketed in the standard peach box with a minimum diameter of 2¼ inches. The requirement that loose or jumble packed Washington peaches be in containers of a capacity at least equal to the Western lug box and not less than 26 pounds net weight or be "well filled" prevents unfair competition through the marketing of such peaches packed in containers of smaller capacity. The provision that permits shipment of loose or jumble packs weighing less than 26 pounds if the containers are "well filled" reflects the fact that the larger sizes of such peaches may not always weigh 26 pounds, hence, the substitution of the "well filled" container requirement.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (41 FR 26703), and no objection to this regulation or such effective date was received; and (2) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 921.313 Peach Regulation 13.

Order. (a) During the period August 1, 1976, through July 31, 1977, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (6) of this paragraph:

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade, or better may be handled if they are packed in the Western lug box or the standard peach box.

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in a standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties, packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Minimum maturity.* Such peaches shall be well matured, except that any lot of peaches shall be deemed to have met such minimum maturity requirement if not more than 25 percent, by count, of the peaches in such lot are mature but not well matured.

(4) *Uniform firmness.* Such peaches in individual container shall have a reasonably uniform degree of firmness.

(5) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any container shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 51.1210 et seq.)

(6) Notwithstanding any other provision of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and § 921.55 (Inspection and Certification) if:

(i) The shipment consists of peaches sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) The terms "Washington Extra Fancy Grade," "Washington Fancy Grade," and "Mature" shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "well matured" shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean that the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

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

Dated: July 14, 1976.

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

[FR Doc.76-20859 Filed 7-19-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1976 Crop Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Rice Loan and Purchase Program

Correction

In F.R. Doc. 76-17155 appearing at page 23930 in the FEDERAL REGISTER of June 14, 1976, paragraph (e)(1), of § 1421.328 is corrected to show that the discount applicable to Grade U.S. No. 5 shall be 50 cents per 100 lbs.

Effective date: This amendment takes effect on July 20, 1976.

Signed at Washington, D.C., on July 9, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-20964 Filed 7-19-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0044 (Reg. Z)]

PART 226—TRUTH IN LENDING

Designation of Officials "Duly Authorized" to Issue Interpretations

The document revising 12 CFR Part 226 published in the FEDERAL REGISTER on July 9, 1976, as 41 FR 28255, is corrected by adding the words *"Issuance of interpretations."* between "(d)" and "(1)" at page 28256 and deleting the words *"Designation of official to issue interpretations."* at page 28256.

Board of Governors, July 13, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-20891 Filed 7-19-76;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 721—STANDARDS OF CONDUCT

Pursuant to the authority conferred under 5 U.S.C. 301, 10 U.S.C. 133, 5031, the Secretary of the Navy revises 32 CFR Part 721. This reflects a revision of the Department of the Navy's Standards of Conduct adopted on May 6, 1976. The Standards of Conduct were reorganized and expanded in a manner intended to improve their informational value for personnel and to maximize their potential application as legal bases for formal punitive action in appropriate cases. Policies and standards of personal judgment applicable to conflicts of interests, acceptance of gratuities, and related matters are amplified, stressing that the appearance of possible misconduct, as well as actual misconduct, must be avoided. The responsibilities of individuals for observing the Standards of Conduct, and the responsibilities of commands for enforcing the standards, are delineated. Also, provisions concerning the filing, review, and disposition of confidential statements of employment and financial interests are expanded, and each activity is required to review positions annually to identify the personnel required to file. Further, each activity is required to establish prescribed controls for ensuring timely filing and review of the statements. Finally, the Naval Inspector General, Inspector General of the Marine Corps, and Auditor General of the Navy are assigned responsibilities for ensuring activities' compliance with the standards.

This revision reflects changes to the Department of the Navy's Standards of Conduct adopted on May 6, 1976 and implements the Department of Defense standards codified at 32 CFR Part 40. To the limited extent that this revision could be deemed to originate any requirements within the Department of the Navy, it has been determined that such requirements relate entirety to internal naval management and personnel practices that can be administered more effectively without public participation in the rule-making process. It has therefore been determined that invitation of public comment on this revision would be impracticable and is not required under the provisions of Parts 296 and 701 of 32 CFR. Accordingly, 32 CFR Part 721 is revised to provide as follows:

Sec.
721.1 Purpose.
721.3 Scope and effect.
721.4 General policies governing the conduct of naval personnel.
721.5 Regulations governing the conduct of naval personnel.
721.7 Related directives.
721.8 Responsibilities for action.
721.9 Confidential statements of employment and financial interests.
721.10 Statements of employment—retired Regular officers.
721.11 Privacy Act considerations.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 133, 5031; E.O. No. 11222, May 8, 1965; 5 CFR Part 735; 32 CFR Part 40.

§ 721.1 Purpose.

Part 721 implements and supplements Part 40 of this title in prescribing: (a) Required standards of ethical conduct governing all personnel of the Department of the Navy, (b) related requirements applicable to all personnel of certain categories in the Department of the Navy, (c) amplifying policies for the guidance of personnel in interpreting and executing the standards of conduct and related requirements, and (d) responsibilities and procedures for monitoring and enforcing compliance with the standards of conduct and related requirements within the Department of the Navy.

§ 721.3 Scope and effect.

(a) "Naval Personnel" defined. Unless the context indicates othewise, the term "naval personnel" is used in this part to mean all civilian officers and employees, including special government employees, and all active-duty military personnel of the Department of the Navy, including personnel of nonappropriated fund activities.

(b) Former and retired personnel. Where specified in this part and Part 40 the provisions are also applicable to former and retired personnel of the Department of the Navy.

(c) Violations. The regulations prescribed in § 721.5 and the provisions of Part 40, which are incorporated by reference therein, are intended to constitute legal bases for disciplinary or punitive proceedings in appropriate cases. Noncompliance with other provisions of this part and Part 40 are expected to be corrected by timely and appropriate administrative measures.

§ 721.4 General policies governing the conduct of naval personnel.

(a) Conduct prejudicial to the Government. Naval personnel will not engage in criminal, infamous, dishonest, immoral, or disgraceful conduct, or other conduct prejudicial to the Government. Moreover, naval personnel will avoid any action—whether or not specifically prohibited by this part or Part 40—which might result in, or create the appearance of:

(1) Using a government position for private gain,

(2) Giving preferential treatment to any person,

(3) Impeding government efficiency or economy,

(4) Losing complete independence or impartiality,

(5) Making a government decision outside official channels, or

(6) Adversely affecting the confidence of the public in the integrity of the Government.

(b) Standards of personal judgment. All naval personnel will adhere strictly to the standards of conduct and related requirements prescribed in this part, including Part 40. In some instances, standards are imposed which require the exercise of personal judgment. Naval personnel must consider each such instance carefully and be prepared to account for the manner in which the judgment is exercised. This is particularly true in situations which involve acceptance of hospitality or favors from persons or entities who do, or seek to do, business with the Department of the Navy.

(c) Dealings with business and industry representatives. Persons who represent the Government in business dealings with representatives of industry have positions of trust and grave responsibility which require them to observe the highest ethical standards. Practices which may be accepted in the private business world are not necessarily acceptable for naval personnel. Acceptance of favors, gratuities, or entertainment (no matter how innocently tendered or received) from those who have or seek business dealings with the Department of the Navy may be a source of embarrassment to the department and to the naval personnel involved, may

affect the objective judgment of the recipient, and may impair public confidence in the integrity of business relations between the department and industry.

(d) Acceptance of gratuities. No person will allow himself to be placed in a position in which a conflict of interests might arise or might justifiably be suspected. Such a conflict of interests may arise or appear to arise by reason of the acceptance of favors, gratuities, or entertainment of any kind, or by any other action which could influence or be reasonably interpreted as influencing the strict impartiality that must prevail in all business relationships involving the Government. Favors, gratuities, or entertainment bestowed upon members of the immediate households of naval personnel must be considered in the same light as those bestowed upon naval personnel. It is emphasized that prohibited conflicts and apparent conflicts of interests can sometimes arise even from relationships and transactions which the personnel concerned perceive as inconsequential. Where there is a doubt as to the propriety of accepting favors, gratuities, or entertainment, or of attending functions or accepting other invitations of a hospitable nature, naval personnel will refrain therefrom.

(e) Preferential treatment. Special treatment must not be accorded to particular individuals or firms unless equivalent treatment is also accorded to other individuals or firms justifiably entitled thereto.

(f) Acquiring conflicting financial interests. Notwithstanding the fact that they may have filed confidential statements of employment and financial interests (DD Form 1555 or 1555-1) pursuant to this part and Part 40, naval personnel must at all times avoid acquiring or retaining financial interests which would disqualify them from performing their assigned duties or responsibilities. Some of the more likely situations in which conflicts of interests might arise are where naval personnel have government duties or responsibilities related to business entities:

(1) With which they, or members of their immediate households, are associated as employees, officers, owners, directors, members, trustees, partners, advisers, or consultants;

(2) With which they, or members of their immediate households, are negotiating or have arrangements for prospective employment; or

(3) In which they, or members of their immediate households, have interests through ownership of stock, stock options, bonds, securities or other financial arrangements, such as trusts, or through participation in pension or retirement plans.

(g) Reporting suspected violations. Attention is directed to § 40.13, concerning the duty of naval personnel to make prompt reports of violations of statutes, regulations, or policies set forth in Part 40 and supplemented in this part.

(h) Financial responsibility of personnel. Attention is directed to § 40.11, concerning the duty of naval personnel to pay their just financial obligations.

§ 721.5 Regulations governing the conduct of naval personnel.

(a) Conflicts of interests. Naval personnel are prohibited from engaging in any private business or professional activity, or from having any direct or indirect financial interest, which would place them in a position where there is a conflict between their private interests and the public interests of the United States related to their naval duties and responsibilities.

(b) Inside information. Naval personnel are prohibited from engaging in any private business or professional activity, or from entering into any financial transaction, which involves the direct or indirect use of inside information gained through a naval position to further a private interest or obtain a private gain for themselves or other persons or entities. For the purpose of this prohibition, "inside information" means information obtained as a result of government employment which has not become a part of the body of public information.

(c) Improperly influencing decisions. Naval personnel are prohibited from using their naval positions to induce or coerce any person or entity (including a subordinate) to provide any financial benefit to themselves or another person or entity with which they have family, business, or financial ties. This does not, however, prohibit personnel from seeking rights or privileges to which they may be entitled by law or regulation.

(d) Dealing with present and former personnel. Naval personnel are prohibited from knowingly transacting government business with military or civilian personnel or former military or civilian personnel of the Government whose participation in the transaction is in violation of a statute or the regulations or policies set forth in this part or Part 40.

(e) Commercial soliciting by active-duty military personnel. Attention is directed to paragraph (d) of § 40.3, which prohibits active-duty military personnel from engaging in certain commercial solicitation and sales practices.

(f) Gratuities. (1) Except as authorized in paragraph (b) of § 40.5, naval personnel are prohibited from accepting any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value either directly or indirectly from any person who or entity which:

(i) Is engaged or is endeavoring to engage in procurement activities or business or financial transactions of any sort with an agency of the Department of Defense,

(ii) Conducts operations or activities that are regulated by any agency of the Department of Defense, or

(iii) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the naval personnel concerned.

(2) For the purpose of this paragraph, gifts, gratuities, favors, entertainment, loans, or other things of monetary value bestowed upon members of the immediate families of naval personnel shall be considered to have been bestowed upon the naval personnel themselves.

(g) Speaking, lecturing, writing, and appearance as expert witness.

(1) Naval personnel are prohibited from accepting fees, reimbursements, or honoraria for speaking, lecturing, or writing, or for appearing as expert witnesses before state agencies, except in instances where all the following conditions exist:

(i) Acceptance of the payment from the person or entity tendering or funding it would not be prohibited under the preceding paragraph;

(ii) The individual presents himself as a private citizen and not in an official capacity;

(iii) Such private activities do not interfere with the individual's official duties; and

(iv) The subject of the individual's appearance or writing is not connected with his official duties, does not involve materials which his official duties require him to prepare or provide, and does not depend on information obtained as a result of government employment, except when that information has been published or is available upon request, or when prior specific authorization is given by the Under Secretary of the Navy.

(2) This paragraph does not, however, prohibit acceptance of fees, reimbursements, or honoraria where authorized for endorsement to the Treasurer of the United States as reimbursement for the federal compensation of personnel performing services while in a duty status.

(3) Unless there is a definite Executive Branch, Department of Defense, or Department of the Navy position on a matter addressed in the appearance or writing and the individual has been authorized by appropriate superior authorities to present that position officially, he shall expressly present his views on that matter as his own and not as those of the Department of the Navy or Department of Defense.

(h) Contributions or presents to superiors. Attention is directed to § 40.6, which prohibits all naval personnel from participating in gift transactions from subordinates to superiors, except in certain circumstances.

(i) Use of government facilities, property, and manpower.

(i) Except as authorized by competent authority for official government business, naval personnel are prohibiting from using, directly or indirectly, or from approving the use of:

(A) Government property of any kind, including property leased to the government;

(B) Government facilities of any kind; and

(C) Government manpower, such as stenographic and typing assistance, and mimeograph and chauffeur services.

(2) This paragraph is not intended to preclude the use of government facilities for activities which would further military-community relations, provided the activities do not interfere with military missions.

(j) Use of civilian and military titles in connection with commercial enterprises. Attention is directed to § 40.8, which prohibits all naval personnel from using their civilian and military titles or positions in connection with commercial enterprises or products.

(k) Outside employment. Attention is directed to § 40.9, which prohibits naval personnel from engaging in certain outside employment and activities.

(l) Gambling, betting, and lotteries. Attention is directed to § 40.10 which prohibits naval personnel from engaging in gambling, betting, and lottery activities while on duty or on government property.

(m) Statements of employment and financial interests. Naval personnel who are required under § 40.14 and § 721.9 to file confidential statements of employment and financial interests (DD Form 1555 or 1555–1) shall file them at the times and in the manner prescribed in § 721.9.

(n) Retired officers' statement of employment. All retired Regular Navy and Marine Corps officers shall file statements of employment (DD Form 1357) within 30 days after retirement. Each such officer shall immediately file a new statement whenever the information in the previous statement is no longer accurate. Statements of employment (DD Form 1357) shall be filed with the appropriate official specified in § 721.10.

§ 721.7 Related directives.

In addition to the provisions of Part 721 and Part 40, attention is directed to the following related matters governed by other directives:

(a) Membership in private associations and organizations. 32 CFR Part 91 prescribes policies governing participation of naval personnel in activities of private associations and organizations. It is emphasized that naval personnel who are members or officers of nongovernmental associations or organizations must avoid activities on behalf of the associations or organizations that are incompatible with their official government positions.

(b) Reports of defense related employment. 32 CFR 722 implements requirements for submission of Reports of DoD and Defense Related Employment (DD Form 1787) by certain categories of present naval personnel formerly employed by defense contractors, and by certain categories of former or retired naval personnel presently employed by defense contractors. The reports prescribed in 32 CFR Part 722 are distinct from the reports or statements prescribed in this part, and failure to file them when required may subject individuals to criminal penalties.

(c) Acceptance of gifts from foreign governments. Chapter 7 of Secretary of the Navy Instruction 1659.1 series (see 32 CFR Part 733) prescribes restrictions applicable to the acceptance by naval personnel of gifts from foreign states.

(d) Political activities. Other regulations prescribe restrictions on political activities of naval personnel.

(e) General responsibilities of naval personnel. Subpart J of 32 CFR Part 700 prescribes general regulations governing the rights and responsibilities of naval personnel. If any provision of this part or Part 40 is found to conflict with a provision of Subpart J of Part 700, the latter shall be controlling.

§ 721.8 Responsibilities for action.

(a) Under Secretary of the Navy. The Under Secretary of the Navy is assigned overall responsibility for action relating to standards of conduct of naval personnel. Pursuant to § 40.12(c)(2) (ii) and (iii), § 40.14(c), and § 40.14(f), he shall act as the designee of the Secretary, with power to redelegate, for the purposes of: (1) Resolution of conflicts or apparent conflicts in statements of employment and financial interests not resolved at lower echelons, (2) exclusion from the requirement to file statements of employment and financial interests, and (3) extensions of time in excess of 30 days for the submission of such statements.

(b) Commanding officers and heads of activities. The basic responsibility for complying with the requirements of this part and Part 40 rests with individual naval personnel concerned, but the primary responsibility for ensuring such compliance must rest with officers exercising command or similar authority over personnel. Each commanding officer or head of a command, bureau, office, or activity is specifically responsible for the following:

(1) The continuing dissemination of this part to all naval personnel within his organization at least semiannually, in a manner which will ensure familiarity and compliance with the provisions of this part and Part 40 by all personnel, including new personnel;

(2) The establishment and continuing execution of the procedures and controls prescribed in § 721.9, below, to ensure that all naval personnel within his organization who are required to file confidential statements of employment and financial interests (DD Form 1555 or 1555–1) do file them in a timely manner, and that such statements are promptly and carefully reviewed;

(3) Making determinations pursuant to § 40.14(a)(4) and 18 U.S.C. § 208(b) with respect to disqualification of personnel within his organization from performing duties in which they have conflicts or apparent conflicts of interests;

(4) Ensuring that Reservists detailed to perform active duty for training at his organization are assigned duties which will minimize the possibility that they may obtain information that could be used by them or their employers to gain an unfair advantage over civilian competitors; and

(5) Receiving and taking prompt and appropriate action on reports concerning acceptance of gratuities or other violations of this part and Part 40, or related statutes by personnel within his organization.

(c) Inspectors General. The Naval Inspector General and the Inspector General of the Marine Corps shall ensure that periodic and administrative inspections of organizations under their cognizance routinely include inquiry into the effectiveness of the organizations' compliance with the provisions of this part.

(d) Auditor General. The Auditor General of the Navy shall ensure that the Naval Audit Service audit program routinely includes inquiry into the effectiveness of organizations' compliance with the provisions of this part.

(e) Judge Advocate General and General Counsel. The Judge Advocate General and the General Counsel of the Navy are designated as the ethics counselors for the Department of the Navy pursuant to § 40.12(c)(1). They shall provide legal advice, within their respective areas of jurisdiction, with regard to any questions which may arise under this part.

(1) The General Counsel shall be consulted concerning statements submitted by officers and employees whose duties include, to a significant extent:

(i) Contracting, procurement, or auditing;

(ii) Acquisition, management, or disposition of real or personal property;

(iii) Procurement matters in the field of patents, inventions, trademarks, and copyrights;

(iv) Military Sealift Command operations; or

(v) Office of the Comptroller of the Navy matters.

(2) The Judge Advocate General shall be consulted with regard to statements submitted by all other officers and employees.

(f) Deputy ethics counselors. The following are designated as deputy ethics counselors pursuant to paragraph (b) of § 40.12, and shall be responsible for providing advice and assistance on matters relating to conduct and conflicts of interests, and for providing legal review of statements of employment and financial interest which are referred to them:

(1) Within the cognizance of the General Counsel, and in their respective commands or organizations:

(i) Deputy General Counsel (Property);

(ii) Assistant to the General Counsel (Litigation);

(iii) Counsel for the Commandant of the Marine Corps.

(iv) Counsel for the Systems and Facilities Engineering Commands;

(v) Counsel for the Comptroller of the Navy;

(vi) Counsel for the Military Sealift Command;

(vii) Counsel for the Office of Naval Research; and

(viii) Counsel in charge of OGC field and branch offices;

(2) Within the cognizance of the Judge Advocate General, and in their respective commands or organizations:

(i) Deputy and Assistant Judge Advocates General;

(ii) Director, Judge Advocate Division, Headquarters, U.S. Marine Corps;

(iii) Officer and civilian attorneys under the supervision of the Judge Advo-

cate General, and assigned to the commands, bureaus, and offices of the Navy Department, as defined in paragraph (c) of § 700.104, other than the Office of the Judge Advocate General;

(iv) District judge advocates;

(v) Staff or force judge advocates on the staffs of all other commands having general court-martial convening authority; and

(vi) Officers in charge of naval legal services offices.

(3) Other deputy ethics counselors may be designated by the General Counsel or by the Judge Advocate General, as required. Where strict adherence to the division of areas of responsibility under this paragraph is impracticable due to such factors as inaccessiblity or uncertainty as to jurisdiction, any deputy ethics counselor may be consulted. In such a case, the deputy ethics counselor will render all possible assistance and then, if appropriate, direct the inquiry into the proper area of responsibility.

(g) Director of Civilian Manpower Management. The Director of Civilian Manpower Management shall incorporate the provisions of this part and Part 40 concerning civilian employees in appropriate Civilian Manpower Management Instructions.

(h) Chief of Naval Material and Commandant of the Marine Corps. The Chief of Naval Material and the Commandant of the Marine Corps are responsible for bringing the contents of this part and Part 40 to the attention of the principal officer of each contractor doing significant business with the Department of the Navy. Chiefs and heads of commands, bureaus, and offices, commanding officers, and other senior officials shall periodically utilize the opportunity afforded by conferences with representatives of industry to direct attention to the regulations and policies set forth in this part and Part 40.

§ 721.9 Confidential statement of employment and financial interests.

(a) Personnel who are required to file. (1) Special government employees—under paragraph (g) of § 40.14, all special government employees who will perform services as "advisers or consultants" are required to file confidential statements of employment and financial interests (DD Form 1555–1) prior to appointment and to file periodic supplementary statements thereafter as prescribed in paragraph (b) of this section. Naval or Marine Corps Reserve officers ordered to active duty to serve as "advisers or consultants" are included in this requirement if the conditions of their active duty are as specified in § 40.15(b) (1).

(2) Executive-level civilian employees—under § 40.14 (a) (1) and (e) (6), all designees to executive-level positions, grades GS–16 to 18 and positions authorized under 10 U.S.C. § 1581 (commonly called "PL 313 type" positions), are required to file confidential statements of employment and financial interests (DD Form 1555) prior to nomination and all incumbents of these positions are required to file periodic supplementary statements thereafter as prescribed in paragraph (b) of this section.

(3) Other naval personnel—§ 40.14 (a) (2) through (a) (6) specify other categories of naval personnel who are required to file confidential statements of employment and financial interests (DD Form 1555) within 30 days after the commencement of duties for which filing is required, and to file supplementary statements thereafter as prescribed in paragraph (b) of this section. The following amplifies the categories of naval personnel included in this requirement.

(i) § 40.14(a) (2) includes all Regular flag and general officers on active duty and Reserve flag and general officers ordered to voluntary active duty for periods in excess of 130 days.

(ii) Within the Department of the Navy, the term "Commanders and Deputy Commanders of major installations, activities, and operations" in § 40.14(a) (3) means all commanding officers or heads, and executive officers or deputy heads, of Navy shore installations with 500 or more military and civilian personnel (including foreign national and indirect-hire personnel) regularly attached and all Marine Corps bases and air stations.

(iii) In amplification of § 40.14(a) (6) (i) the term "contracting or procurement" is applicable to those persons who sign contracts or those, at higher levels, who have overall responsibility for the entire transaction. This includes, but is not limited to, heads of procuring activities, directors of contracting activities, and others performing comparable functions.

(b) Place and time of filing. (1) Each officer or employee required to file a statement shall submit it in the prescribed form directly to the superior officer having responsibility for signing his fitness report, or to the superior official having responsibility for reviewing his performance rating. (The term "appropriate supervisor" is used herein to refer to such superior officer or official.)

(2) Confidential statements of employment and financial interests (DD Form 1555 or 1555–1), where required, shall be filed by special government employees prior to appointment, by executive-level civilian employees prior to nomination, and by other naval personnel within 30 days after the commencement of duties for which the filing of statements is required. Upon transfer or reassignment from one billet to another for which the filing of a statement is required, an officer or employee shall file a current statement with the appropriate supervisor of his new billet or position.

(3) Following the initial filing of statements as prescribed above, all naval personnel who are required to file shall file supplementary statements on each June 30. In unusual circumstances, the appropriate supervisor may authorize a delay in filing, but in no event shall the filing of supplementary statements be delayed past July 31 without the prior approval of the Under Secretary of the Navy.

(4) Omission by a commanding officer or head of an activity to furnish a written reminder, as prescribed in paragraph (d), of this section, shall not relieve an officer or employee from an applicable filing requirement.

(c) Contents of statements. Attention is directed to paragraphs (j) through (l) of § 40.14, which pertain to information that must be reported in a confidential statement of employment and financial interests (DD Form 1555 or 1555–1) and information that may be excluded. Additionally, naval personnel are not required to report ownership of personal savings or checking accounts in financial institutions, or life or property insurance policies, even though they provide for dividends or cash value.

(d) Administrative controls. Each commanding officer or head of an activity shall cause a comprehensive review of billets and positions within his organization to be conducted annually prior to June 15, and shall identify those billets and positions for which the filing of statements of employment and financial interests is required under § 40.14, as amplified by paragraph (a) of this section. Determinations on billets or positions so identified shall be recorded in the billet or position descriptions and in the incumbents' local personnel records. Additionally, each incumbent in such a billet or position shall be reminded in writing, by June 15, of the requirement to file a statement, and shall be furnished a copy of the required form. Check-off lists shall be utilized to ensure that all statements have been returned by June 30, or by later specified dates where extensions of time have been granted. Any individual who believes that his billet or position has been improperly determined to be one for which the filing of a statement is required may request a review of the determination through the established grievance or complaint procedures of the Department of the Navy.

(e) Review and disposition. (1) Upon receipt of a confidential statement of employment and financial interests, the appropriate supervisor shall evaluate the statement, in accordance with the standards provided by Part 40, to determine whether a conflict or apparent conflict of interests is disclosed. If no employment, interest, or creditor is reported in the statement, the appropriate supervisor shall note that evaluation on the statement, and shall file it in his office.

(2) If an employment, interest, or creditor is reported in a statement, the appropriate supervisor shall append his written evaluation to the statement of the officer or employee, and shall forward the statement and his evaluation thereof to the cognizant judge advocate or civilian attorney designated as a deputy ethics counselor under paragraph (f) of § 721.8, for legal review in accordance with paragraph (b) of § 40.12.

(i) If the appropriate supervisor and the deputy ethics counselor agree that the statement discloses no conflict of interests or apparent conflict of interests, both shall record their approval on

the statement, and the statement shall be filed in the office of the appropriate supervisor.

(ii) When either the appropriate supervisor or the deputy ethics counselor believes that a statement discloses a conflict or apparent conflict of interests, the officer or employee concerned shall be afforded an opportunity to explain the conflict or apparent conflict in writing. If, after review of the written explanation, both the appropriate supervisor and the deputy ethics counselor are satisfied that there is no conflict or apparent conflict, they shall record their approval on the statement and explanation, and the record shall be filed as provided above. Otherwise, the supervisor and the deputy ethics counselor shall append their views on the record and, retaining the original record in the office of the appropriate supervisor, forwards a copy of the record, via the commanding officer or head of the organization for his comments and recommendations, to:

(A) The Chief of Naval Personnel, in the case of a Navy officer;

(B) The Commandant of the Marine Corps, in the case of a Marine Corps officer; or

(C) The Director of Civilian Manpower Management, in the case of a civilian employee.

(3) The departmental official thus receiving the record shall refer it to a cognizant deputy ethics counselor for legal review and advice. Cases which cannot be resolved by the Chief of Naval Personnel, the Commandant of the Marine Corps, or the Director of Civilian Manpower Management, as appropriate, shall be forwarded to the Under Secretary of the Navy, via the cognizant department ethics counselor, for final resolution. Cases referred to the Commandant of the Marine Corps, Chief of Naval Personnel, or Director of Civilian Manpower Management for review shall, when finally resolved, be filed in the Bureau of Naval Personnel, Marine Corps Headquarters, or the Office of Civilian Manpower Management, as appropriate, with information to the originating activity concerning the ultimate disposition of the case.

(4) Initial review and local efforts to resolve conflicts or apparent conflicts disclosed in supplementary statements shall be accomplished by August 31, if possible, and by September 30 in any event. Review and resolution of initial statements submitted prior to appointment or nomination should be accomplished immediately. Initial review and local resolution efforts concerning other initial statements should be accomplished within 30 days after filing.

(f) Special requirements concerning executive-level nominees. As part of the Secretarial approval process for a nominee to any of the positions described in § 721.9(a)(2), the documents submitting the nominee for approval must contain the following certification by the selecting official, on Civil Service Commission Form 917, executive selection form, in item 30:

I certify that (nominee's name), whom I am nominating for the executive level position of (title, grade or PL designation, and organizational location of position) has executed a confidential statement of employment and financial interests, DD Form 1555, that I have evaluated it and had it reviewed by a deputy ethics counselor, and that I have found the requirements of DOD Directive 5500.7 of 8 August 1967 and SECNAV Instruction 5370.2F to be satisfied.

§ 721.10 Statements of employment—retired Regular officers.

(a) Section 40.15(d)(2) requires each retired Regular officer of the Armed Forces to file with the military department in which he holds a retired status a statement of employment (DD Form 1357). Each retired Regular officer shall file this statement of employment within 30 days after retirement. Whenever the information in the statement is no longer accurate, each such officer shall file a new statement of employment. Statements of employment shall be submitted:

(1) In the case of a retired Regular Navy Officer—to the Commanding Officer, Navy Finance Center (Retired Pay Division), Cleveland, OH 44199; or

(2) In the case of a retired Regular Marine Corps officer—to the Commanding Officer, Marine Corps Finance Center, Kansas City, MO 64197.

(b) The Comptroller of the Navy shall advise all retired Regular Navy officers of the continuing requirement for submitting a statement of employment, and provide DD Form 1357 for that purpose. The Commandant of the Marine Corps shall provide similar assistance to retired Regular Marine Corps officers.

(c) The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, shall provide each Regular officer retiring hereafter, as part of the separation check-out procedures, with clear instructions concerning the requirement under this part to file statements of employment (DD Form 1357). These instructions should be combined, where applicable, with the instructions prescribed in Part 722 concerning the possible additional requirement to file reports of DoD and defense related employment (DD Form 1787).

(d) The Comptroller of the Navy or the Commandant of the Marine Corps, as appropriate, is responsible for the review of all statements of employment filed by retired Regular Navy and Marine Corps officers, to ensure compliance with applicable laws and regulations.

(e) If an apparent violation of a conflicts of interests law or regulation is noted upon review of a statement of employment, a copy shall be transmitted to Commander, Navy Accounting and Finance Center, or Commandant of the Marine Corps, as appropriate. If that official determines that a violation may have been committed, a copy of the statement shall be forwarded to the Judge Advocate General (Code 13) for such additional review, inquiry, advice, or further action as may be warranted.

§ 721.11 Privacy Act considerations.

(a) Confidential statements of employment and financial interests (DD Forms 1555 and 1555-1) and statements of employment (DD Form 1357) contain sensitive personal information, and care shall be exercised to ensure that they are seen only by personnel on a need-to-know basis in connection with their official duties. Adequate safeguards shall be utilized to prevent inadvertent or unauthorized disclosures of the statements during review, transmittal, and storage. In addition, Part 701 prescribes other general restrictions and requirements applicable to the collection, use, and dissemination of these records, and contains Rules of Conduct Under the Privacy Act which are applicable to all naval personnel.

Dated: July 13, 1976.

JOHN S. JENKINS,
JAGC, U.S. Navy,
Assistant Judge Advocate General.

[FR Doc.76-20854 Filed 7-19-76;8:45 am]

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

Miscellaneous Amendments

Pursuant to the authority conferred in 10 U.S.C. 5031, 10 U.S.C. 1216, and 5 U.S.C. 301, the Secretary of the Navy amends 32 CFR Part 725, which codified Disposition of Cases Involving Physical Disability. This amendment reflects the changes contained in a Secretary of the Navy Notice dated June 14, 1975 (SECNAVNOTE 6100 ONDE 2).

Prior to this amendment, a Physical Review Council (PRC) did not function as a voting body and PRC review of every case was required prior to final approval. This amendment comports the Physical Review Council as a voting, vice concurring, body and requires PRC review only of those cases in which the party does not fully accept the findings of the Central Physical Review Evaluation Board. By eliminating the PRC review of cases involving only accepted findings, the PRC is able to devote more time to each case it considers and the processing of each case is expedited.

The following provisions of 32 CFR Part 725 are affected by the amendment.

§ 725.601. The word "comprised" was changed to "composed" to denote full membership of a Physical Review Council.

§ 725.602 (a) and (b). These paragraphs, respectively, limited the Navy Physical Review Council member to the review of those cases involving a Navy member, and the Marine Corps PRC member to the review of those cases involving Marines. This limitation is removed and both the Navy and the Marine Corps members now review all cases considered by a Physical Review Council.

§ 725.602(d). All Office of Naval Disability Evaluation (ONDE) physical disability cases are forwarded to the Judge Advocate General (JAG) for final action on behalf of the Secretary of the Navy. Accordingly, the requirement that the JAG member of a PRC implement the rules and policies of the JAG is redundant and is deleted. Additionally, since a PRC is now a voting body, the requirement that the JAG member review records in all cases in which a conflict between the other PRC members exists is deleted.

§ 725.604(a). The requirement that a Physical Review Council review all ONDE physi-

cal disability cases is amended to require PRC review only in those cases in which the Party does not fully accept the recommended findings of the Central Physical Evaluation Board.

§ 725.604(b). The Physical Evaluation Board is procedurally reformed to determine cases by majority vote.

These amendments relate to internal naval management and largely reflect changes in organizational structure. It has been determined that invitation of public comment on these amendments prior to adoption would be impracticable and is therefore not required under the public rule-making provisions in Parts 296 and 701 of 32 CFR.

32 CFR Part 725 is therefore amended as follows:

§ 725.601 [Amended]

1. In § 725.601, second line, the word "comprised" is changed to "composed."

2. § 725.602 is revised to provide as follows:

§ 725.602 Composition.

(a) The Navy officer shall provide liaison with the Chief of Naval Personnel for the ONDE and shall implement the personnel rules and policies of the Navy as may relate to disability evaluations. To this end, he shall review each record of proceedings of a PEB forwarded to the PRC in the light of such rules and policies, and his professional knowledge and experience and, as appropriate, shall advise the other members of the PRC of the proper application of such rules and policies as they apply to cases involving a Navy member.

(b) The Marine Corps officer shall provide liaison with the Commandant of the Marine Corps for the ONDE and shall implement the personnel rules and policies of the Marine Corps as may relate to disability evaluations. To this end, he shall review each record of proceedings of a PEB forwarded to the PRC in the light of such rules and policies, and his professional knowledge and experience and, as appropriate, shall advise the other members of the PRC of the proper application of such rules and policies as they apply to cases involving a Marine Corps member.

(c) The Medical officer shall provide liaison with the Chief, Bureau of Medicine and Surgery, for the ONDE and shall implement the rules and policies of such Bureau as may relate to disability evaluations. To this end, he shall review each record of proceedings of a PEB forwarded to the PRC in the light of such rules and policies, established medical principles, and his professional knowledge and experience, and, as appropriate, shall advise the other members of the PRC of the proper application of such rules, policies and principles.

(d) The judge advocate shall provide liaison with the Office of the Judge Advocate General as may relate to disability evaluations. To this end, he shall review records of proceedings of PEBs forwarded to the PRC whenever: (1) A determination that a member's disability is due to misconduct or was incurred during unauthorized absence is proposed; (2) a determination is proposed which conflicts with the action on findings, as approved, of a fact-finding body external to the Disability Evaluation System; or (3) there is a request by the Director or other member of the PRC for the proper application of legal rules and principles or professional legal guidance. In addition, the judge advocate shall be legal counsel to the Director for all matters under his cognizance.

3. § 725.604 is revised to provide as follows:

§ 725.604 Function.

(a) It is the function of the PRC to review the proceedings and recommended findings of all formal PEBs and such informal PEBs that may be referred to it by the Director, ONDE. In addition, the PRC shall review the proceedings and recommended findings of all informal PEBs in which the member has accepted a recommended finding of unfit but has requested retention on active duty in a limited assignment status.

(b) The PRC shall make its decisions by vote, with the Navy officer, the Marine Corps officer, and the Medical officer voting in all cases. The judge advocate shall vote in those cases provided for in § 725.602(d). The Navy officer shall be senior member in all cases involving a Navy member, and the Marine Corps officer shall be the senior member in all cases involving a Marine Corps member. In those cases in which the judge advocate has not voted, the concurring action of two or more members shall be considered the action of the PRC. In those cases in which the judge advocate has voted, the concurring action of three or more members shall be considered the action of the PRC. Applications for personal appearance by parties concerned will not be entertained.

Dated: July 13, 1976.

JOHN S. JENKINS,
JAGC, U.S. Navy,
Assistant Judge Advocate General.

[FR Doc.76-20855 Filed 7-19-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Amdt. 3; Regulation ER-960]

PART 243—REPORT OF CHARTER SERVICES PERFORMED FOR THE MILITARY AIRLIFT COMMAND

Amendment of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 15, 1976.

By notice of proposed rulemaking EDR-288, Docket 28422 (40 FR 49794), the Board proposed to amend Part 243 of its Economic Regulations (14 CFR Part 243) by requiring that miles flown in Logair and Quicktrans charters be reported on the basis of great-circle distances between the airports served. For the reasons discussed in ER-959, being adopted contemporaneously herewith, the Board has determined to adopt the amendment herein.

Inasmuch as this action is being taken simultaneously with ER-959, good cause exists to make the amendment herein effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 243 of the Economic Regulations (14 CFR Part 243) effective July 15, 1976, as follows:

Amend § 243.8(e) to read as follows:

§ 243.8 Schedule D-3—Summary of operating statistics and aircraft utilization—MAC Charter Contracts.

* * * * *

(e) Miles flown in Category B, Logair, and Quicktrans charters shall be reported on the basis of the great-circle distance, in statute miles, between the airports served. Line 10 "Total revenue aircraft miles flown" shall reflect the total miles flown under MAC contracts and service orders.

* * * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended (49 U.S.C. 1324, 1373, and 1386).)

By the Civil Aeronautics Board.

Effective: July 15, 1976.

Adopted: July 15, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-20962 Filed 7-19-76;8:45 am]

[Amdt. 51; Regulation ER-959]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 15, 1976.

On October 20, 1975, by Notice of Proposed Rulemaking EDR-288, Docket 28422 (40 FR 49794), the Board proposed to amend Part 288 of its Economic Regulations (14 CFR Part 288) by establishing revised minimum rates for Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense (DOD) to be effective prospectively from the date adopted. In addition, the Board proposed that the rates would apply to the great-circle miles between pairs of points served instead of to the course-flown statute miles used in the past.

The Board also proposed to amend Part 243 of its Economic Regulations (14 CFR Part 243) by requiring that miles flown in Logair and Quicktrans charters be reported on the basis of the great-circle distances. Part 243 is being contemporaneously amended, consistent with this proposal, by ER-960.

Comments in response to the Notice were filed by Overseas National Airways, Inc. (ONA), Saturn Airways, Inc. (Sat-

urn), and the DOD. Reply comments were filed by the DOD and Saturn.[1] All comments and supporting materials have been carefully considered and all contentions not otherwise disposed of herein are rejected.

The rates proposed in the Notice were predicated on carrier and DOD forecasts and submissions, screened and adjusted in the light of (1) cost data furnished by the carriers for calendar year 1973, (2) reported operating results for the 12 months ended March 31, 1975, which were used as the base period, and (3) those cost increases actually experienced subsequent to the base period or to be experienced during fiscal year 1976, as supported by existing contracts or similar documentation, plus the application of an annual cost-escalation factor. In accordance with established practice, the Board rejected anticipatory cost increases and other claimed cost increases that were not adequately documented.

The Board has reviewed the carrier and DOD comments and adjusted the costs computed in the Notice on the basis of the reported operating results for the year ended September 30, 1975, reflecting annualization for increases in wages and other items of expense adequately supported by documentation. We have further adjusted the rates to reflect commercial and military fuel prices as of January 1, 1976.[2] In addition, with the rates herein effective on or about July 1, 1976, we have determined to reflect in those rates cost escalation computed through the second quarter of this year. With these, and the other significant changes which are discussed below, the rates we are establishing herein will provide an estimated increase of approximately 4.76 percent above the current revenue yield from domestic MAC services,[3] based upon fiscal 1976 operations.

BASE PERIOD AND COST ESCALATION

As previously indicated, we have advanced the base period to reflect more current operating conditions based on the year ended September 30, 1975. This new base period has been used for all forecasts except projections for Saturn's DC-8-61 aircraft which were phased out of the carrier's fleet in November 1974. The forecasts for this aircraft type have been based on reported results for the year ended September 30, 1974, the last available reported 12-month period in which these aircraft were utilized in Saturn's operations.

As in the rulemaking notice, we have applied experienced interim cost escalations to move the projected cost levels from the base year to the approximate effective date for the rate amendments, using the same methodology employed in the Notice.[4]

Thus, the forecast costs have been developed on the basis of adjusted operating data for the base year ended September 30, 1975 plus application of cost escalations of 2.91 and 5.36 percent to the base-year cash operating expenses, exclusive of rentals and fuel. These factors, the calculation of which are set out in Appendix G,[4a] are successively applied first, to annualize the average cost growth incurred during the base period—thus reflecting cost levels at October 1, 1975; and, second, to provide for the estimated cost inflation during the nine months elapsed to July 1, 1976, at the most recent cost-escalation experience.[5] We believe the foregoing adjustments reasonably provide for experienced cost inflation in the prospective rates established herein.

We recognize that this base period could be further advanced to encompass more recent results which have become available in the time that the proposed rule has been before the Board. However, we have reviewed these data and have concluded that such revision would have a de minimis impact on the rate levels being established herein, particularly since most of the cost projections would not be altered and the balance of these projected costs reflect experienced cost inflation.[6] In these circumstances, we find that the year ended September 30, 1975, as adjusted, is a representative period upon which to base projections of future operations, and a more recent base period is not required. Moreover, the establishment of a later base period would unduly delay implementation of the rate increases and financial relief to the carriers that the record has shown to be clearly warranted.

Saturn and DOD do not object to the use of a cost-escalation factor to update base-period costs but disagree as to what that factor should be. Saturn contends that the escalation factor used to develop the proposed rates does not reflect "real world" conditions in that it is based on trunk carrier data rather than data for the supplemental carrier results. The carrier argues that the use of trunk data may have validity for those carriers but does not properly reflect increases incurred by the supplemental carriers which provide the domestic MAC service. It contends that the percentage cost increase, used as the escalation factor, would be more equitably computed by weighting the cost increases incurred by both trunk and supplemental carriers.

DOD, while not objecting to the application of a cost-escalation factor, per se, contentd that the factor employed in the Notice should not apply to the second quarter of 1975. DOD contends that Form 243 reports indicate that Logair and Quicktrans operating costs decreased rather than increased during the April–June quarter and, therefore, that the use of an inflation factor for this quarter is tantamount to the allowance of an anticipatory cost increase. Accordingly, DOD requests the Board to revise the proposed cost-escalation factor downward to reflect the decreased operating costs incurred for the second quarter of 1975 and to exclude, unless substantiated, the increased maintenance labor costs set forth in the Appendix A-3 to the proposed rule.[7]

As set forth in the rulemaking notice, we have adopted the domestic passenger-fare practice and measured cost inflation based on a comparison of domestic trunkline available ton-mile costs—i.e. production costs—for consecutive annual periods on domestic operations. Saturn contends that an inflation factor which is based exclusively on trunk carrier results does not provide a reliable benchmark by which to measure inflation in the MAC carriers' costs. However, unlike the domestic trunk carriers' costs, the supplemental carriers reported production costs are not sufficiently refined to establish a reliable trend in costs for domestic MAC operations. Thus, as presently submitted, the supplemental carriers' reported data are heavily influenced by international operations which are not descriptive of the MAC domestic charter services. On the other hand, it is clear from the record that the costs incurred in performing domestic MAC services have increased since the base period on which forecast cost levels are based and that some reasonable yardstick is necessary to measure the effect of this inflation on prospective rates. While it appears that no perfect solution

[1] In addition to its timely reply response, Saturn on March 15, 1976, filed a motion for leave to file an unauthorized document, a late reply to the comments of ONA. In its motion, Saturn alleges that, although ONA's comments, filed on December 8, 1975, were timely served on Saturn's counsel, Saturn itself did not become aware of them until recently and, therefore, was not able to file a response before March 15, 1976. However, the fact that Saturn did not become aware of a properly served document does not serve to justify a late-filed answer. Accordingly, we find that good cause has not been shown for the late filing of Saturn's reply comments and its motion is denied. In any event, we have reviewed the comments and find that no matters are raised which would change the conclusions and findings with respect to the final domestic MAC rates established herein.

[2] Which continue to reflect the participating carriers' fuel-cost level as at June 1, 1976.

[3] ER-919, effective July 7, 1975.

[4] This methodology involves a comparison of unit available ton-mile operating expenses (excluding fuel, aircraft rentals, depreciation, amortization, and transport-related expenses) for the domestic trunkline carriers for the years ended September 30, 1975 and March 31, 1976 over their respective prior years.

[4a] Appendices to this document filed as part of the original document.

[5] The weighted average cost-escalation factor providing for the compound growth of both cost escalations is computed at 5.49 percent for the entire 15-month period from the midpoint of the base year (April 1, 1975) through to July 1, 1976.

[6] The projected rental, depreciation, and amortization unit costs are relatively fixed and should be unaffected by cost inflation. As discussed subsequently, separate provision is made to provide surcharge rate adjustments to cover future fuel-price fluctuations.

[7] The forecasts as developed for fixing the rates herein, reflecting the most current cost escalation, appear to make moot the DOD's contention that the operating results for the second quarter of 1975 should be included in the computation of the cost-escalation factor.

is available, the cost behavior of the trunkline carriers, which reflects domestic cost patterns, is believed to provide that yardstick. Moreover, based on data supplied by Saturn in its answer to EDR–288, the domestic available ton-miles flown by the supplemental carriers in the year ended March 31, 1975, was less than two percent of the total available ton-miles reported for domestic certificated services. Therefore, inclusive of the supplementals' costs along with the domestic trunks' would not produce materially different results.

ANTICIPATORY COST INCREASES

The rulemaking notice rejected Saturn's request to recognize at least 75 percent of labor cost increases to be incurred as the result of renegotiating expired collective bargaining agreements. In so doing, the Board reiterated its longstanding policy of excluding anticipatory cost increases in the calculation of future-period operating results. We also noted that the carrier's labor negotiations were at a stage where it was still too early to determine reasonably what the ultimate costs of its new agreement would be. No new matters or arguments have been presented in the comments which would persuade us to depart from these tentative findings and conclusions, and we adhere to them for the purpose of the final rule.

FUEL COSTS

The rates proposed in the Notice were based upon per gallon military fuel prices effective July 1, 1975, of 42.3 cents for JP–4 and 40.8 cents for JP–5 and an average commercial fuel price of 31.64 cents per gallon as of June 1, 1975. The forecasts in Appendices B, C, and D reflect per gallon fuel prices as at January 1, 1976, of 36.8 cents for JP–4, 35.5 cents for JP–5, and 34.51 cents for commercial. A review of the third-quarter 1975 reports of fuel consumed in domestic MAC services indicates that about 82 percent of the fuel used in Quicktrans services is purchased from the military and that this consists of approximately 34 percent JP–4 and 66 percent JP–5. On this basis, a weighted average price of 35.69 cents per gallon obtains for fuel used in Quicktrans operations.[8] For Logair services, we have used a fuel price of 36.8 cents per gallon since virtually all of the fuel used in this operation is military JP–4. These fuel prices reflect decreases of 13 percent for Logair and 11 percent for Quicktrans services from those used in the rates proposed in EDR–288.

Consistent with our action in establishing the current international MAC rates,[9] we are eliminating the automatic military fuel price adjustment provision. However, we intend to monitor this item closely. Should the prices for military fuel as determined by the Defense Supply Agency or commercial fuel as determined from monthly reports filed by the carriers fluctuate significantly, we will consider adjusting the rates on a prospective basis in the same manner as set forth in ER–896 for international MAC services. In this regard, the carriers will be required to submit monthly and quarterly Logair and Quicktrans fuel price and consumption reports to the Government Rates Division. These reports shall conform to the report requirements for international fuel data and list separately JP–4, JP–5, and commercial fuel purchases and commercial fuel prices at each point served in connection with domestic MAC services performed.

MAINTENANCE COSTS

Saturn contends that the rates proposed did not reflect a 6.18 percent labor cost increase effective December 1, 1974. The carrier also notes that unusual changes, such as its L–188 maintenance expense, which materially affect the prospective period must be given special review and consideration and requests that L–188 maintenance expenses incurred during the first nine months of 1975 be used for the forecast year rather than the historical cost plus an escalation factor. Specifically Saturn contends that Saturn has been forced to buy, at currently higher market costs, expendable parts which it had previously in inventory and purchased at a fraction of their present prices.

Saturn's claimed labor cost increases are documented and the forecast costs in Appendix D have been adjusted to reflect those increases. These forecast costs also reflect Saturn's increased parts costs in view of our determination adjusting the base period to incorporate data for the annual period ended September 30, 1975. With this shift and the provision for cost increases incurred since the base period, the rates herein are believed to reasonably reflect L–188 maintenance costs to be incurred in prospective operations.

DC–8 AIRCRAFT

The DOD and Saturn recommend that, inasmuch as Capitol has disposed of its DC–8–55 aircraft, this aircraft data should not be included in determining DC–8 rates.[10] DOD also recommends that, since Saturn is currently leasing its DC–8–61 aircraft to another carrier, Saturn's DC–8–61 operating data should not be included. ONA, supported by the DOD, requests that the Board include a rate for its newly acquired DC–8–32 aircraft. ONA states that the aircraft, with a payload capacity of approximately 78,000 pounds, will be converted into an all-cargo configuration by the late spring or early summer of 1976, and the carrier has submitted a forecast for domestic MAC operations with this aircraft type.

We have adopted the recommendation of Saturn and DOD and excluded Capitol's DC–8–55 cost data from the DC–8 rate determination. In addition, we have established a rate for DC–8–32 aircraft as requested by ONA. However, we are not persuaded that the DC–8 rate determination should exclude Saturn's DC–8–61 aircraft cost. The aircraft are subject to recall on short notice and, therefore, can be made available for MAC operations if required. Accordingly, we have included the recognized forecast cost data for the DC–8–61 and DC–8–32 aircraft in establishing rates for DC–8 aircraft.

In addition, Saturn objected to the proposed common-rating of all DC–8 aircraft. Upon review, we find that there are significant differences in payload for the DC–8–32 and DC–8–61/63 aircraft types. Therefore, we are establishing minimum aircraft loads of 39 tons for the DC–8–32 aircraft and 45 tons for the DC–8–61/63 aircraft for basing the payment computations on the established DC–8 rates.

REVIEW OF RATES

Saturn's contention is not persuasive that a procedure must be established which will set a definite timetable for a new rate review to begin in a timely manner "prior to the expiration date of the current prospective period." The rates herein are effective on and after July 1976, and are not limited as to the period of applicability. In this connection, we would point out that the more recent international and domestic MAC rate practice has been to dispense with annual rate reviews or other such fixed review periods and to establish the minimum rates on a prospective basis with no date of termination.[11] We are not persuaded that a procedure which sets MAC rates on the basis of fixed review periods is necessary or particularly beneficial to the carriers or the DOD. Such a process could result in an unwarranted expenditure of effort and funds by the parties when viewed in the context of the rate impact produced. If and when the Board, the carriers, or DOD feel the rates prescribed herein are no longer fair or reasonable, a full-scale review of the rates for Logair and Quicktrans services can be instituted under the usual procedures.

INCORPORATION BY REFERENCE

No other comments were received with respect to the minimum rates proposed; and, except to the extent modified herein, the costs and other findings contained in the Notice are incorporated herein by reference.

In view of the carriers' need for prompt rate relief, we find that good cause exists to make the amendments herein effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288) effective July 15, 1976, as follows:

1. Amend § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

(1) * * *

[8] Fuel costs reflected in the final rates and the ratio of fuel costs to linehaul costs are set forth in Appendix H.

[9] ER–896, January 17, 1975.

[10] Capitol has advised the staff that it has no objection to this proposal.

[11] See, e.g., ER–747 and 786, effective July 1, 1971, and ER–896, January 17, 1975.

Aircraft type	Linehaul rate (per Great Circle statute mile)		Rate per directed landing
	Logair	Quicktrans	
DC-9-32/L-188C	$2.4128	$2.4312	$250
L-100-30	3.5260	3.6307	250

(2)

Aircraft type	Linehaul rate (per Great Circle ton-mile)		Rate per directed landing
	Logair	Quicktrans	
DC-8-32/61/63	10.9773¢	10.7660¢	$400

Provided, That the minimum charges established herein shall be deemed economic only when the resulting revenues are at least equivalent of such charges applied to the following minimum aircraft loads:

Aircraft type:	*Tons of cargo*
DC-8-32	39.0
DC-8-61/63	45.0

* * * * *

2. Amend § 288.10(a) to read as follows:

§ 288.10 Computation of passenger-miles and cargo ton-miles.

(a) *General rule.*—For the purpose of this part, the computation of passenger-miles and cargo ton-miles for charter service shall be based on no lesser mileage than the nonstop great-circle airport-to-airport distance, in terms of statute miles from the point of origin of the revenue flight to the point of destination of such flight, via such intermediate points as are required to be served by the terms of the DOD contract. If the direct nonstop airport-to-airport distance from the point of origin of the revenue flight to the point of destination of such flight, or between any pair of points comprising a route segment required to be served by the terms of the DOD contract, is 4,000 miles or more, and no intermediate points are required to be served by the terms of the contract, or are specified in paragraph (b) of this section, the mileage shall be computed via the routings which yield the shortest mileage.

* * * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended; (49 U.S.C. 1324, 1373, and 1386).)

By the Civil Aeronautics Board.

Effective: July 15, 1976.

Adopted: July 15, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-20963 Filed 7-19-76;8:45 am]

Title 15—Commerce and Foreign Trade

Subtitle A—Office of the Secretary of Commerce

PART 3—RULES OF PROCEDURE FOR HANDLING CONTRACT APPEALS

Change of Location

In FR Doc. 76-594, appearing at page 1583, in the issue of Friday, January 9, 1976, paragraph 2 of the Preface is amended to read as follows:

2. *Organization and location of the Board.*—(a) The Board is located in Washington, D.C., and its mailing address is U.S. Department of Commerce, Appeals Board, Room 5019. Telephone (202) 377-3135.

HUGH J. DOLAN,
Chairman, Appeals Board.

[FR Doc.76-20943 Filed 7-19-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

[FRL 574-5]

PART 35—STATE AND LOCAL ASSISTANCE

Extension of Exception to Required Use of Appendices C-1 and C-2 for Subagreements Under Grants for Construction of Treatment Works

Correction

In FR Doc. 76-19573 appearing at page 27966 in the issue for Thursday, July 8, 1976, make the following change:

On page 27967, in column 1, in the 6th line of the first full paragraph, the reference to "35.948-8 (a) or (b)" should have read "35.938-8 (a) or (b)".

SUBCHAPTER C—AIR PROGRAMS

[FRL 579-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New York State Implementation Plan; Revision

On March 16, 1976, the State of New York submitted to the EPA, Region II Office, proposed revisions to the New York State Implementation Plan. This revision request was submitted in accordance with all applicable EPA requirements as contained in 40 CFR Part 51, and consists in part of administrative orders signed by the Commissioner of the New York State Department of Environmental Conservation. These administrative orders establish three special limitations under 6NYCRR 225.2(b) and three special limitations under 6NYCRR 225.2(c) to become effective upon EPA approval and continue in effect through May 31, 1977.

The sources, areas and sulfur contents, by weight, covered by these special limitations are as follows:

(a) Pursuant to § 225.2(b):

(i) Southern Tier East Air Quality Control Region (AQCR)—2.8 percent sulfur fuel oil;

(ii) Central AQCR—2.8 percent sulfur fuel oil; and

(iii) Champlain Valley (Northern) AQCR, with the exception of all sources in the City of Glens Falls and sources with total rated heat input capacities greater than 100 million Btu/hr. in the Town of Queensbury—2.8 percent sulfur fuel oil.

(b) Pursuant to § 225.2(c):

(i) Long Island Lighting Company (LILCO) Port Jefferson Power Plant, units 3 and 4—2.8 percent sulfur fuel oil.

(ii) LILCO Northport Power Plant; units 1, 2 and 3—2.5 percent sulfur fuel oil; and.

(iii) Niagara Mohawk Oswego Power Plant, units 1 through 5—2.8 percent sulfur fuel oil.

Section 225.2(b) allows the Commissioner to grant special limitations to the applicable sulfur in fuel limitation to sources having a rated total heat input not in excess of 250 million Btu/hr. and § 225.2(c) allows the issuance of special limitations to individual sources which have rated heat input capacities of greater than 250 million Btu/hr. In both cases, the maximum permissible sulfur in fuel limitations are 3.0 percent, by weight, for oil and 2.8 pounds per million Btu gross heat content for coal.

Public hearings were held locally by the State of New York with respect to each proposed special limitation during the period April 16 to June 27, 1975.

On May 25, 1976 (41 FR 21360) EPA published in the FEDERAL REGISTER a notice of receipt of the proposed revisions and solicited public comment for a period of 15 days. In that notice EPA indicated that the State's technical analysis was not adequate for the three AQCR-wide special limitations issued under § 225.2 (b). The notice further indicated that in order for these special limitations to be found approvable by EPA, a control strategy demonstration based upon diffusion modeling would have to be developed. The State of New York had already been notified as to what would be an acceptable technical analysis.

In order to complete the additional work necessary, on June 7, 1976, the State requested that the public comment period on revisions concerning the three AQCR-wide special limitations be kept open for an additional 15 days. This request was granted by the Regional Administrator and, consequently, no EPA final action on § 225.2(b) special limitations is taken at this time.

In the May 25, 1976 notice EPA indicated that an additional opportunity for receipt of public comments would be made available if New York State submitted its supplemental technical analysis on § 225.2(b) special limitations after the close of the initial public comment period. Because the State's submission had been delayed, an additional 15-day

public comment period will now be established. This notice announces the receipt by EPA of the State's submission, and the 15-day period will begin upon publication of this notice. At the end of the public comment period EPA will take final action on the three AQCR-wide special limitation revision requests.

Copies of the additional plan revision support material are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, at the New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233, and at the following four New York State Department of Environmental Conservation Regional Offices:

(1) Region 3, 21 South Putt Corners Rd., New Paltz, N.Y. 12561.
(2) Region 5, Rt. 86, Ray Brook, N.Y. 12977.
(3) Region 6, 317 Washington Street, State Office Building, 5th fl., Watertown, N.Y. 13601.
(4) Region 7, 100 Elwood Davis Rd., North Syracuse, N.Y. 13212.

Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Comments on the May 25, 1976 Notice of Proposed Revision were received from representatives of the Long Island Lighting Company and the New York State Public Service Commission. The LILCO comment correctly points out that the State's special limitation for the LILCO Northport Power Plant is applicable to units 1, 2 and 3 rather than only to units 1 and 2 as identified in EPA's notice. Additionally, both commentators indicate that the State's special limitations under § 225.2(c) are subject to the prior installation of a continuous monitoring network to initiate prompt switching to lower sulfur content fuel oil when there are indications that State rather than national ambient air quality standards may be exceeded. In certain cases, these State standards are different from national ambient air quality standards. EPA's notice inadvertently made reference to national rather than State ambient standards.

EPA has found no reason to change its preliminary determination that the three special limitations for power plants, issued by New York pursuant to § 225.2(c), is adequate to assure the noncontravention of national ambient air quality standards for sulfur oxides. The Administrator, therefore, approves the State of New York's revision request as it relates to these sources. This portion of the revision request meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Furthermore, the Administrator finds good cause for making his approval effective immediately upon publication of this notice. Over one year has elapsed since the public was first notified of this proposal. Switching to fuel oil in conformance with these special limitations could occur very rapidly if the affected sources so desire.

Effective date: These revisions will become effective immediately on July 20, 1976.

(42 U.S.C. 1857c-5 and 9)

Dated: July 14, 1976.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

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

Subpart HH—New York

§ 52.1670 [Amended]

1. In § 52.1670, paragraph (c) is revised by adding new subparagraphs (30) and (31) as follows:

* * * * *

(c) * * *

(30) Revisions submitted on March 16, 1976 by the New York State Department of Environmental Conservation based on special limitations issued pursuant to §§ 225.2(b) and 225.2(c) generally covering three AQCRs and three power plants, respectively.

(31) Additional information on special limitations issued pursuant to §§ 225.2 (b) and (c) submitted on March 22, 1976 by the New York State Department of Environmental Conservation.

[FR Doc.76-20979 Filed 7-19-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

[IPMR No. 76-4]

PART 114-52—ESTABLISHMENT OF QUARTERS RENTAL RATES

Limitation on Charges to Employees

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Chapter 114, Title 41 of the Code of Federal Regulations is amended as set forth below.

The Department of the Interior has, from time to time, published regulations (114-52 et seq.) implementing Pub. L. 88-459, Federal Employees Quarters and Facilities Act, and the policy governing charges for rental quarters and related facilities promulgated in the Office of Management and Budget Circular No. A-45, as revised.

The following amendment is published to eliminate § 114-52.111 in its entirety. This section places a limitation on the rental rate that may be charged an employee. The section is both unnecessary, being duplicative of § 114-52.305, and ambiguously worded. It has been misconstrued as imposing a blanket rental rate limitation of 20 percent of an employee's gross salary (pay and allowances).

Elimination of this section will not alter the rental circumstances when a limitation on salary deductions is appropriate. Section 114-52.305 delineates the conditions permtted by OMB Circular No. A-45, as revised, when the 20 percent salary limitation may be applied; i.e., where due to a lack of available alternative housing, an employee may be required to occupy rental quarters larger or of better quality than he would select in a private community.

As this amendment does not result in a substantive regulatory change it is determined that the proposed rulemaking procedure is unnecessary and this amendment will become effective July 20, 1976.

§ 114-52.111 [Reserved]

Subpart 114-52 is amended as follows: Section 114-52.111 is deleted in its entirety.

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

JULY 9, 1976.

[FR Doc.76-20852 Filed 7-19-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

PART 2650—ALASKA NATIVE SELECTIONS

Waiver of Regulations for NANA Regional Corporation, Inc.

This order extends until October 1, 1976, for NANA Regional Corporation, Inc., the application filing date contained in 43 CFR 2653.4(b) for selections pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 704).

Statement of consideration. NANA Regional Corporation, Inc., a corporation formed pursuant to the Alaska Native Claims Settlement Act (ANCSA), has requested a waiver of the regulations to extend the time for making selections under section 14(h)(1) of the ANCSA. NANA Regional Corporation, Inc., makes such a request in order that they may have sufficient time to define more precisely the areas which they wish to select under this section.

The Department has studied this request and has concluded that an extension to October 1, 1976, to make more specific identifications with regard to such selections is warranted. At the time such selections are filed or refiled, land must be available for selection under section 14(h)(1) of the ANCSA and 43 CFR 2653. The filing must also be in compliance with the regulations in effect on the date of the filing. Any selection presently on file not meeting the two preceding conditions must be refiled.

It is therefore ordered, as authorized by the terms of 43 CFR 2650.0-8 and in accordance with the aforementioned conditions, that the effective date with respect to the filing deadline in 43 CFR 2653.4(b) for selections under section 14(h)(1) of the ANCSA be extended to October 1, 1976, for NANA Regional Corporation, Inc.

Signed at Washington, D.C., on July 12, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.76-20853 Filed 7-19-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1247]

PART 1033—CAR SERVICE

Bath and Hammondsport Railroad Company Authorized To Operate Over Tracks of Consolidated Rail Corporation

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of July, 1976.

It appearing, That the Bath and Hammondsport Railroad Company (BH) has been authorized, under Certificate D-OP 4, to operate USRA Line No. 1239 between Kanona, New York and Wayland, New York; that this line is not directly connected with other lines owned and operated by the BH; that a connection between USRA Line No. 1239 and the BH can be made by the use of trackage operated by the Consolidated Rail Corporation (CR) between CR milepost 286.6 at Bath, New York, and CR milepost 289.6 at Kanona, New York; that the CR has consented to use of its aforementioned trackage by the BH; that such use of the CR trackage by the BH will enable the BH to secure maximum utilization of its locomotives, cars and operating personnel; that the BH will file an application with the Commission seeking permanent authority to operate over these tracks of the CR; that immediate operation by the BH over the aforementioned tracks of the CR is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1247 Bath and Hammondsport Railroad Company authorized to operate over tracks of Consolidated Rail Corporation.

(a) The Bath and Hammondsport Railroad Company (BH) be, and it is hereby, authorized to operate over tracks of the Consolidated Rail Corporation (CR) between CR milepost 286.6 at Bath, New York, and CR milepost 289.6 at Kanona, New York, a distance of approximately 3.0 miles.

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

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

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1977, unless otherwise modified, changed or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-20966 Filed 7-19-76;8:45 am]

[SERVICE ORDER NO. 1246]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Company Authorized To Operate Over Tracks of Union Pacific Railroad Company and Over Tracks of Missouri Pacific Railroad Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of July 1976.

It appearing, That the Chicago and North Western Transportation Company (CNW) is unable to operate over its line between Lincoln, Nebraska, and Fremont, Nebraska, because of track conditions; that CNW operations can be accomplished by use of tracks of the Union Pacific Railroad Company (UP) between these points; thence over connecting tracks of the Missouri Pacific Railroad Company (MP) at Lincoln, Nebraska; that the UP and the MP have each consented to the use of such tracks by the CNW; that the operation by the CNW over the aforementioned tracks of the UP and the MP is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1246 Chicago and North Western Transportation Company authorized to operate over tracks of Union Pacific Railroad Company and over tracks of Missouri Pacific Railroad Company.

(a) The Chicago and North Western Transportation Company (CNW) be, and it is hereby authorized to operate over tracks of the Union Pacific Railroad Company (UP) between UP main line milepost 39.13 on westward main track or UP milepost 39.25 on eastward main track at Fremont, Nebraska, and a connection with the Missouri Pacific Railroad Company (MP) at UP Beatrice branch milepost 56.26 at Lincoln, Nebraska, a distance of approximately 68.4 miles, thence over MP track No. 40 and MP main line track at Lincoln, Nebraska, to a connection with tracks owned jointly by the CNW and MP, a distance of approximately 7,395 feet.

(b) *It is further ordered,* That the CNW will provide service as required to industries served by its line between Lincoln and Ceresco, Nebraska, and to industries between Fremont and Wahoo, Nebraska.

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

(d) *Rates applicable.* Inasmuch as this operation by the CNW over tracks of the UP and the MP is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the UP and of the MP shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(e) *Effective date.* This order shall become effective at 11:59 p.m., July 15, 1976.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-20967 Filed 7-19-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—TUNA FISHERIES

PART 285—ATLANTIC TUNA FISHERIES

Atlantic Bluefin Tuna Regulatory Area Extension Amendment

On July 8, 1976, the Director, National Marine Fisheries Service, announced in § 285.9 of 50 CFR (41 FR 27953) that certain States had waived their right to a

hearing upon a determination by the Director that those States had not enacted laws or promulgated regulations for the conservation of Atlantic bluefin tuna. As a consequence of this determination and subsequent waiver, the regulatory area for the conservation and management of Atlantic bluefin tuna was extended from the Atlantic Ocean into the territorial sea of the United States adjacent to those States. Since the publication of July 8, 1976 (41 FR 27953), additional States have notified the Director that they have not enacted laws or promulgated regulations for the conservation of Atlantic bluefin tuna, or if they have so enacted laws or promulgated regulations, that such laws or regulations are less restrictive than the Federal regulations; and in all cases they have expressly waived their right to a hearing on the issue. Accordingly, under authority of 16 U.S.C. 971g, § 285.9 is hereby amended to read as follows:

§ 285.9 Extensions of regulatory area into territorial seas.

Pursuant to section 9(d) of Atlantic Tunas Convention Act (16 U.S.C. 971) and § 285.8 of Title 50 CFR, the Director has determined that the territorial sea of the United States adjacent to the States of Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts and New Hampshire are included in the regulatory area for Atlantic bluefin tuna.

Issued at Washington, D.C. and dated July 15, 1976.

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

[FR Doc.76-20889 Filed 7-19-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 2233]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Iowa	Jones	Olin, town of	July 12, 1976, emergency.	Aug. 30, 1974 Mar. 26, 1976	190176A
Kansas	Saline	New Cambria, city of	do	Dec. 27, 1974	200318
Kentucky	Leslie	Hyden, city of	do	May 24, 1974	210137
Michigan	Berrien	Berrien Springs, village of.	do	Aug. 1, 1975	260330
Missouri	Harrison	Ridgeway, city of	do	Apr. 18, 1975	290343
Oklahoma	Washington	Copan, town of	do	Sept. 20, 1975	400301
Do	Ottawa	Wyandotte, town of	do	June 28, 1974 Dec. 12, 1975	400161A
Pennsylvania	Cambria	Cresson, township of	do	Jan. 3, 1975	422603
Do	York	Cross Roads, borough of	do	Dec. 13, 1974	422709
Do	Luzerne	Penn Lake Park, borough of.	do		1 422615
Georgia	Butts	Flovilla, city of	July 13, 1976, emergency.	Apr. 11, 1975	130283
Illinois	Putnam	McNabb, village of	do	Sept. 13, 1974 May 28, 1976	170573A
Kansas	Woodson	Yates Center, city of	do	Aug. 15, 1975	200501
Arkansas	Lawrence	College City, city of	Mar. 22, 1975, emergency; June 30, 1976, regular.	June 30, 1976	050310
Do	Baxter	Cotter, city of	July 2, 1975, emergency; June 30, 1976, regular.	June 14, 1974	050011B
Do	Mississippi	Osceola, city of	June 5, 1974, emergency; June 30, 1976, regular.	Dec. 17, 1973 Nov. 28, 1975	050151B
Do	Jefferson	Sherrill, town of	June 19, 1975, emergency; June 30, 1976, regular.	Aug. 30, 1974 Oct. 10, 1975	050110B
California	Placer	Arburn, city of	May 27, 1975, emergency; June 30, 1976, regular.	May 31, 1974	060210B
Do	Santa Clara	Campbell, city of	July 25, 1974, emergency; June 30, 1976, regular.	May 31, 1974 June 11, 1975	060339B
Do	Colusa	Colusa, city of	Feb. 9, 1973, emergency; June 30, 1976, regular.	Nov. 16, 1973	060023A
Idaho	Power	American Falls, city of	Sept. 30, 1975, emergency; June 30, 1976, regular.	May 24, 1974 Nov. 21, 1975	160109B
Do	Kootenai	Worley, city of	Nov. 24, 1975, emergency; June 30, 1976, regular.	Sept. 6, 1974	160095B
Indiana	Hamilton	Fishers, town of	Aug. 1, 1975, emergency; June 30, 1976, regular.	June 30, 1976	180123A
Kansas	Johnson	Countryside, city of	Aug. 21, 1975, emergency; June 30, 1976, regular.	Aug. 23, 1974 Apr. 30, 1976	200160B
Do	do	Roeland Park, city of	Nov. 7, 1975, emergency; June 30, 1976, regular.	May 31, 1974 Dec. 19, 1975	200176B
Kentucky	Mason	Maysville, city of	May 14, 1975, emergency; June 30, 1976, regular.	Dec. 7, 1973 Feb. 1, 1974	210168A
Louisiana	St. Landry	Grand Coteau, town of	Sept. 26, 1975, emergency; June 30, 1976, regular.	Dec. 7, 1973 Dec. 5, 1975	220160B
Do	Vermillion	Maurice, village of	Oct. 16, 1974, emergency; June 30, 1976, regular.	June 30, 1976	220227

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Minnesota	Ramsey	Vadnais Heights, city of.	July 3, 1974, emergency; June 30, 1976, regular.	May 3, 1974	270333A
Missouri	Pemiscot	Wardell, city of	Mar. 24, 1975, emergency; June 30, 1976, regular.	Aug. 15, 1975	290632A
New Jersey	Bergen	Hasbrouck Heights, borough of.	July 8, 1975, emergency; June 30, 1976, regular.	Nov. 30, 1973	340011A
New York	Wayne	Newark, village of	Mar. 25, 1975, emergency; June 30, 1976, regular.	May 31, 1974 Apr. 30, 1976	360694B
Do	Lewis	Osceola, town of	Aug. 11, 1975, emergency; June 30, 1976, regular.	Aug. 16, 1974	360371A
Oregon	Jackson	Butte Falls, town of	Sept. 8, 1975, emergency; June 30, 1976, regular.	Nov. 8, 1974	410091A
Do	Yamhill	Carlton, city of	May 6, 1975, emergency; June 30, 1976, regular.	Nov. 30, 1973 Jan. 19, 1976	410251B
Do	Marion	Detroit, city of	Jan. 8, 1976, emergency; June 30, 1976, regular.	Nov. 1, 1974	410157A
Do	Clackamas	Estacada, city of	May 30, 1975, emergency; June 30, 1976, regular.	Nov. 9, 1973	410016A
Do	Marion	Gervais, city of	Sept. 8, 1975, emergency; June 30, 1976, regular.	June 28, 1974 Dec. 12, 1975	410160B
Do	do	Mount Angel, city of	Apr. 29, 1975, emergency; June 30, 1976, regular.	May 17, 1974 Aug. 15, 1975	410165B
Do	Coos	Powers, city of	Aug. 6, 1975, emergency; June 30, 1976, regular.	Nov. 23, 1973	410049B
Pennsylvania	Camberia	Ebensburg, borough of	Aug. 29, 1975, emergency; June 30, 1976, regular.	Nov. 22, 1974 Oct. 10, 1975	422200B
Do	Warren	Elk, township of	Aug. 29, 1975, emergency; June 30, 1976, regular.	Jan. 10, 1975	422119A
Do	Venango	Emlenton, borough of	July 23, 1975, emergency; June 30, 1976, regular.	Nov. 15, 1974	422107A
Do	Erie	Girard, borough of	July 18, 1975, emergency; June 30, 1976, regular.	Dec. 27, 1974	422113A
Do	do	Girard, township of	Aug. 29, 1975, emergency; June 30, 1976, regular.	Jan. 10, 1975	421203A
Do	Mercer	Greene, township of	Oct. 17, 1975, emergency; June 30, 1976, regular.	Jan. 31, 1975	422178A
Do	Butler	Harrisville, borough of	Sept. 29, 1975, emergency; June 30, 1976, regular.	Jan. 24, 1975	422331B
Do	Cambria	Jackson, township of	Aug. 29, 1975, emergency; June 30, 1976, regular.	Nov. 2, 1974	421442A
Do	York	Jacobus, borough of	Aug. 13, 1975, emergency; June 30, 1976, regular.	July 19, 1974	420023A
Do	Washington	Jefferson, township of	July 24, 1975, emergency; June 30, 1976, regular.	Jan. 10, 1975	422537A
Do	Clearfield	Knox, township of	Oct. 24, 1975, emergency; June 30, 1976, regular.	Nov. 29, 1974	421527A
Do	Mercer	Lackawannock, township of.	Aug. 28, 1975, emergency; June 30, 1976, regular.	Jan. 17, 1975	422452A
Do	McKean	Lafayette, township of	May 23, 1975, emergency; June 30, 1976, regular.	Jan. 31, 1975	421833A
Do	Erie	Lake City, borough of	Sept. 11, 1975, emergency; June 30, 1976, regular.	Jan. 17, 1975	422114A
Do	Allegheny	Mount Lebanon, township of.	Oct. 8, 1975, emergency; Jan. 2, 1976, regular.	Sept. 6, 1974 Jan. 2, 1976	421272B
Do	Centre	State College, borough of.	May 25, 1973, emergency; June 30, 1976, regular.	June 14, 1974 Feb. 20, 1976	420270B
Do	Westmoreland	Southwest Greensburg, borough of.	Aug. 29, 1975, emergency; June 30, 1976, regular.	Feb. 1, 1974	420001B
Do	Allegheny	Swissvale, borough of	Jan. 21, 1975, emergency; June 30, 1976, regular.	May 14, 1974	420075B
Do	Susquehanna	Thompson, borough of	Jan. 26, 1976, emergency; June 30, 1976, regular.	Jan. 24, 1975	422282B
Do	Allegheny	West View, borough of	Apr. 26, 1974, emergency; June 30, 1976, regular.	May 31, 1974	420060B
South Carolina	Aiken	New Ellenton, city of	May 9, 1975, emergency; June 30, 1976, emergency.	June 30, 1976	420000A
Vermont	Orange	Corinth, town of	Aug. 1, 1975, emergency; June 30, 1976, regular.	June 28, 1974	500071A

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Washington	Pend Oreille	Newport, city of	May 13, 1975, emergency; June 30, 1976, regular.	May 24, 1974	530137A
Do	Benton	Prosser, city of	June 30, 1975, emergency; May 14, 1976, regular.	Jan. 23, 1974 May 14, 1976	530012B
Do	Yakima	Zillah, city of	Nov. 5, 1975, emergency; June 30, 1976, regular.	Jan. 16, 1974 Dec. 19, 1975	530232B
Florida	Duval	Baldwin, town of	Nov. 19, 1971, emergency; June 30, 1976, regular.		120076B
Idaho	Gem	Emmett, city of	Dec. 4, 1974, emergency; June 28, 1976, regular.		160063A
Michigan	Wayne	Grosse Pointe Woods, city of.	Mar. 30, 1973, emergency; June 30, 1976, regular.		260231B
Mississippi	Panola	Batesville, city of	Apr. 2, 1974, emergency; June 30, 1976, regular.		280126A
Missouri	Pemiscot	Cooter, village of	May 5, 1976, emergency; June 30, 1976, regular.		290603A
New York	Essex	Lake Placid, village of	Nov. 28, 1975, emergency; June 30, 1976, regular.		361492A
Do	Fulton	Northville, village of	Jan. 28, 1976, emergency; June 30, 1976, regular.		361484A
North Carolina	Cabarrus	Harrisburg, town of	June 17, 1975, emergency; June 30, 1976, regular.		370033A
Oregon	Marion	Aurora, city of	Aug. 11, 1975, emergency; June 30, 1976, regular.		410156B
Pennsylvania	Cambria	Carrolltown, borough of	Aug. 26, 1975, emergency; June 30, 1976, regular.		422267A
Do	Clarion	East Brady, borough of	Dec. 10, 1974, emergency; June 30, 1976, regular.		421501A
Do	McKean	Mount Jewett, borough of.	Apr. 30, 1975, emergency; June 30, 1976, regular.		420670B
Do	Bedford	Schellsburg, borough of	July 24, 1975, emergency; June 30, 1976, regular.		421329A
Do	Luzerne	Sugar Notch, borough of.	Oct. 14, 1975, emergency; June 30, 1976, regular.		421820A
Washington	Grant	Quincy, city of	June 23, 1975, emergency; June 30, 1976, regular.		530054B
*	*	*	*	*	*
Michigan	Barry	Johnston, township of	July 15, 1976, emergency	Aug. 15, 1975	260355
South Dakota	Hudo	Highmore, city of	do	July 11, 1975	460182
Texas	Callahan	Clyde, city of	do	July 18, 1975 May 21, 1976	480721A
*	*	*	*	*	*
Colorado	Crowley	Ordway, town of	July 16, 1976, emergency	Aug. 22, 1975	080259
Maine	Hancock	Swan's Island, town of	do	Feb. 14, 1975	230297
Missouri	Holt	Mound City, city of	do	July 25, 1975	290691
Montana	Madison	Ennis, town of	do	Mar. 15, 1974	300044A
New Hampshire	Rockingham	Deerfield, town of	do	Feb. 21, 1975	330127
Do	do	East Kingston, town of	do	Feb. 28, 1975	330203
Ohio	Stark	East Canton, village of	do	July 18, 1975	390513
Vermont	Addison	Goshen, town of	do		500004
Do	Orleans	Lowell, town of	do	Sept. 20, 1974	500254

[1] New community number.

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

Issued: July 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-20721 Filed 7-19-76;8:45 am]

[Docket No. FI-2135]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be August 19, 1976, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin August 19, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin August 19, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Shelby	Alabaster, town of	H 010192A 01 through H 010192A 02.	Mayor, P.O. Box 277, Alabaster, Ala. 35007	May 24, 1974 June 4, 1976
Do	Crenshaw	Brantley, town of	H 010035A 01 through H 010035A 02.	Mayor, P.O. Box 44, Brantley, Ala. 36009	June 28, 1974 June 4, 1976
Do	Do	Luverne, city of	H 010038A 01 through H 010038A 04.	Mayor, P.O. Box 240, Luverne, Ala. 36049	June 28, 1974 June 4, 1976
Do	Escambia	River View, town of	H 010076A 01 through H 010076A 02.	Mayor, Route No. 3, River View, Ala. 36426	Aug. 30, 1974 June 4, 1976
Do	Elmore	Wetumpka, city of	H 010070A 01	Mayor, P.O. Box 480, Wetumpka, Ala. 36092	June 28, 1974 June 4, 1976
Arkansas	Jefferson	Altheimer, city of	H 050107A 01	Mayor, City Hall, Altheimer, Ark. 72004	May 10, 1974 June 4, 1976
Do	Van Buren	Clinton, city of	H 050211A 01 through H 050211A 02.	Mayor, City Hall, Clinton, Ark. 72031	June 21, 1974 June 4, 1976
California	Santa Clara	Gilroy, city of	H 060340A 01 through H 060340A 05.	Mayor, City Hall, 7330 Rosanna St., Gilroy, Calif. 95020	May 31, 1974 June 4, 1976
Do	Kern	Tehachapi, city of	H 060081 01 through H 060081 02.	Mayor, 120 East "F" St., Tehachapi, Calif. 93561	July 30, 1976
Do	Tulare	Tulare, city of	H 065065A 01 through H 065065A 07.	Mayor, City Hall, 411 East Kern Ave., Tulare, Calif. 93274	June 21, 1974 June 4, 1976
Colorado	Summit	Breckenridge, town of	H 080172A 01	Planning Consultant, Town Hall, P.O. Box 835, Breckenridge, Colo. 80121.	May 24, 1974 June 4, 1976
Do	Gunnison	Crested Butte, town of	H 080070A 01	Mayor, 308 3d St., P.O. Box 236, Town Hall, Crested Butte, Colo. 81224.	June 14, 1974 June 4, 1976
Do	Rio Grande	Del Norte, town of	H 080151A 01	Mayor, Town Hall, P.O. Box M, Del Norte, Colo. 81132	May 17, 1974 June 4, 1976
Florida	Broward	Coconut Creek, city of	H 120031A 01 through H 120031A 01.	Mayor, 1071 Northwest 43th Ave., Coconut Creek, Fla. 33060.	Feb. 15, 1974 June 4, 1976
Do	Taylor	Perry, city of	H 120393A 01 through H 120393A 03.	Mayor, P.O. Drawer 109, Perry, Fla. 32347	Mar. 15, 1974 June 4, 1976
Georgia	Bryan	Unincorporated areas	H 130016 01 through H 130016 35.	Chairman, Board of Commissioner, County Courthouse, Pembroke, Ga. 31321.	July 30, 1976
Do	Glynn	Do	H 130002 01 through H 130002 31.	Chairman, Glynn County Board of Commissioners, Box 879, Brunswick, Ga. 31520.	Do.
Do	Jackson	Jefferson, city of	H 130112A 01 through H 130112A 05.	Clerk, Athens St., Jefferson, Ga. 30549	June 28, 1974 June 4, 1976
Do	Upson	Unincorporated areas	H 130107 01 through H 130107 25.	Chairman, P.O. Box 853, Thomaston, Ga. 30286	July 30, 1976
Idaho	Cassia	Declo, city of	H 160044A 01	Mayor, City Hall, 17 East Main, Declo, Idaho 83323	Sept. 6, 1974 June 4, 1976
Do	Canyon	Parma, city of	H 160053A 01	Mayor, City Hall, Parma, Idaho 83660	May 17, 1974 June 4, 1976
Do	Idaho	Stites, city of	H 160071A 01	Mayor, City Hall, Stites, Idaho 83552	Oct. 18, 1974 June 4, 1976
Illinois	Cook	Broadview, village of	H 170097A 01	Village President, 1600 Roosevelt Rd., Broadway, Ill. 60153	Mar. 22, 1974 June 4, 1976
Do	do	Brookfield, village of	H 170056A 01	Village President, 8820 Brookfield, Ave., Brookfield, Ill. 60513.	Apr. 12, 1974 June 4, 1976
Do	do	Calumet Park, village of	H 170073A 01	Mayor, 12409 Throop St., Calumet Park, Ill. 60643	Mar. 29, 1974 June 4, 1976
Do	Clark	Casey, city of	H 170039A 01 through H 170039A 02.	City Clerk, 103 East Main St., Casey, Ill. 62420	June 28, 1974
Do	Moultrie	Dalton City, village of	H 170122 01	Village President, Village Hall, Dalton City, Ill. 61925	July 30, 1976
Do	Bureau	Depue, village of	H 170012A 01	Village President, Village Hall, Depue, Ill. 61322	May 24, 1974
Do	Jersey	Elsah, village of	H 170313A 01	Village President, P.O. Box 81, Civic Center, Elsah, Ill. 62028.	Nov. 23, 1973 June 4, 1976
Do	Woodford	Eureka, city of	H 170720A 01	Mayor, 123 North Main St., Eureka, Ill. 61530	Mar. 1, 1974 June 4, 1976
Do	St. Clair	Fayetteville, village of	H 170628A 01	Village President, Route 2, Mascoutah, Ill. 62278	Feb. 22, 1974
Do	Will	Frankfort, village of	H 170701 01	Village President, 123 West Kansas St., Frankfort, Ill. 60423.	July 30, 1976
Do	St. Clair	Freeburg, village of	H 170730A 01	Mayor, 101 South Belleville St., Freeburg, Ill. 62243	Mar. 22, 1974 June 4, 1976
Do	Adams	Golden, village of	H 170092A 01	Village Clerk, Village Hall, Golden, Ill. 62339	June 7, 1974
Do	Menard	Greenview, village of	H 170751A 01	Mayor, Village Hall, Greenview, Ill. 62642	Nov. 23, 1973 June 4, 1976
Do	Pope	Hamletsburg, village of	H 170361 01	Village President, Box 414, Hamletsburg, Ill. 62941	July 30, 1976
Do	Madison	Hartford, village of	H 170444A 01	Mayor, 507 North Delmar, Hartford, Ill. 62048	Nov. 30, 1973
Do	Lake	Hawthorne Woods, village of	H 170399 01 through H 170399 02.	Village President, P.O. Box 372, Hawthorne Woods, Ill. 60047.	July 30, 1976
Do	Marshall	Henry, city of	H 170456 01 through H 170456 02.	Mayor, 420 East Park Row, Henry, Ill. 61537	Do.
Do	DeKalb	Hinckley, village of	H 170181A 01	Village Clerk, P.O. Box 1303, Hinckley, Ill. 60520	Mar. 1, 1974 June 4, 1976
Do	McHenry and Lake.	Island Lake, village of	H 170370A 01	Mayor, P.O. Box 41, Island Lake, Ill. 60042	Mar. 8, 1974 June 4, 1976
Do	Jersey	Jerseyville, city of	H 170315A 01 through H 170315A 02.	City Clerk, 201 South Jefferson St., Jerseyville, Ill. 62052	June 7, 1974 June 4, 1976
Do	Calhoun	Kampsville, village of	H 170733A 01	Mayor, P.O. Box 205, Kampsville, Ill. 62053	Jan. 9, 1974
Do	McHenry	Lake in the Hills, village of	H 170181A 01	Village President, 1111 Crystal Lake Rd., Lake in the Hills, Ill. 60102.	Apr. 12, 1974 June 4, 1976
Do	McLean	Lexington, city of	H 170309A 01	City Clerk, 105 North Cedar, Lexington Ill. 61753	June 28, 1974
Do	McHenry	Marengo, city of	H 170182 01 through H 170182 00.	Mayor, 120 East Prairie, Marengo, Ill. 60152	July 30, 1976
Do	Cook	McCook, village of	H 170121A 01	Village President, 79th and Glenoe, Ill. 60525	Apr. 5, 1974 June 4, 1976
Do	Will	Mokena, village of	H 170705A 01	Village President, 10949 Front St., Mokena, Ill. 60448	Apr. 5, 1974
Do	Grundy	Morris, city of	H 170263A 01 through H 170263A 02.	Mayor, 222 Wauponsee St., Morris, Ill. 60450	Apr. 12, 1974
Do	St. Clair	New Athens, village of	H 170632A 01	Village President, 101 North Johnson St., New Athens, Ill. 62264.	Mar. 22, 1974 June 4, 1976
Do	Cook	Northlake, city of	H 170131 01 through H 170134 02.	Mayor, 55 East North Ave., Northlake, Ill. 60164	July 30, 1976
Do	Gallatin	Omaha, village of	H 170248A 01	Village President, Village Hall, Omaha, Ill. 62871	May 10, 1974 June 4, 1976
Do	Knox	Oneida, city of	H 170352A 01	Mayor, City Hall, Oneida, Ill. 61467	June 7, 1974
Do	Cook	Palos Park, village of	H 170144A 01	Village President, 8901 West 123d St., Palos Park, Ill. 60464	Mar. 15, 1974 June 4, 1976

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Sangamon	Pawnee, village of	H 170602A 01	Village President, 617 7th St., Pawnee, Ill. 62558		May 17, 1974 June 4, 1976
Do	Cook	River Forest, village of	H 170151A 01	Village President, 400 Park Ave., River Forest, Ill. 60305		June 21, 1974 June 4, 1976
Do	Cook	River Grove, village of	H 170152A 01	Village President, 2621 North Thatcher Ave., River Grove, Ill. 60171.		Feb. 1, 1974 June 4, 1976
Do	Cook	Riverdale, village of	H 170150A 01 through H 170150A 02.	Mayor, 142nd and Stewart Ave., Riverdale, Ill. 60627		June 21, 1974 June 4, 1976
Do	Cook	Robbins, village of	H 170154A 01	Village President, 3327 West 137th St., Robbins, Ill. 60472		Apr. 12, 1974 June 4, 1976
Do	Cook	Rosemont, village of	H 170156A 01	Village President, 9301 Bryn Mawr Ave., Rosemont, Ill. 60018.		July 19, 1974 June 4, 1976
Do	Warren	Roseville, village of	H 170677A 01	Village President, Box 91, Roseville, Ill. 61473		May 17, 1974 June 4, 1976
Do	Kane	St. Charles, city of	H 170330A 01 through H 170330A 03.	Mayor, 2 East Main St., St. Charles, Ill. 60174		Mar. 15, 1974 June 4, 1976
Do	Lawrence	St. Francisville, village of	H 170801A 01	Mayor, Village Hall, St. Francisville, Ill. 62460		Mar. 20, 1974
Do	Cook	Sauk Village, village of	H 170157A 01	Mayor, 22272 Cornel Ave., Sauk Village, Ill. 60411		Mar. 8, 1974 June 4, 1976
Do	La Salle	Seneca, village of	H 170407A 01 through H 170407A 02.	Mayor, Box 27, Seneca, Ill. 61360		Mar. 15, 1974
Do	do	Sheridan, village of	H 170802A 01	Village President, 115 North Robinson St., Sheridan, Ill. 60551.		Apr. 12, 1974
Do	St. Clair	Smithton, village of	H 170892A 01	Village President, Village Hall, Smithton, Ill. 62285		Mar. 29, 1974
Do	Morgan	South Jacksonville, city of	H 170519A 01	Village President, 301 Dewey Dr., South Jacksonville, Ill. 62650.		Mar. 29, 1974 June 4, 1976
Do	Randolph	Sparta, city of	H 170579A 01	Mayor, 132 West Broadway, Sparta, Ill. 62286		Mar. 1, 1974
Do	do	Steelville, village of	H 170580 01	Village President, 107 West Broadway, Steelville, Ill. 62288		July 30, 1976
Do	St. Clair	Swansea, village of	H 170637A 01	Village President, 215 Service St., Belleville, Ill. 62221		Apr. 5, 1974 June 4, 1976
Do	Effingham	Teutopolis, village of	H 170231A 01	Village President, P.O. Box 611, Teutopolis, Ill. 62467		Feb. 22, 1974 June 4, 1976
Do	Sangamon	Thayer, village of	H 170804A 01	Mayor, Village Hall, Thayer, Ill. 62689		Mar. 22, 1974
Do	Cook	Thornton, village of	H 170163A 01	Mayor, 115 E. Margaret St., Thornton, Ill. 60476		Apr. 5, 1974
Do	Stark	Toulon, city of	H 170779A 01	Mayor, City Hall, Toulon, Ill. 61483		May 31, 1974
Do	McHenry	Union, village of	H 170487A 01 through H 170487A 02.	Village President, Village Hall, Union, Ill. 60180		June 4, 1976 May 3, 1974
Do	Monroe	Valmeyer, village of	H 170780A 01	Village President, Village Hall, Valmeyer, Ill. 62295		Mar. 29, 1974
Do	Knox	Victoria, village of	H 170353A 01	President of Board, Box 295, Victoria, Ill. 61485		June 7, 1974
Do	Clinton	Wamac, city of	H 170455A 01	City Clerk, 130 Arthur St., Centralia, Ill. 62801		June 28, 1974
Do	Cook	Westhaven, village of	H 170172A 01	Village President, 16801 South 94th Ave., Westhaven, Ill. 60477.		Apr. 5, 1974 June 4, 1976
Do	Jasper	Wheeler, village of	H 170304A 01	Village President, Village Hall, Wheeler, Ill. 62478		Feb. 22, 1974 June 4, 1976
Do	Greene	White Hall, city of	H 170254A 01	Mayor, City Hall, White Hall, Ill. 62092		Apr. 5, 1974 June 4, 1976
Do	Cook	Willow Springs, village of	H 170174A 01 through H 170174A 02.	Village President, 8480 Archer Ave, Willow Springs, Ill. 60480.		Apr. 12, 1974
Do	Madison	Wood River, city of	H 170451A 01 through H 170451A 02.	Mayor, P.O. Box 300, Wood River, Ill. 62095		Feb. 15, 1974
Do	Lake	Zion, city of	H 170399A 01 through H 170399A 03.	Mayor, 2828 Sheridan Rd., Zion, Ill. 60099		Mar. 29, 1974 June 4, 1976
Indiana	Putnam	Bainbridge, town of	H 180214A 01	Chairman of Town Board, Box 216, Bainbridge, Ind. 46105.		July 19, 1974
Do	Lake	Gary, city of	H 180132A 01 through H 180132A 16.	Mayor, City Hall, 401 Broadway, Gary, Ind. 46402		June 28, 1974 June 4, 1976
Do	Elkhart	Goshen, city of	H 180058A 01 through H 180058A 05.	Mayor, 111 East Jefferson St., Goshen, Ind. 46526		Nov. 28, 1973 June 4, 1976
Do	Huntington	Huntington, city of	H 180094A 01 through H 180094A 03.	Mayor, City Bldg., Huntington, Ind. 46750		June 7, 1974 June 4, 1976
Do	Delaware	Muncie, city of	H 180053A 01 through H 180053A 12.	Mayor, 220 East Jackson St., Muncie, Ind. 47305		Jan. 10, 1974 June 4, 1976
Do	Vigo	Riley, town of	H 180342A 01	Town Board, Town Hall, Riley, Ind. 47871		Feb. 1, 1974
Iowa	Sac	Auburn, city of	H 190697 01	Mayor, City Hall, Auburn, Iowa 51433		July 30, 1976
Do	Delaware	Dundee, city of	H 190363 01	Mayor, City Hall, Dundee, Iowa 52038		Do.
Do	Linn	Ely, city of	H 190440 01	Mayor, P.O. Box 206, Ely, Iowa 52227		Do.
Do	Pocahontas	Fonda, city of	H 190483 01	Mayor, City Hall, Fonda, Iowa 50540		Do.
Do	Lee	Fort Madison, city of	H 190184A 01 through H 190184A 06.	Mayor, City Hall, Fort Madison, Iowa 52627		Mar. 1, 1974 June 4, 1976
Do	Boone	Fraser, city of	H 190324 01	Mayor, City Hall, Fraser, Iowa 50030		July 30, 1976
Do	Greene	Grand Junction, city of	H 190535 01	Mayor, City Hall, Grand Junction, Iowa 50107		Do.
Do	Dickenson	Lake Park, city of	H 190367 01	Mayor, City of Lake Park; Lake Park, Iowa 51347		Do.
Do	Pocahontas	Laurens, city of	H 190485 01	Mayor, City Hall, Laurens, Iowa 50554		Do.
Do	Floyd	Marble Rock, city of	H 190383 01	Mayor, City Hall, Marble Rock, Iowa 50653		Do.
Do	Pocahontas	Pocahontas, city of	H 190486 01 through H 190486 02.	Mayor, City Hall, Pocahontas, Iowa 50574		Do.
Do	Sac	Sac City, city of	H 190238A 01 through H 190238A 05.	Mayor, City Hall, Sac City, Iowa 50583		Dec. 28, 1973 June 4, 1976
Do	Franklin	Sheffield, city of	H 190132A 01 through H 190132A 02.	Mayor, City Hall, Sheffield, Iowa 50475		June 28, 1974 June 4, 1976
Do	Cherokee	Washta, city of	H 190064A 01	Mayor, City Hall, Washta, Iowa 51061		Aug. 30, 1974 June 4, 1976
Do	Fayette	Waucoma, city of	H 190381 01	Mayor, City Hall, Waucoma, Iowa 52171		July 30, 1976
Do	Lee	West Point, city of	H 190683 01 through H 190683 02.	Clerk, City Hall, West Point, Iowa 52656		Do.
Kansas	Wilson	Altoona, city of	H 200382 01	Clerk, P.O. Box 263, Altoona, Kans. 66710		Do.
Do	Cheyenne	Bird City, city of	H 200469 01 through H 200469 02.	Mayor, City Hall, Bird City, Kans. 67731		Do.
Do	Meade	Fowler, city of	H 200495 01	Mayor, City Hall, Fowler, Kans. 67844		Do.
Do	Crawford	Frontenac, city of	H 200496 01 through H 200496 02.	Mayor, P.O. Box 1012, Frontenac, Kans. 66762		Do.
Do	Kiowa	Greenburg, city of	H 200501 01	Mayor, 239 South Main St., Greenburg, Kans. 67054		Do.
Do	Johnson and Wyandotte.	Lake Quivira, city of	H 200166B 01 through H 200166B 02.	Mayor, City Hall, Lake Quivira, Kans. 66106		July 20, 1974 Nov. 21, 1974 June 4, 1976
Do	Douglas	Lecompton, city of	H 200091A 01 through H 200091A 02.	Mayor, City Hall, Elmore St., Lecompton, Kans. 66050		Jan. 23, 1974 June 4, 1976
Do	Leavenworth	Linwood, city of	H 200191A 01	Mayor, City Hall, Main St., Linwood, Kans. 66052		Sept. 6, 1974
Do	Osage	Melvern, city of	H 200437 01	Mayor, City Hall, Melvern, Kans. 66510		July 30, 1976
Do	Shawnee	Rossville, city of	H 200334A 01	Mayor, City Hall, Main St., Rossville, Kans. 66533		Jan. 9, 1974 June 4, 1976

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kentucky	Carroll	Carrollton, city of	H 210232A 01 through H 210232A 02.	Mayor, City Hall, Carrollton, Ky. 41008		June 14, 1974 June 4, 1976
Do	Mason	Dover, town of	H 210167A 01	Town Mayor, Box 61, Dover, Ky. 41034		Aug. 2, 1974 June 4, 1976
Do	Carroll	Ghent, town of	H 210046A 01	Mayor, Box 337, Ghent, Ky. 41045		Jan. 16, 1974
Do	Gallatin	Glencoe, city of	H 210078A 01	Mayor, City Hall, Glencoe, Ky. 41046		Feb. 1, 1974 June 4, 1976
Do	Greenup	Greenup, town of	H 210088A 01	Mayor, City Hall, Greenup, Ky. 41144		Jan. 23, 1974 June 4, 1976
Do	Fulton	Hickman, city of	H 210077A 01 through H 210077A 02.	Clerk, 202 Jackson St., Hickman, Ky. 42050		June 28, 1974 June 4, 1976
Do	Marion	Lebanon, city of	H 210162A 1	Mayor, P.O. Box 125, Lebanon, Ky. 40033		May 31, 1974 June 4, 1976
Do	Harlan	Lynch, city of	H 210104A 01 through H 210104A 02.	Mayor, P.O. Box 607, Lynch, Ky. 40855		May 10, 1974
Do	Wayne	Monticello, town of	H 210221A 01 through H 210221A 02.	Mayor, Town Hall, Monticello, Ky. 42633		May 24, 1974
Do	Campbell	Newport, city of	H 210050A 01 through H 210050A 02.	City Manager, 4th and York St., Newport, Ky. 41071		Feb. 1, 1974
Do	Pendleton	Unincorporated areas	H 210297 01 through H 210297 25.	County Courthouse, Main St., Falmouth, Ky. 41040		July 30, 1976
Louisiana	Tangipahoa Parish.	Hammond, city of	H 220208A 01 through H 220208A 03.	Mayor, City Hall, Hammond, La. 70401		Mar. 8, 1974 June 4, 1976
Do	Catahoula Parish.	Sicily Island, village of	H 220050A 01 through H 220050A 02.	Mayor, Mayor's Office, Sicily Island, La. 71368		Dec. 28, 1973
Maine	Hancock	Stonington, town of	H 230294A 01 through H 230294A 14.	Town Manager, Town Office, Stonington, Maine 04681		Feb. 21, 1975 June 4, 1976
Maryland	Baltimore	Unincorporated areas	H 240010A 01 through H 240010A 154.	Chairman, Board of Commissioners, County Office Bldg. Towson, Md.		Apr. 18, 1975 June 4, 1976
Michigan	Bay	Bay City, city of	H 260020A 01 through H 260020A 04.	Mayor, 301 Washington St., Bay City, Mich. 48706		May 3, 1974 June 4, 1976
Do	St. Clair	Clyde, township of	H 260195A 01 through H 260195A 11.	Supervisor, Wild Cat Rd., North Street, Mich. 48049		July 26, 1974 June 4, 1976
Do	Clinton	DeWitt, city of	H 260060A 01 through H 260060A 02.	Mayor, 414 East Main St., DeWitt, Mich. 48820		Mar. 8, 1974 June 4, 1976
Do	St. Clair	East China, township of	H 260197A 01 through H 260197A 03.	Township Supervisor, Township Hall, 293 Recor Rd., St. Clair, Mich. 48079.		Apr. 12, 1974 June 4, 1976
Do	Delta	Escanaba, city of	H 260061A 01 through H 260061A 08.	City Manager, 121 South 11th St., Escanaba, Mich. 49829		May 31, 1974 June 4, 1976
Do	Oakland	Farmington, city of	H 260171A 01 through H 260171A 04.	City Manager, 23600 Liberty St., Farmington, Mich. 48024		Oct. 12, 1973 June 4, 1976
Do	St. Clair	Fort Gratiot, township of	H 260198A 01 through H 260198A 06.	Township Supervisor, 3720 Keewahdin Rd., Port Huron, Mich. 48060.		May 31, 1974 June 4, 1976
Do	Benzie	Frankfort, city of	H 260029A 01	Mayor, 412 Main St., Frankfort, Mich. 49635		May 31, 1974
Do	Genesee	Grand Blanc, city of	H 260235A 01	Mayor, 203 East Grand Blanc, Grand Blanc, Mich. 48439		July 11, 1975
Do	Wayne	Grosse Pointe, city of	H 260228A 01	Mayor, 17147 Maumee, Grosse Pointe, Mich. 48230		June 4, 1976 June 7, 1974
Do	Ionia	Ionia, city of	H 260097A 01 through H 260097A 02.	Mayor, 114 North Kidd St., Ionia, Mich. 48846		June 7, 1974 June 4, 1976
Do	Dickinson	Iron Mountain, City of	H 260063A 01 through H 260063A 03.	Mayor, 206-108 East Luckington St., Iron Mountain, Mich. 49801.		June 7, 1974 June 4, 1976
Do	Manistee	Manistee, city of	H 260131A 01 through H 260131A 02.	Mayor, 70 Maple St., Manistee, Mich. 49660		May 24, 1974 June 4, 1976
Do	Calhoun	Marshall, city of	H 260053A 01 through H 260053A 03.	Mayor, 323 West Michigan Ave., Marshall, Mich. 49068		June 14, 1974 June 4, 1976
Do	Ingham	Mason, city of	H 260092A 01 through H 260092A 02.	City Administrator, 137 West Maple St., Mason, Mich. 48854.		May 31, 1974
Do	Macomb and St. Clair.	Memphis, city of	H 260202A 01	Mayor, 35459 Benton St., Memphis, Mich. 48041		May 17, 1974 June 4, 1976
Do	Ottawa	Park, township of	H 260185A 01 through H 260185A 07.	Township Supervisor, Township Hall, 1401 Ottawa Beach Rd., Holland, Mich. 43423.		Aug. 16, 1974 June 4, 1976
Do	Ottawa	Port Sheldon, township of	H 260278A 01 through H 260278A 03.	Supervisor, 16201 Port Sheldon Rd., West Olive, Mich. 49460.		Aug. 16, 1974 June 4, 1976
Do	Oakland	Royal Oak, city of	H 260178A 01 through H 260178A 04.	Mayor, 211 Williams St., Royal Oak, Mich. 48067		June 28, 1974
Do	Berrien	St. Joseph, township of	H 260015 01 through H 260015 01.	Supervisor, 140 West Napier Ave., Benton Harbor, Mich. 49022.		July 30, 1976
Do	Genessee	Swartz Creek, city of	H 260080A 01 through H 260080A 02.	Mayor, 5037 1st St., P.O. Box 33, Swartz Creek, Mich. 48473		May 17, 1974 June 4, 1976
Do	Oakland	Waterford, township of	H 260284A 01 through H 260284A 15.	Township Supervisor, Township Hall, 4303 West Huron St., Pontiac, Mich. 48054.		Aug. 16, 1974 June 4, 1976
Minnesota	Mower	Adams, city of	H 270308 01	Mayor, P.O. Box 6, Adams, Minn. 55909		July 30, 1976
Do	Ramsey	Arden Hills, city of	H 270375A 01 through H 270375A 03.	Mayor, City Hall, 1450 West Highway 96, Arden Hills, Minn. 55112.		Apr. 5, 1974 June 4, 1976
Do	Clay	Barnesville, city of	H 270078A 01 through H 270078A 02.	Mayor, P.O. Box 295, Barnesville, Minn. 56514		May 10, 1974
Do	Rock	Beaver Creek, city of	H 270107A 01	Mayor, City Hall, Beaver Creek, Minn. 56116		Aug. 23, 1974 June 4, 1976
Do	Scott	Belle Plaine, borough of	H 270429A 01 through H 270429A 04.	Mayor, 410 East Main St., Bel'e Plaine, Minn. 56011		Mar. 8, 1974 June 4, 1976
Do	Itasca	Big Fork, city of	H 270201A 01 through H 270201A 02.	Mayor, City Hall, Big Fork, Minn. 56623		Sept. 13, 1974 June 4, 1976
Do	Faribault	Blue Earth, city of	H 270110A 01 through H 270110A 04.	Mayor, City Hall, 125 West 6th, Blue Earth, Minn. 56013		Jan. 9, 1974 June 4, 1976
Do	Traverse	Browns Valley, city of	H 270450A 01	Mayor, City Hall, Browns Valley, Minn. 56219		May 10, 1974
Do	Wilkin	Campbell, city of	H 270521A 01	Mayor, City Hall, Campbell, Minn. 56522		Aug. 2, 1974
Do	Anoka	Circle Pines, city of	H 270009 01	Mayor, 9201 North Lexington Ave., Circle Pines, Minn. 55014.		July 30, 1976
Do	Big Stone	Clinton, city of	H 270024A 01	City Clerk, City Hall, Clinton, Minn. 56225		May 17, 1974 June 4, 1976
Do	Carlton	Cloquet, city of	H 270042A 01 through H 270042A 04.	Mayor, 303 Cloquet Ave., City Hall, Cloquet, Minn. 55720.		Nov. 9, 1973 June 4, 1976
Do	Anoka	Columbia Heights, city of	H 270010A 01 through H 270010A 05.	Mayor, City Hall, 590 40th Ave., NE., Columbia Heights, Minn. 55421.		May 10, 1974 June 4, 1976
Do	Nicollet	Courtland, city of	H 270314A 01 through H 270314A 02.	City Clerk, City Hall, Courtland, Minn. 56021		July 19, 1974
Do	Polk	Crookston, city of	H 270564A 01 through H 270564A 02.	Mayor, Box 372, Crookston, Minn. 56716		July 27, 1973 June 4, 1976
Do	Hennepin	Crystal, city of	H 270150A 01 through H 270150A 04.	Mayor, City Hall, 4141 Douglas Dr., Crystal, Minn. 55422		Nov. 30, 1973 June 4, 1976

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Fairbault	Dalavan, city of	H 270117A 01		Clerk/Treasurer, City Hall, Delavan, Minn. 56023	Aug. 16, 1974 June 4, 1976
Do	Otter Tail	Deer Creek, city of	H 270331A 01 through H 270334A 02.		Clerk/Treasurer, City Hall, Deer Creek, Minn. 56527	Aug. 16, 1974 June 4, 1976
Do	Itasca	Deer River, city of	H 270203A 01		Mayor, City Hall, Deer River, Minn. 56636	Sept. 13, 1974 June 4, 1976
Do	Clay	Dilworth, city of	H 270080A 01		Mayor, City Hall, Box 187, 107 Center Ave., East, Dilworth, Minn. 56529.	May 17, 1974 June 4, 1976
Do	Traverse	Dumont, city of	H 270181A 01		Mayor, City Hall, Dumont, Minn. 56236	July 19, 1974
Do	Todd	Eagle Bend, city of	H 270177A 01		Mayor, City Hall, Eagle Bend, Minn. 56446	Apr. 12, 1974 June 4, 1976
Do	Faribault	Easton, city of	H 270118 01		Mayor, City Hall, Easton, Minn 52025	July 30, 1976
Do	Otter Tail	Erhard, city of	H 270336A 01		Mayor, Box 53, Erhard, Minn. 56534	Aug. 9, 1974
Do	Dakota	Farmington, city of	H 270104A 01 through H 270104A 05.		Mayor, City Hall, 325 Oak St., Farmington, Minn. 55024	May 24, 1974 June 4, 1976
Do	St. Louis	Floodwood, city of	H 270123A 01		Mayor, City Hall, Floodwood, Minn. 55736	Mar. 29, 1974 June 4, 1976
Do	Benton	Foley, city of	H 270020A 01		Mayor, City Hall, 250 4th Ave., Foley, Minn. 56329	Mar. 29, 1974 June 4, 1976
Do	Lyon	Ghent, city of	H 270257A 01		Mayor, P.O. Box 97, Ghent, Minn. 56239	Aug. 2, 1974 June 4, 1976
Do	Clearwater	Gonvick, city of	H 270088A 01		Mayor, City Hall, Gonvick, Minn. 56644	Aug. 23, 1974 June 4, 1976
Do	Itasca	Grand Rapids, city of	H 270201A 01 through H 270204A 05.		Mayor, City Hall, Grand Rapids, Minn. 55744	Oct. 26, 1973 June 4, 1976
Do	Wright and Hennepin.	Hanover, city of	H 270510A 01 through H 270510A 02.		Mayor, City Hall, Hanover, Minn. 55341	Nov. 23, 1973
Do	Pine	Hinckley, city of	H 270347A 01		Mayor, City Hall. 106 1st St., SE., Hinckley, Minn. 55037	Mar. 29, 1974 June 4, 1976
Do	Houston	Hokah, city of	H 270192A 01		Mayor, City Hall, Hokah, Minn. 55941	Mar. 8, 1974
Do	McLeod	Hutchinson, city of	H 270264A 01 through H 270264A 04.		Mayor, City Hall, 37 Wash Ave., West Hutchinson, Minn. 55350.	Mar. 29, 1974 June 4, 1976
Do	Faribault	Kiester, city of	H 270121A 01		Clerk, City Hall, Kiester, Minn. 56051	May 10, 1974 June 4, 1976
Do	Blue Earth	Lake Crystal, city of	H 270030 01		Mayor, City Hall, Lake Crystal, Minn. 56055	July 30, 1976
Do	Washington	Lake Elmo, city of	H 270505A 01 through H 270505A 08.		Mayor, 11194 Upper 33d St., North, Lake Elmo, Minn. 55042.	May 17, 1974 June 4, 1976
Do	Kittson	Lancaster, city of	H 270231A 01 through H 270231A 02.		Mayor, City Hall, Lancaster, Minn. 56735	Aug. 16, 1974 June 4, 1976
Do	Fillmore	Lanesboro, city of	H 270126A 01		Mayor, City Hall, Lanesboro, Minn. 55949	May 24, 1974 June 4, 1976
Do	Koochiching	Littlefork, city of	H 270237A 01		Mayor, P.O. Box 135, Littlefork, Minn. 56653	Aug. 2, 1974
Do	Fillmore	Mabel, city of	H 270127A 01		Mayor, P.O. Box 425, Mabel, Minn. 55954	May 17, 1974 June 4, 1976
Do	Ramsey	Maplewood, city of	H 270378A 01 through H 270378A 05.		Mayor, City Hall, 1380 Frost Ave., Maplewood, Minn. 55109.	May 17, 1974 June 4, 1976
Do	Lyon	Minneota, city of	H 270259A 01		Mayor, City Hall, Minneota, Minn. 56264	May 3, 1974 June 4, 1976
Do	Red Lake	Red Lake Falls, city of	H 270391A 01 through H 270391A 02.		Mayor, Box 448, Red Lake Falls, Minn. 56750	Mar. 29, 1974 June 4, 1976
Do	Steams	Roscoe, city of	H 270155A 01		Mayor, City Hall, Roscoe, Minn. 56371	Aug. 2, 1974 June 4, 1976
Do	Watonwan	St. James, city of	H 270518 01 through H 270518 02.		Mayor, 120 Armstrong Blvd. South, St. James, Minn. 56081	July 30, 1976
Do	Pine	Sandstone, city of	H 270351A 01 through H 270351A 02.		Mayor, City Hall, Sandstone, Minn. 55072	May 10, 1974 June 4, 1976
Do	Pope	Starbuck, city of	H 270372A 01		Mayor, City Hall, Starbuck, Minn. 56381	May 31, 1974 June 4, 1976
Do	Marshall	Stephen, city of	H 270273A 01		Mayor, Box 300, Stephen, Minn. 56757	May 17, 1974
Do	Carlton	Thomson, city of	H 270047A 01 through H 270047A 02.		Mayor, 7 Vermillion St., Thomson, Minn. 55718	Aug. 2, 1974 June 4, 1976
Do	Freeborn	Twin Lakes, city of	H 270139A 01		City Clerk, Box 285, Twin Lakes, Minn. 56089	Aug. 2, 1974 June 4, 1976
Do	Lake	Two Harbors, city of	H 270245A 01 through H 270245A 02.		Mayor, 610 2d Ave., Town Harbors, Minn. 55616	May 10, 1974
Mississippi	Jefferson Davis	Bassfield, town of	H 280089 01		Mayor, P.O. Box 83, Bassfield, Miss. 39121	July 30, 1976
Do	Calhoun	Derma, town of	H 280217 01		Mayor, P.O. Box 95, Derma, Miss. 38839	July 30, 1976
Missouri	Phelps	Edgar Springs, city of	H 290851 01		Mayor, City Hall, Edgar Springs, Mo. 65462	July 30, 1976
Do	Lincoln	Foley, city of	H 290210A 01		Mayor, City Hall, Foley, Mo. 63347	Nov. 29, 1974 June 4, 1976
Do	Osage	Linn, city of	H 290703 01		Mayor, City Hall, Box 498, Linn, Mo. 65051	July 30, 1976
Do	Scott	Miner, village of	H 290687 01 through H 290687 02.		Chairman of the Board, 819 East Malone Ave., Miner, Mo. 63801.	July 30, 1976
Do	Sullivan	Newtown, city of	H 290551 01		Mayor, City Hall, Newtown, Mo. 64667	July 30, 1976
Do	Camden	Osage Beach, city of	H 290671 01 through H 290671 03.		Mayor, City Hall, Osage Beach, Mo. 65065	July 30, 1976
Do	St. Louis	Overland, city of	H 290375A 01 through H 290375A 02.		Mayor, City Hall, 9119 Lackland Rd., Overland, Mo. 63114.	Jan. 23, 1974 June 4, 1976
Do	Newton	Saginaw, town of	H 290486A 01		Chairman, Town Hall, Route No. 2, Joplin, Mo. 64801	Aug. 30, 1974 June 4, 1976
Do	St. Louis	Vinita Park, city of	H 290392A 01		Mayor, City Hall, 8374 Midland Blvd., St. Louis, Mo. 63114.	Apr. 5, 1974 June 4, 1976
Do	Montgomery	Wellsville, city of	H 290652 01		Mayor, City Hall, Wellsville, Mo. 63384	July 30, 1976
Montana	Fergus	Lewistown, city of	H 300022A 01		Mayor, City Hall, Lewistown, Mont. 59457	Mar. 22, 1974 June 4, 1976
Nebraska	Franklin	Hildreth, village of	H 310286 01		Chairman, Village Hall, Hildreth, Nebr. 68947	July 30, 1976
Do	Dakota	Homer, village of	H 310241A 01		Chairman, Village Hall, Homer, Nebr. 68030	Sept. 6, 1974 June 4, 1976
New Hampshire	Hillsborough	Litchfield, town of	H 330033A 01 through H 330033A 08.		Town Hall, R.F.D. No. 1, Charles Bancroft Highway, Litchfield, N.H. 03051.	Mar. 15, 1974 June 4, 1976
New Jersey	Essex	Belleville, town of	H 340177A 01 through H 340177A 04.		Mayor, 152 Washington Ave., Belleville, N.J. 07109	Jan. 9, 1974
Do	Burlington	Beverly, city of	H 340086A 01		Mayor, Broad St., Beverly, N.J. 08010	June 21, 1974
Do	Morris	Boonton, town of	H 340335A 01		Mayor, Rural Delivery 2, Box 201, Powervills Road, Boonton, N.J. 07005.	May 28, 1974
Do	Atlantic	Buena, borough of	H 340004A 01 through H 340004A 03.		Mayor, Central Ave., Minotola, N.J. 08341	June 28, 1974 June 4, 1976
Do	Middlesex	Edison, township of	H 340261A 01 through H 340261A 11.		Mayor, Municipal Bldg., Edison, N.J. 08817	Jan. 9, 1974 June 4, 1976
Do	Morris	Florham Park, borough of	H 340342A 01 through H 340342A 03.		Mayor, 111 Ridgedale Ave., Florham Park, N.J. 07933	June 28, 1974 June 4, 1976

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Camden	Gloucester, city of	H 340182A 01	Mayor, 313 Monmouth St., Gloucester, N.J. 08030	June 28, 1974 June 4, 1976
Do	Warren	Greenwich, township of	H 340483A 01 through H 340483A 04.	Mayor, Box 63, Stewartsville, N.J. 08886	June 14, 1974 June 4, 1976
Do	Camden	Haddon, township of	H 340134A 01 through H 340134A 03.	Mayor, Haddon and Reeve, Westmont, N.J. 08108	Nov. 22, 1974 June 4, 1976
Do	Burlington	Hainesport, township of	H 340099 01 through H 340099 03.	Mayor, Box 63, Hainesport, N.J. 08036	July 30, 1976
Do	Sussex	Hardyston, township of	H 340451A 01 through H 340451A 11.	Mayor, Township Bldg., Stockholm, N.J. No ZIP	Sept. 6, 1974 June 4, 1976
Do	Ocean	Manchester, township of	H 340682A 01 through H 340682A 22.	Mayor, 1 Colonial Dr., Lakehurst, N.J. 08733	Oct. 18, 1974 June 4, 1976
Do	Somerset	Montgomery, township of	H 340483A 01 through H 340483A 12.	Mayor, Municipal Bldg., Route 206, Belle Mead, N.J. 08502	July 26, 1974 June 4, 1976
Do	Camden	Mount Ephraim, borough of	H 340140A 01	Mayor, 121 South Black Horse, Mount Ephraim, N.J. 08059	June 21, 1974 June 4, 1976
Do	Middlesex	Perth Amboy, city of	H 340272A 01 through H 340272A 02.	Mayor, 260 High St., Perth Amboy, N.J. 08861	June 21, 1974 June 4, 1976
Do	do	Piscataway, township of	H 340274A 01 through H 340274A 17.	Mayor, 455 Hoes Lane, Piscataway, N.J. 08854	June 28, 1974 June 4, 1976
Do	Ocean	Union, township of	H 340696A 01 through H 340696A 12.	Mayor, 760 West Bay Ave., Barnegat, N.J. 08005	May 31, 1974 June 4, 1976
Do	Bergen	Wallington, borough of	H 340079A 01 through H 340079A 02.	Mayor, Maple Ave., Wallington, N.J. 07057	June 14, 1974 June 4, 1976
Do	Passaic	Wanaque, borough of	H 340409A 01 through H 340409A 04.	Mayor, 579 Ringwood Ave., Wanaque, N.J. 07465	May 17, 1974
Do	Morris	Washington, township of	H 340393A 01 through H 340393A 03.	Mayor, P.O. Box 216, Long Valley, N.J. 07853	Jan. 9, 1974 June 4, 1976
Do	Somerset	Watchung, borough of	H 340447A 01 through H 340447A 04.	Mayor, 15 Mountain Blvd., Watchung, N.J. 07060	Feb. 1, 1974 June 4, 1976
Do	Camden	Waterford, township of	H 340147A 01 through H 340147A 05.	Mayor, 238 West Front St., Atco, N.J. 08004	June 28, 1974 June 4, 1976
New Mexico	Torrance	Moriarty, city of	H 350033A 01 through H 350033A 03.	Mayor, City Hall, 201 Broadway SW., Moriarty, N. Mex. No ZIP.	June 7, 1974 June 4, 1976
Do	Colfax	Springer, town of	H 350009A 01 through H 350009A 02.	Mayor, Town Hall, 610 Colbert Ave., Springer, N. Mex. 87747.	Apr. 12, 1974 June 4, 1976
New York	Albany	Albany, city of	H 360001A 01 through H 360001A 10.	Mayor, City Hall, Albany, N.Y. 12207	May 3, 1974 June 4, 1976
Do	Livingston	Avon, town of	H 360650A 01 through H 360650A 12.	Supervisor, Park Place, Avon, N.Y. 14414	May 24, 1974 June 4, 1976
Do	Schuyler	Burdette, village of	H 361531 01 through H 361531 02.	Mayor, Village Hall, Burdette, N.Y. 14818	July 30, 1976
Do	Onondaga	Camillus, village of	H 360371 01	Mayor, Village Hall, Camillus, N.Y. 13031	Do.
Do	do	Camillus, town of	H 360370A 01 through H 360370A 05.	Supervisor, P.O. 239, Camillus, N.Y. 13031	Sept. 6, 1974 June 4, 1976
Do	Columbia	Clermont, town of	H 361315A 01 through H 361315A 09.	Supervisor, Town Hall, Clermont, N.Y. 12526	Nov. 8, 1974 June 4, 1976
Do	Oswego	Cleveland, village of	H 360098A 01	Mayor, North St., Cleveland, N.Y. 13042	May 31, 1974
Do	Putnam	Cold Springs, village of	H 360670A 01	Mayor, 87 Main St., Cold Springs, N.Y. 10516	Mar. 8, 1974 June 4, 1976
Do	Madison	DeRuyter, village of	H 360636A 01	Village Clerk, Village Hall, DeRuyter, N.Y. 13052	May 24, 1974 June 4, 1976
Do	Onondaga	DeWitt, town of	H 360073A 01 through H 360073A 03.	Supervisor, 6255 Kinne Rd., DeWitt, N.Y. 13214	Mar. 22, 1974 June 4, 1976
Do	Chautauqua	Dunkirk, city of	H 360137A 01 through H 360137A 02.	Mayor, City Hall, Dunkirk, N.Y. 14048	May 31, 1974
Do	Westchester	Eastchester, town of	H 360000A 01 through H 360000A 02.	Supervisor, 40 Mill Rd., Town Hall, Eastchester, N.Y. 10709.	May 10, 1974 June 4, 1976
Do	Genesee	Elba, town of	H 361120A 01 through H 361120A 101.	Supervisor, Maple Ave., Elba, N.Y. 14058	Oct. 25, 1974 June 4, 1976
Do	Tompkin	Freeville, village of	H 361032A 01	Mayor, 30 Main St., Freeville, N.Y. 13068	May 31, 1974 June 4, 1976
Do	Washington	Greenwich, village of	H 360887A 01	Mayor, Community Center, Greenwich, N.Y. 12834	May 10, 1974 June 4, 1976
Do	Nassau	Hewlett Neck, village of	H 360470A 01	Mayor, 29 Piermont Ave., Hewlett, N.Y. 11557	June 28, 1974 June 4, 1976
Do	Monroe	Honeoye Falls, village of	H 360421A 01	Mayor, 5 East St., Honeoye Falls, N.Y. 14472	Nov. 9, 1973 June 4, 1976
Do	Madison	Madison, town of	H 361222A 01 through H 361222A 05.	Town Clerk, Box 63, Madison, N.Y. 13402	Dec. 20, 1974 June 4, 1976
Do	Suffolk	Northport, village of	H 360801A 01 through H 360801A 02.	Mayor, 224 Main St., P.O. Box 248, Northport, N.Y. 11768.	Apr. 12, 1974
Do	Genesee	Oakfield, town of	H 361110A 01 through H 361110A 07.	Supervisor, Drake St., Oakfield, N.Y. 14125	Oct. 25, 1974 June 4, 1976
Do	Oswego	Orwell, town of	H 361262A 01 through H 361262A 11.	Town Clerk, Town Hall, Richland, N.Y. 13144	Oct. 25, 1974 June 4, 1976
Do	Livingston	Ossian, town of	H 360070A 01 through H 360070A 05.	Town Supervisor, Rural Delivery No. 3, Dansville, N.Y. 14437.	May 31, 1974 June 4, 1976
Do	Chenango	Otselic, town of	H 361060A 01 through H 361060A 05.	Supervisor, Town Hall, South Otselic, N.Y. 13155	Dec. 20, 1974 June 4, 1976
Do	Cayuga	Owasco, town of	H 360120A 01 through H 360120A 04.	Town Clerk, 2 Bristol Ave., Auburn, N.Y. 13021	May 31, 1974 June 4, 1976
Do	Westchester	Pleasantville, village of	H 360027A 01	Mayor, 48 Wheeler Ave., Pleasantville, N.Y. 10570	Apr. 12, 1974
Do	Chautauqua	Poland, town of	H 361077A 01 through H 361077A 12.	Town Supervisor, P.O. Box 620, Falconer, N.Y. 14733	Oct. 18, 1974 June 4, 1976
Do	Herkimer	Poland, village of	H 360316 01	Mayor, Village Hall, Poland, N.Y. 13431	Mar. 8, 1974
Do	Schenectady	Princetown, town of	H 361192A 01 through H 361192A 03.	Supervisor, Rural Delivery No. 5, Schenectady, N.Y. 12306.	Dec. 20, 1974 June 4, 1976
Do	Oswego	Richland, town of	H 360660A 01 through H 360660A 08.	Supervisor, Box 29, Pulaski, N.Y. 13142	July 26, 1974 June 4, 1976
Do	Montgomery	St. Johnsville, town of	H 360450A 01 through H 360450A 03.	Town Clerk, Main St., Johnsville, N.Y. 13452	Aug. 16, 1974 June 4, 1976
Do	Steuben	Savona, village of	H 361042A 01	Mayor, 43 Maple St, Savona, N.Y. 14879	May 17, 1974 June 4, 1976
Do	Ontario	Shortsville, village of	H 360005A 01	Mayor, Village Hall, Sheldon St., Shortsville, N.Y. 14548	Mar. 1, 1974 June 4, 1976
Do	Chautauqua	Sinclairville, village of	H 360143A 01	Mayor, 39 Main St., Sinclairville, N.Y. 14782	May 10, 1974 June 4, 1976
Do	Westchester	Somers, town of	H 361242A 01 through H 361242A 03.	Supervisor, Town House, Somer, N.Y. 10589	Dec. 20, 1974 June 4, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Erie	Springville, village of	H 360258A 01 through H 360258A 02.	Mayor, 5 West Main St., Springville, N.Y. 14141	May 17, 1974 June 4, 1976
Do	Columbia	Stockport, town of	H 361322A 01 through H 361322A 02.	Supervisor, Columbiaville, N.Y. 12534	Oct. 18, 1974 June 4, 1976
Do	Rockland	West Haverstraw, village of	H 360696A 01	Mayor, 44, Cosgrove Ave., West Haverstraw, N.Y. 10993	May 31, 1974
North Carolina	Pamlico	Bayboro, town of	H 370183 01	Mayor, Agriculture Bldg., Bayboro, N.C. 28515	July 30, 1976
Do	Bladen	Clarkton, town of	H 370021A 01 through H 370021A 02.	Mayor, P.O. Box 307, Clarkton, N.C. 28433	Dec. 7, 1973 June 4, 1976
Do	Cleveland	Kings Mountain, city of	H 370304A 01 through H 370304A 02.	Mayor, P.O. Box 429, Kings Mountain, N.C. 28086	Mar. 1, 1974 June 4, 1976
Do	Craven	New Bern, city of	H 370074A 01 through H 370074A 02.	Mayor, P.O. Box 1129, New Bern, N.C. 28560	Feb. 22, 1974 June 4, 1976
Do	Carteret	Newport, town of	H 370049A 01	Mayor, P.O. Box 5, Newport, N.C. 28570	Mar. 1, 1974 June 4, 1976
Do	Jones	Pollocksville, town of	H 370142A 01	Mayor, P.O. Box 3, Pollocksville, N.C. 28573	Mar. 15, 1974
North Dakota	Richland	Great Bend, city of	H 380099 01	Mayor, City Hall, Great Bend, N. Dak. 58039	July 30, 1976
Do	McIntosh	Wishek, city of	H 380053A 01	Mayor, City Hall, Wishek, N. Dak. 58495	June 28, 1974
Ohio	Lorain	Avon Lake, city of	H 390502A 01 through H 390502A 04.	Mayor, 150 Avon Deldon Rd., Avon Lake, Ohio 44012	Apr. 12, 1974 June 4, 1976
Do	Erie	Bay View, village of	H 390595A 01	Mayor, 304 East Bay View Dr., Bay View, Ohio 44870	Mar. 22, 1974
Do	Stark	Beach City, village of	H 390509 01	Mayor, 2d Ave., Beach City, Ohio 44608	July 30, 1976
Do	Fairfield	Bremen, village of	H 390160A 01	Mayor, South Oak St., Bremen, Ohio 43107	June 21, 1974 June 4, 1976
Do	Medina	Chippewa on the Lake, village of	H 390644A 01	Mayor, P.O. Box 373, Chippewa Lake, Ohio 44215	Mar. 22, 1974
Do	Cuyahoga	Cuyahoga Heights, village of	H 390654A 01 through H 390654A 02.	Mayor, 4863 East 71st St., Cleveland, Ohio 44125	Mar. 29, 1974 June 4, 1976
Do	Allen	Fort Shawnee, village of	H 390611A 01 through H 390611A 04.	Mayor, 2050 West Breese Rd., Fort Shawnee, Ohio 45806	Oct. 18, 1974 June 4, 1976
Do	Tuscarawas	Gnadenhutten, village of	H 390613 01	Mayor, Box 401, Gnadenhutten, Ohio 44629	July 30, 1976
Do	Lake	Grand River, village of	H 390315A 01	Mayor, 320 Singer Ave., Grand River, Ohio 44045	Feb. 8, 1974
Do	Geauga and Cuyahoga.	Hunting Valley, village of	H 390594A 01 through H 390594A 03.	Mayor, Rural Route 3, Fairmount Blvd., P.O. Chagrin Falls, Ohio 44022.	Nov. 30, 1973 June 4, 1976
Do	Hamilton	Indian Hills, city of	H 390221A 01 through H 390221A 08.	City Clerk, 6525 Drake Rd., Cincinnati, Ohio 45243	June 28, 1974 June 4, 1976
Do	Lawrence	Ironton, city of	H 390327A 01 through H 390327A 02.	City Engineer, Box 704, Ironton, Ohio 45638	Feb. 15, 1974 June 4, 1976
Do	Putnam	Kalida, village of	H 390471A 01	Mayor, 525 North Erie St., Kalida, Ohio 43621	Mar. 1, 1974
Do	Cuyahoga	Lakewood, city of	H 390112A 01 through H 390112A 02.	Mayor, 12650 Detroit Ave., Lakewood, Ohio 44107	Nov. 16, 1973 June 4, 1976
Do	Lorain	Lorain, city of	H 390351A 01 through H 390351A 09.	Service Director, City Hall, 200 West Erie Ave., Lorain, Ohio 44052.	May 17, 1974 June 4, 1976
Do	Portage	Mantua, village of	H 390457A 01	Mayor, Village Hall, Mantua, Ohio 44255	Feb. 8, 1974 June 4, 1976
Do	Champaign	Mechanicsburg, village of	H 390057A 01	Mayor, 18 North Main St., Mechanicsburg, Ohio 43044	Feb. 1, 1974 June 4, 1976
Do	Warren	Morrow, village of	H 390561A 01	Mayor, 150 Pike St., Morrow, Ohio 45152	May 24, 1974
Do	Cuyahoga	North Royalton, city of	H 390121A 01 through H 390121A 06.	City Planner, 1384 Ridge Rd., New Royalton, Ohio 44133	Mar. 29, 1974 June 4, 1976
Do	Lucas	Ottawa Hills, village of	H 390362A 01	Supervisor, 2125 Richards Rd., Toledo, Ohio 43606	Nov. 9, 1973 June 4, 1976
Do	Putnam	Ottoville, village of	H 390473A 01	Mayor, Village Hall, Ottoville, Ohio 45876	May 3, 1974 June 4, 1976
Do	Wood	Pemberville, village of	H 390624A 01 through H 390624A 02.	Mayor, 208 Parker Ave., Pemberville, Ohio 43450	Oct. 18, 1974 June 4, 1976
Do	Delaware	Powell, village of	H 390626A 01	Mayor, 5 North Liberty St., Powell, Ohio 43065	Oct. 18, 1974 June 4, 1976
Do	Ashtabula	Rock Creek, village of	H 390665A 01	Mayor, 2994 High St., Rock Creek, Ohio 44084	Apr. 5, 1974
Do	Columbiana	Rogers, village of	H 390645A 01	Mayor, Village Hall, Rogers, Ohio 44455	Mar. 22, 1974
Do	Licking	St. Louisville, village of	H 390337 01	Mayor, 420 Sugar St., St. Louisville, Ohio 43071	July 30, 1976
Do	Medina	Seville, village of	H 390384A 01 through H 390384A 02.	Mayor, P.O. Box 107, Seville, Ohio 44273	Mar. 15, 1974 June 4, 1976
Do	Carroll	Sherrodsville, village of	H 390054A 01	Mayor, 118 Sherrod Ave., Sherrodsville, Ohio 44675	Aug. 9, 1974 June 4, 1976
Do	Wayne	Smithville, village of	H 390629A 01	Mayor, 133 S. Milton St., Smithville, Ohio 44677	Apr. 5, 1974 June 4, 1976
Do	Warren	South Lebanon, village of	H 390563A 01	Mayor, Village Hall, South Lebanon, Ohio 45065	May 24, 1974
Do	do	Springboro, village of	H 390564A 01 through H 390564A 02.	Mayor, 330 West Central, Council Bldg., Springboro, Ohio 45066.	Apr. 12, 1974 June 4, 1976
Do	Delaware	Sunbury, village of	H 390152A 01 through H 390152A 03.	Mayor, 9 East Granville St., Sunbury, Ohio 43074	May 31, 1974
Do	Tuscarawas	Tuscarawas, village of	H 390666A 01	Mayor, Box 338, 209 South Main St., Tuscarawas, Ohio 44682.	April 5, 1974
Do	Darke	Versailles, village of	H 390142A 01 through H 390142A 02.	Mayor, Center and Main St., Versailles, Ohio 45380	Do.
Do	Medina	Wadsworth, city of	H 390386A 01 through H 390386A 04.	Engineering Dept., 145 High St., Wadsworth, Ohio 44281	Mar. 1, 1974 June 4, 1976
Do	Columbia and Mahoning.	Washingtonville, village of	H 390087A 01	Mayor, Village Hall, Washingtonville, Ohio 44490	Nov. 9, 1973 June 4, 1976
Do	Warren	Waynesville, village of	H 390565A 01	Mayor, P.O. Box 321, Waynesville, Ohio 45068	Nov. 9, 1973 June 4, 1976
Do	Columbiana	Wellsville, city of	H 390088A 01 through H 390088A 02.	Mayor, 1200 Main St., Wellsville, Ohio 43968	Jan. 10, 1974
Do	Miami	West Milton, village of	H 390403A 01 through H 390403A 02.	Mayor, Village Hall, West Milton, Ohio 45383	June 7, 1974 June 4, 1976
Do	Wayne	West Salem, village of	H 390668A 01 through H 390668A 02.	Village Clerk, South Main St., West Salem, Ohio 44287	Apr. 5, 1974 June 4, 1976
Do	Franklin	Whitehall, city of	H 390180A 01 through H 390180A 03.	City Clerk, 360 South Yearling Rd, Whitehall, Ohio 43213.	Feb. 15, 1974
Do	Lake	Willoughby Hills, city of	H 390323A 01 through H 390323A 04.	Mayor, 35405 Chardon Rd., Willoughby Hills, Ohio 44094	Dec. 28, 1973 June 4, 1976
Do	Portage	Windham, village of	H 390459A 01 through H 390459A 02.	Mayor, 9755 East Center St., Windham, Ohio 55238	Mar. 15, 1974
Do	Hamilton	Woodlawn, village of	H 390239A 01 through H 390239A 02.	Mayor, 10141 Woodlawn Blvd., Woodlawn, Ohio 45215	Feb. 1, 1974
Do	do	Wyoming, city of	H 390240A 01 through H 390240A 02.	Mayor, 800 Oak Ave., Wyoming, Ohio 45215	Do.
Do	Jefferson and Belmont.	Yorkville, village of	H 390033A 01	Mayor, Box 578, Yorkville, Ohio 43971	Feb. 8, 1974 June 4, 1976
Oklahoma	Murray	Davis, city of	H 400366 01	Mayor, City Hall, 300 East Main, Davis, Okla. 73030	July 30, 1976
Do	Carter	Dickson, town of	H 400369 01	President, c/o Mr. Homer Moore, Vice President, Route 1, Ardmore, Okla. 73401.	Do.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Oklahoma	Harrah, town of	H 400140A 01 through H 400140A 10.	Mayor, 209 Harrah Rd., Harrah, Okla. 73045	Aug. 2, 1974 June 4, 1976
Do	Tulsa and Osage	Skiatook, town of	H 400212A 01	President, Town Hall, 220 South Broadway, Skiatook, Okla. 74070.	June 7, 1974 June 4, 1976
Oregon	Yamhill	Amity, city of	H 410250 01	Mayor, City Hall, Amity, Oreg. 97101	July 20, 1976
Do	Grant	Monument, town of	H 410079A 01	Mayor, City Hall, Monument, Oreg. 97834	Oct. 18, 1974 June 4, 1976
Do	Clackamas	Oregon City, city of	H 410021A 01 through H 410021A 05.	Mayor, City Hall, Oregon City, Oreg. 97045	Dec. 28, 1973 June 4, 1976
Do	Multnomah	Troutdale, city of	H 410184A 01 through H 410184A 04.	Mayor, City Hall, Troutdale, Oreg. 97060	Dec. 7, 1973 June 4, 1976
Pennsylvania	Lehigh	Alburtis, borough of	H 420384A 01	Secretary, 550 Franklin St., Alburtis, Pa. 18011	Jan. 16, 1974 June 4, 1976
Do	Luzerne	Avoca, borough of	H 420397A 01 through H 420397A 02.	Borough Secretary, Box 152, Avoca, Pa. 18641	July 19, 1974
Do	Northampton	Bath, borough of	H 420717 01	Mayor, 215 East Main St., Bath, Pa. 18014	July 30, 1976
Do	Beaver	Beaver, borough of	H 420104A 01	Borough Manager, 469 3d St., Beaver, Pa. 15009	Mar. 15, 1974
Do	Berks	Bechtelsville, borough of	H 420120A 01	Borough Secretary, 13 Race St., Bechtelsville, Pa. 19505	June 28, 1974
Do	Allegheny	Ben Avon, borough of	H 420010A 01	Borough Secretary, 7101 Church Ave., Pittsburgh, Pa. 15202.	Dec. 28, 1973 June 4, 1976
Do	Somerset	Benson, borough of	H 420703A 01	Mayor, Rural Delivery Box 109, Oak St., Hollsopple, Pa. 15935.	Oct. 18, 1974
Do	Washington	Bentleyville, borough of	H 420846A 01 through H 420846A 04.	Borough Secretary, 900 Main St., Bentleyville, Pa. 15314	Feb. 1, 1974 June 4, 1976
Do	Columbia	Benton, township of	H 421037A 01 through H 421037A 06.	Township Supervisor, Rural Delivery No. 3, Benton, Pa. 17814.	June 28, 1974 June 4, 1976
Do	do	Berwick, borough of	H 420338A 01	Borough Secretary, 344 Market St., Berwick, Pa. 18603	June 28, 1974 June 4, 1976
Do	Jefferson	Big Run, borough of	H 420508A 01 through H 420508A 02.	Borough Secretary, Borough Bldg., Big Run, Pa. 15715	July 19, 1974 June 4, 1976
Do	Perry	Blain, borough of	H 420747A 01	Borough Secretary, Borough Bldg., Blain, Pa. 17006	Oct. 18, 1974 June 4, 1976
Do	Allegheny	Brackenridge, borough of	H 420014A 01	Borough Secretary, 1000 Brackenridge, Pa. 15014	Feb. 15, 1974
Do	do	Brentwood, borough of	H 420017A 01 through H 420017A 04.	Secretary, 3024 Brownsville Rd., Brentwood, Pa. 15227	Mar. 29, 1974 June 4, 1976
Do	Clearfield	Brisbin, borough of	H 420497A 01	Borough Secretary, Box 29, Brisbin, Pa. 16620	Sept. 20, 1974 June 4, 1976
Do	Bucks	Bristol, borough of	H 420183A 01	Borough Manager, Pond and Mulberry Sts., Bristol, Pa. 19007.	Oct. 5, 1973 June 4, 1976
Do	Tioga	Brookfield, township of	H 421171A 01 through H 421171A 21.	Township Secretary, R.F.D. 4, Westfield, Pa. 16950	Oct. 18, 1974 June 4, 1976
Do	Mifflin	Brown, township of	H 420683A 01 through H 420683A 09.	Township Secretary, Box 191, Reedsville, Pa. 17084	Aug. 16, 1974 June 4, 1976
Do	Butler	Bruin, borough of	H 420211 01 through H 420211 03.	Mayor, Borough Bldg., Bruin, Pa. 16022	July 30, 1976
Do	Schuylkill	Coaldale, borough of	H 420768A 01 through H 420768A 02.	President of Council, 146 East High St., Coaldale, Pa. 18218.	May 3, 1974 June 4, 1976
Do	Allegheny	Crescent, township of	H 421060A 01	Township Secretary, 440 Walnut St., Glenwillard, Pa. 15046.	May 31, 1974 June 4, 1976
Do	Greene	Cumberland, township of	H 421188A 01 through H 421188A 03.	Township Clerk, P.O. Box 274, Carmichaels, Pa. 15320	Aug. 30, 1974 June 4, 1976
Do	Fayette	Dawson, borough of	H 420460A 01	Mayor, Boyd Ave., Dawson, Pa. 15428	Dec. 28, 1974 June 4, 1976
Do	Sullivan	Dushore, borough of	H 420810A 01 through H 420810A 02.	Borough Secretary, 202 Water St., Dushore, Pa. 18614	July 26, 1974 June 4, 1976
Do	Berks	Earl, township of	H 420132A 01 through H 420132A 08.	Township Clerk, Rural Delivery No. 3, Box 457A, Boyertown, Pa. 19512.	May 31, 1974 June 4, 1976
Do	Lancaster	East Drumore, township of	H 421769A 01 through H 421769A 07.	Chairman, Rural Delivery No. 2, Quarryville, Pa. 17566	Sept. 20, 1974 June 4, 1976
Do	do	East Petersburg, borough of	H 420349 01	President of Council, Box 34, East Petersburg, Pa. 17520	July 30, 1976
Do	Monroe	East Stroudsburg, borough of	H 420091A 01 through H 420091A 02.	Borough Manager, P.O. Box 203, 21 Analomink St., East Stroudsburg, Pa. 18301.	May 24, 1974 June 4, 1976
Do	Beaver	Economy, borough of	H 420109A 01 through H 420109A 05.	Mayor, Borough Hall, Baden, Pa. 15005	Apr. 5, 1974 June 4, 1976
Do	Erie	Edinboro, borough of	H 420448A 01 through H 420448A 02.	Borough Manager/Secretary, 124 Meadville St., Edinboro, Pa. 16412.	June 7, 1974 June 4, 1976
Do	Fayette	Everson, borough of	H 420462A 01	Borough Secretary, Borough Bldg., Everson, Pa. 15631	July 26, 1974
Do	Allegheny	Findlay, township of	H 421280A 01 through H 421280A 10.	Secretary, Box 31, Imperial, Pa. 15126	Sept. 20, 1974 June 4, 1976
Do	Berks	Fleetwood, borough of	H 420133A 01	Borough Secretary, 15 North Franklin St., Fleetwood, Pa. 19522.	Dec. 28, 1973
Do	Allegheny	Franklin Park, borough of	H 420037 01 through H 420037 04.	Mayor, Rural Delivery 1, Rochester Rd., Sewickley, Pa. 15143.	July 30, 1976
Do	Northampton	Freemansburg, borough of	H 420721A 01	Mayor, Monroe St., Freemansburg, Pa. 18017	Dec. 28, 1973 June 4, 1976
Do	Clearfield	Glen Hope, borough of	H 420305A 01	Borough Secretary, Borough Bldg., Glen Hope, Pa. 16645	Dec. 20, 1974 June 4, 1976
Do	Greene	Gray, township of	H 421069A 01	Township Chairman of Supervisors, Rural Delivery No. 1, Sycamore, Pa. 15364.	Dec. 20, 1974 June 4, 1976
Do	Montgomery	Green Lane, borough of	H 421002A 01	President of Council, Box 457, Green Lane, Pa. 18054	Dec. 20, 1974 June 4, 1976
Do	Berks	Greenwich, township of	H 421067A 01 through H 421067A 09.	Chairman, Rural Delivery No. 1, Lenhartsville, Pa. 19534	Sept. 20, 1974 June 4, 1976
Do	Montgomery	Hatfield, borough of	H 420028 01	Mayor, Box 190, Hatfield, Pa. 19440	July 30, 1976
Do	Allegheny	Heidelberg, borough of	H 420043A 01	Mayor, 1515 Hays St., Heidelberg, Pa. 15106	Feb. 1, 1974
Do	do	Harrison, township of	H 420041A 01 through H 420041A 03.	Superintendent of Public Works, Township Municipal Bldg., Park Ave. and Springhill Rd., Natrona Heights, Pa. 15065.	Nov. 2, 1973 June 4, 1976
Do	Allegheny	Franklin Park, borough of	H 420037 01 through H 420037 04.	Mayor, Rural Delivery No. 1, Rochester Rd., Sewickley, Pa. 15143.	July 30, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Berks	Heidelberg, township of	H 421069A 01 through H 421069A 03.	Secretary, 130 West High St., Womelsdorf, Pa. 19551	Dec. 6, 1974 June 4, 1976
Do	Greene	Jackson, township of	H 421671A 01 through H 421671A 02.	Secretary, Rural Delivery No. 1, Holbrook, Pa. 15341	Dec. 20, 1974 June 4, 1976
Do	Northumberland	Kulpmont, borough of	H 420736A 01	Borough Secretary, Borough Hall, 8th St., Kulpmont, Pa. 17834.	May 31, 1974 June 4, 1976
Do	Susquehanna	Lanesboro, borough of	H 420813A 01 through H 420813A 04.	Borough Secretary, Box 145, Lanesboro, Pa. 18827	Dec. 20, 1974 June 4, 1976
Do	Carbon	Lansford, borough of	H 420250A 01	Borough Secretary, P.O. Box 26, Lansford, Pa. 18232	June 7, 1974 June 4, 1976
Do	McKean	Liberty, township of	H 420668A 01 through H 420668A 06.	Township Secretary, Route 1, Port Allegany, Pa. 16743	July 26, 1974 June 4, 1976
Do	Cambria	Lilly, borough of	H 421430A 01	President of Council, Main St., Lilly, Pa. 15938	Nov. 1, 1974 June 4, 1976
Do	Chester	Londonderry, township of	H 421484A 01 through H 421484A 02.	Chairman, Rural Delivery No. 2, Cochranville, Pa. 19330	Oct. 18, 1974 June 4, 1976
Do	Dauphin	Lower Swatara, township of	H 420385A 01 through H 420385A 16.	Township Secretary, 30 Olmsted Dr., Middletown, Pa. 17057.	Jan. 9, 1974 June 4, 1976
Do	Berks	Maiden Creek, township of	H 421078A 01 through H 421078A 02.	Chairman, Blandon, Pa. 19510	Aug. 2, 1974 June 4, 1976
Do	Butler	Mars, borough of	H 420220A 01	Mayor, Borough Bldg., Mars, Pa. 16046	May 31, 1974
Do	Allegheny	McCandless, township of	H 421081A 01 through H 421081A 06.	President of Town Council, 9955 Grubbs Rd., Wexford, Pa. 15090.	Sept. 20, 1974 June 4, 1976
Do	Snyder	McClure, borough of	H 420806 01 through H 420806 02.	Mayor, Borough Bldg., McClure, Pa. 17841	July 30, 1976
Do	Pike	Milford, borough of	H 420759A 01 through H 420759A 02.	President, Borough Bldg., Milford, Pa. 18337	Apr. 5, 1974 June 4, 1976
Do	Centre	Millheim, borough of	H 420265A 01 through H 420265A 03.	Mayor, Millheim, Pa. 16854	May 10, 1974
Do	Bradford	Monroe, borough of	H 420170A 01 through H 420170A 02.	Mayor, Rural Delivery No. 1, P.O. Box 56, Monroeton, Pa. 18832.	May 3, 1974
Do	Allegheny	Moon, township of	H 421082A 01 through H 421082A 03.	Chairman, 1000 Beaver Grade Rd., Coraopolis, Pa. 15108.	Sept. 6, 1974 June 4, 1976
Do	Bucks	New Britain, borough of	H 420986A 01 through H 420986A 03.	Mayor, 56 Keely Ave., New Britain, Pa. 18901	July 26, 1974 June 4, 1976
Do	Washington	New Eagle, borough of	H 420857A 01 through H 420857A 02.	President of Council, 157 Main St., New Eagle, Pa. 15067	Jan. 23, 1974 June 4, 1976
Do	Westmoreland	New Florence, borough of	H 420890 01	Mayor, Borough Bldg., New Florence, Pa. 15944	July 30, 1976
Do	Perry	Newport, borough of	H 420754A 01	Mayor, 231 Market St., Newport Pa. 17079	June 1, 1973
Do	Clearfield	New Washington, borough of	H 420312A 01	Borough Clerk, Rural Delivery No. 2, Mahaffey, Pa. 15757.	Dec. 20, 1974 June 4, 1976
Do	Wyoming	Nicholson, borough of	H 420915A 01 through H 420915A 02.	Mayor, Borough Bldg., Nicholson, Pa. 18446	Jan. 17, 1975 June 4, 1976
Do	Allegheny	North Braddock, borough of	H 420058A 01 through H 420058A 03.	Mayor, 521 Ann St., North Braddock, Pa. 15104	Apr. 12, 1974 June 4, 1976
Do	Northampton	Northampton, borough of	H 420726A 01 through H 420726A 02.	President of Council, Main St., Northampton, Pa. 18067	Apr. 5, 1974 June 4, 1976
Do	Delaware	Norwood, borough of	H 420425 01	Mayor, P.O. Box 65, Norwood, Pa. 19074	July 30, 1976
Do	Allegheny	Ohio, township of	H 421089A 01 through H 421089A 14.	Chairman, Township Supervisor, Municipal Bldg., 1719 Roosevelt Ave., Pittsburgh, Pa. 15237.	Sept. 20, 1974 June 4, 1976
Do	Armstrong	Parker City, city of	H 420099A 01 through H 420099A 02.	Mayor, City Hall, Parker City, Pa. 16049	June 14, 1974 June 4, 1976
Do	Dauphin	Paxtang, borough of	H 420390 01	Mayor, Municipal Bldg., Paxtang, Pa. 17111	July 30, 1976
Do	Huntingdon	Petersburg, borough of	H 420190 01	Chairman, P.O. Box 27, Petersburg, Pa. 16669	Do.
Do	Chester	Phoenixville, borough of	H 420287A 01 through H 420287A 03.	Mayor, 140 Church St., Phoenixville, Pa. 19460	Jan. 16, 1974 June 4, 1976
Do	Lycoming	Picture Rocks, borough of	H 420654A 01	Mayor, Water St., Picture Rocks, Pa 17762	June 28, 1974 June 4, 1976
Do	Allegheny	Pitcairn, borough of	H 420062 01	Mayor, 750 10th St., Pitcairn, Pa. 15140	July 30, 1976
Do	Luzerne	Pittston, city of	H 420620A 01	Mayor, City Hall, Broad St., Pittston, Pa. 18640	Aug. 31, 1973
Do	Venango	Polk, borough of	H 420338A 01 through H 420338A 02.	Mayor, Box 946, Polk, Pa. No ZIP Code.	Apr. 5, 1974 June 4, 1976
Do	Cambria	Portage, borough of	H 420236A 01	Mayor, 721 Main St., Portage, Pa. 15946	July 26, 1974 June 4, 1976
Do	Wayne	Prompton, borough of	H 420866A 01 through H 420866A 04.	President of Council, Borough Bldg., Prompton, Pa. 18456.	Aug. 16, 1974 June 4, 1976
Do	Lancaster	Providence, township of	H 421780A 01 through H 421780A 06.	Chairman, Board of Supervisors, Rural Delivery 2, New Providence, Pa. 17560.	May 31, 1974 June 4, 1976
Do	Northumberland	Ralpho, township of	H 421027A 01 through H 421027A 02.	Chairman, Board of Supervisors, P.O. Box 163, Elysburg, Pa. 17824.	June 28, 1974 June 4, 1976
Do	Delaware	Ridley Park, borough of	H 420430A 01 through H 420430A 02.	President, Ward and Cresswell Sts., Ridley Pk., Pa. 19078.	July 19, 1974 June 4, 1976
Do	Blair	Roaring Spring, borough of	H 420163A 01 through H 420163A 02.	Mayor, 924 Franklin St., Roaring Spring, Pa. 16673	Feb. 1, 1974
Do	Montgomery	Rockledge, borough of	H 420706 01	Mayor, 821 Beirke St., Rockledge, Pa. 19111	July 30, 1976
Do	Westmoreland	Rostraver, township of	H 422184A 01 through H 422184A 05.	President, Township Commission, Rostraver Township Bldg., Rural Delivery 1, Belle Vernon, Pa. 15012.	May 24, 1974 June 4, 1976
Do	Chester	Sadsbury, township of	H 421488A 01	Chairman, Sadsburyville, Pa. 19369	Sept. 13, 1974 June 4, 1976
Do	Lancaster	do	H 421782A 01 through H 421782A 08.	Chairman, Rural Delivery 1, Box 144, Christiana, Pa. 17509.	Sept. 20, 1974 June 4, 1976
Do	Berks	St. Lawrence, borough of	H 420151 01 through H 420151 02.	Mayor, 3742 Patton St., Reading, Pa. 19606	July 30, 1976
Do	Bradford	Sayre, borough of	H 420175A 01 through H 420175A 03.	Mayor, 110 West Packer Ave., Sayre, Pa. 18840	May 17, 1974 June 4, 1976
Do	Allegheny	Sewickley Heights, borough of	H 420071B 01 through H 420071B 04.	Borough Manager, P.O. Box 53, Sewickley, Pa. 15143	Mar. 22, 1974 May 17, 1974 June 4, 1976
Do	do	Sharpsburg, borough of	H 420073A 01 through H 420073A 02.	Mayor, 121 13th St., Pittsburgh, Pa. 15215	Dec. 23, 1973 June 4, 1976
Do	Berks	Sinking Spring, borough of	H 420150A 01	President of Council, 502 Penn Ave., Sinking Spring, Pa. 19608.	Mar. 29, 1974
Do	do	South Heidleburgh, township of	H 421107A 01 through H 421107A 05.	Chairman, Rural Delivery 3, Wernersville, Pa. 19565	Sept. 13, 1974 June 4, 1976
Do	Wayne	Starrucca, borough of	H 420867A 01 through H 420867A 08.	Mayor, Rural Delivery 1, Box 12, Starrucca, Pa. 18462	Sept. 6, 1974 June 4, 1976
Do	Susquehanna	Susquehanna Depot, borough of	H 420816A 01	Mayor, 218 Exchange St., Susquehanna Depot, Pa. 18847	June 21, 1974 June 4, 1976
Do	Allegheny	Swissvale, borough of	H 420075A 01 through H 420075A 02.	Mayor, 7560 Roslyn St., Pittsburgh, Pa. 15218	May 14, 1974 June 4, 1976
Do	Berks	Topton, borough of	H 420154A 01	President of Council, 44 West Keller St., Topton, pa. 19562.	May 31, 1974 June 4, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Wyoming	Tunkhannock, township of	H 422200A 01 through H 422200A 03.	Chairman, Rural Delivery 4, Tunkhannock, Pa. 18657	Oct. 18, 1974 June 4, 1976
Do	Northumberland	Turbot, township of	H 420744A 01 through H 420744A 04.	Chairman, Rural Delivery 2, Milton, Pa. 17847	June 15, 1973 June 4, 1976
Do	Blair	Tyrone, borough of	H 420164A 01 through H 420164A 02.	Mayor, 1100 Logan Ave., Tyrone, Pa. 16686	Dec. 28, 1973 June 4, 1976
Do	Allegheny	Verona, borough of	H 422611A 01	Mayor, 542 Ridge Ave., Verona, Pa. 15147	May 31, 1974 June 4, 1976
Do	Northampton	Walnutport, borough of	H 420732A 01	Mayor, 166 Cherry St., Walnutport, Pa. 18088	Jan. 9, 1974
Do	Warren	Warren, borough of	H 420843A 01 through H 420843A 02.	Borough Manager, Municipal Bldg., Warren, Pa. 16365	May 31, 1974 June 4, 1976
Do	Chester	West Chester, borough of	H 420292A 01	Mayor, 15 South High St., West Chester, Pa. 19380	June 14, 1974 June 4, 1976
Do	Northumberland	West Chillisquaque, township of	H 421033A 01 through H 421033A 02.	Chairman, Rural Deliver, 1, Milton, Pa. 17847	May 10, 1974 June 4, 1976
Do	Lebanon	West Cornwall, township of	H 420383 01 through H 420383 03.	Chairman, Township Bldg., Lebanon, Pa. 17042	July 30, 1976
Do	Lancaster	West Donegal, township of	H 421783A 01 through H 421783A 03.	Chairman, Township Supervisors, Rural Delivery 2, Mount Joy, Pa. 17552	Aug. 30, 1974 June 4, 1976
Do	Union	White Deer, township of	H 421031A 01 through H 421031A 11.	Chairman, Rural Delivery 1, New Columbia, Pa. 17856	Oct. 15, 1974 June 4, 1976
Do	Northampton	Wind Gap, borough of	H 420734A 01	Mayor, Mechanic St., Wind Gap, Pa. 18091	June 28, 1974 June 4, 1976
Do	Berks	Windsor, township of	H 421125A 01 through H 421125A 04.	Chairman, Rural Delivery 1, Lenhartsville, Pa. 19534	Jan. 23, 1974 June 4, 1976
Do	Cumberland	Wormleysburg, borough of	H 420374A 01	President, 20 Market St., Wormleysburg, Pa. 17043	Aug. 31, 1973 June 4, 1976
Do	Jefferson	Worthville, borough of	H 420516A 01	Mayor, P.O. Box 45, Worthville, Pa. 15784	Aug. 9, 1974 June 4, 1976
South Carolina	Richland	Careys lakes, town of	H 450171A 01	Mayor, 6300 Sandale Dr., Arcadia Lakes, S.C. 29206	Aug. 2, 1974 June 4, 1976
Do	Dorchester	Harleyville, town of	H 450070A 01	Mayor, P.O. Box 33, Harleyville, S.C. 29448	May 24, 1974 June 4, 1976
Do	Spartanburg	Lyman, town of	H 450219A 01	Mayor, Grace Rd., Lyman, S.C. 29365	May 17, 1974 June 4, 1976
Do	Lexington	Pelion, town of	H 450135A 01	Clerk, P.O. Box 7, Pelion, S.C. 29123	Aug. 9, 1974 June 4, 1976
Do	Oconee	Walhalla, town of	H 450159A 01 through H 450159A 02.	Mayor, P.O. Box A.P., Walhalla, S.C. 29691	June 28, 1974 June 4, 1976
South Dakota	Lawrence	Spearfish, city of	H 460046A 01 through H 460046A 02.	Mayor, City Hall, Spearfish, S.D. 57783	Mar. 29, 1974 June 4, 1976
Texas	Cass	Atlanta, city of	H 480177A 01 through H 480177A 04.	Mayor, City Hall, 210 North Louise St., P.O. Box 630 A, Atlanta, Tex. 75551	June 28, 1974 June 4, 1976
Do	Ellis	Bardwell, city of	H 481087 01	Mayor, P.O. Box 228, Bardwell, Tex. 75101	July 30, 1976
Do	Navarro	Barry, city of	H 480651 01	Mayor, City Hall, Barry, Tex. 75102	Do.
Do	Fannin	Bonham, city of	H 480222A 01 through H 480222A 02.	Mayor, City Hall, Bonham, Tex. 75418	June 7, 1974 June 4, 1976
Do	Dallas and Denton.	Coppell, city of	H 480170A 01 through H 480170A 04.	Mayor, City Hall, Box 478, Coppell, Tex. 75019	Mar. 8, 1974 June 4, 1976
Do	Denton	Corinth, town of	H 481143 01 through H 481143 04.	Mayor, P.O. Box 193, Lake Dallas, Tex. 75065	July 30, 1976
Do	Fayette	Flatonia, town of	H 481102 01	Mayor, P.O. Box 375, Flatonia, Tex. 78941	Do.
Do	Wilson	Floresville, city of	H 480071A 01 through H 480071A 05.	Mayor, City Hall, 1107 C St., Floresville, Tex. 78114	Mar. 8, 1974 June 4, 1976
Do	Fisher and Jones	Hamlin, city of	H 480402A 01 through H 480402A 03.	Mayor, City Hall, 205 South Central Ave., P.O. Drawer N, Hamlin, Tex. 79520	May 10, 1974 June 4, 1976
Do	Waller	Hempstead, town of	H 481045 01 through H 481045 02.	Mayor, Town Hall, Hempstead, Tex. 77445	July 30, 1976
Do	Denton	Hickory Creek, town of	H 481150 01 through H 481150 02.	Clerk, P.O. Box 453, Lake Dallas, Tex. 75065	Do.
Do	Dallas	Highland Park, town of	H 480178A 01 through H 480178A 04.	Mayor, City Hall, 4700 Drexel Dr., Dallas, Tex. 75205	May 3, 1974 June 4, 1976
Do	Angelina	Huntington, city of	H 481077 01	Mayor, P.O. Box 242, Huntington, Tex. 75949	July 30, 1976
Do	Pecos	Iraan, town of	H 480973 01	Mayor, P.O. Box 457, Iraan, Tex. 79744	Do.
Do	Hidalgo	La Villa, city of	H 480342A 01	Mayor, City Hall, La Villa, Tex. 78562	Jan. 23, 1974 June 4, 1976
Do	Cass	Linden, town of	H 480735 01 through H 480735 02.	Mayor, P.O. Box 429, Linden, Tex. 75563	July 30, 1976
Do	Wood	Mineola, city of	H 480679A 01 through H 480679A 02.	Mayor, City Hall, 115 West Kilpatrick, Mineola, Tex. 75773	May 3, 1974 June 4, 1976
Do	Newton	Newton, city of	H 480300A 01 through H 480300A 02.	Mayor, City Hall, Newton, Tex. 75966	June 7, 1974 June 4, 1976
Do	Cherokee	Rusk, city of	H 480124A 01 through H 480124A 04.	Mayor, City Hall, 403 North Main St., Rusk, Tex. 75785	Aug. 9, 1974 June 4, 1976
Do	Shelby	Tenaha, town of	H 481000 01	Mayor, Town Hall, Tenaha, Tex. 75974	July 30, 1976
Do	Dallas	University Park, city of	H 490189A 01 through H 490189A 04.	Mayor, City Hall, 3800 University Blvd., Dallas, Tex. 75205	May 24, 1974 June 4, 1976
Do	Bowie	Wake Village, city of	H 480061A 01	Mayor, City Hall, 624 Burma Rd., Wake Village, Tex. 75501	Jan. 16, 1974 June 4, 1976
Do	Tarrant	Watauga, town of	H 480613A 01 through H 480613A 03.	Mayor, Town Hall, 7633 Linda Dr., Watauga, Tex. 76248	Mar. 8, 1974 June 4, 1976
Utah	Utah	Provo, city of	H 490159A 01 through H 490159A 03.	Mayor, City Hall, Provo, Utah 84601	Feb. 15, 1974 June 4, 1976
Do	Uintah	Vernal, city of	H 490149 01 through H 490149 02.	Mayor, City Hall, Vernal, Utah 84078	July 30, 1976
Do	Washington	Washington, city of	H 490182A 01 through H 490182A 02.	Mayor, City Hall, Washington, Utah 84780	Aug. 2, 1974 June 4, 1976
Virginia	Campbell	Brookneal, town of	H 510020A 01 through H 510020A 03.	Mayor, P.O. Box 420, Brookneal, Va. 24528	May 17, 1974
Do	Northampton	Cape Charles, town of	H 510100A 01 through H 510100A 02.	Mayor, Box 331, Cape Charles, Va. 23310	May 31, 1974 June 4, 1976
Do	Pittsylvania	Chatham, town of	H 510114A 01 through H 510114A 04.	Mayor, Box 50, Chatham, Va. 24531	May 31, 1974 June 4, 1976
Do	Surry	Dendron, town of	H 510300A 01 through H 510300A 02.	Mayor, P.O. Box 132, Dendron, Va. 23839	Nov. 15, 1974 June 4, 1976
Do	Warren	Front Royal, town of	H 510167A 01 through H 510167A 03.	Mayor, Box 1560, Front Royal, Va. 22630	June 28, 1974 June 4, 1976
Do	Sussex and Greensville.	Jarratt, town of	H 510263 01	Mayor, Box 312, Jarratt, Va. 23867	July 30, 1976
Do	Prince William	Manassas, town of	H 510122A 01 through H 510122A 05.	Mayor, Box 512, Manassas, Va. 22110	May 31, 1974 June 4, 1976
Do		Martinsville, city of	H 510095A 01 through H 510095A 06.	Mayor, Box 1112, Martinsville, Va. 24112	May 31, 1974 June 4, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Vermont	Chittenden	Richmond, town of	H 500040A 01 through H 500040A 11.	Chairman of the Selectmen, P.O. Box 872, Richmond, Vt. 05477.	Mar. 22, 1974 June 4, 1976
Washington	Douglas	Bridgeport, town of	H 530037A 01	Mayor, Town Hall, 1200 Columbia, Bridgeport, Wash. 98813.	Aug. 30, 1974 June 4, 1976
Do	Skagit	Burlington, city of	H 530153A 01	Mayor, City Hall, 500 Fairhaven Ave., Burlington, Wash. 98233.	May 24, 1974 June 4, 1976
Do	Cowlitz	Kelso, city of	H 530033A 01 through H 530033A 02.	Mayor, 312 Allen St., City Hall, Kelso, Wash. 98626	Feb. 15, 1974 June 4, 1976
Do	Chelan	Leavenworth, city of	H 530019A 01	Mayor, 819 Front St., City Hall, Leavenworth, Wash. 98826.	May 24, 1974 June 4, 1976
Do	Grays Harbor	Ocean Shores, city of	H 530065A 01 through H 530065A 04.	Mayor, P.O. Box 317, City Hall, Ocean Shores, Wash. 98551.	June 21, 1974 June 4, 1976
Do	Okanogan	Omak, city of	H 530120A 01 through H 530120A 02.	Mayor, City Hall, 2 North Ash, Omak, Wash. 98841	Nov 30, 1973 June 4, 1976
Do	Lewis	Vader, town of	H 530266A 01 through H 530266A 02.	Mayor, Town Hall, Vader, Wash. 98593	Sept. 5, 1975
West Virginia	Kanawha	Cedar Grove, town of	H 540072A 01	Mayor, General Delivery, Cedar Grove, W. Va. 25039	Mar. 8, 1974 June 4, 1976
Do	Pendleton	Franklin, town of	H 540154A 01	Mayor, Box 482, Franklin, W. Va. 26807	May 31, 1974
Do	McDowell	Keystone, city of	H 540119A 01	Mayor, Drawer C., Keystone, W. Va. 24852	May 17, 1974
Do	Marshall	Moundsville, city of	H 540111A 01 through H 540111A 02.	Mayor, 800 6th St., Moundsville, W. Va. 26041	Mar. 22, 1974 June 4, 1976
Do	Preston	Newburg, town of	H 540268A 01 through H 540268A 02.	Mayor, Town Hall, Newburg, W. Va. 26410	Nov. 15, 1974
Do	Fayette	Oak Hill, city of	H 540031A 01 through H 540031A 02.	Mayor, Jones Ave., Oak Hill, W. Va. 25901	Aug. 30, 1974
Do	Mercer	Oakvale, town of	H 540127A 01 through H 540127A 02.	Mayor, Town Hall, Oakvale, W. Va. 24739	Oct. 25, 1974 June 4, 1976
Do	Harrison	Salem, city of	H 540242A 01 through H 540242A 03.	Mayor, Box 327, Salem, W. Va. 26426	Nov. 15, 1974 June 4, 1976
Do	Wetzel	Smithfield, town of	H 540258A 01 through H 540258A 02.	Mayor, City Bldg., Smithfield, W. Va. 26437	Nov. 15, 1974 June 4, 1976
Do	Preston	Terra Alta, town of	H 540257A 01 through H 540257A 03.	Mayor, P.O. Box 25, Terra Alta, W. Va. 26764	Nov. 15, 1974 June 4, 1976
Do	Boone	Whitesville, town of	H 540229A 01	Mayor, Box 431, Whitesville, W. Va. 25209	Nov. 15, 1974 June 4, 1976
Wisconsin	Lafayette	Argyle, village of	H 550224A 01	Village President, Village Hall, Argyle, Wis. 53504	Nov. 30, 1973
Do	St. Croix	Baldwin, village of	H 550380A 01 through H 550380A 02.	Village President, P.O. Box 113, Baldwin, Wis. 54002	May 10, 1974 June 4, 1976
Do	Green	Browntown, village of	H 550161A 01	Village President, Box 141, Browntown, Wis. 53522	Jan. 9, 1974 June 4, 1976
Do	Dodge	Brownsville, village of	H 550096A 01	Village President, Brownsville, Wis. 53006	Sept. 6, 1974 June 4, 1976
Do	Waukesha	Butler, village of	H 550536A 01	Village President, 12621 West Hampton Ave., Butler, Wis. 53007.	Oct. 18, 1974
Do	Waupaca	Clintonville, city of	H 550494 01	Mayor, 26 South Main St., Clintonville, Wis. 54929	July 30, 1976
Do	Brown	DePere, city of	H 550021A 01 through H 550021A 04.	Mayor, 335 South Broadway St., DePere, Wis. 54115	Dec. 28, 1973 June 4, 1976
Do	Rock	Edgerton, city of	H 550365A 01	Mayor City Hall, 12 Albion St., Edgerton, Wis. 53534	Dec. 17, 1973
Do	Sawyer	Exeland, village of	H 550409A 01	Village President, Route 1, Box 128, Exeland, Wis. 54835	Aug. 16, 1974 June 4, 1976
Do	Eau Claire	Fairchild, village of	H 550129A 01	Village President, Village Hall, Fairchild, Wis. 54741	May 31, 1974 June 4, 1976
Do	Columbia	Fall River, village of	H 550060A 01	Village President, 224 North Main, Fall River, Wis. 53932	Apr. 15, 1974
Do	Ozaukee	Fredonia, village of	H 550313A 01	Village President, Village Hall, Fredonia, Wis. 53021	Jan. 9, 1974 June 4, 1976
Do	Trempealeau	Galesville, city of	H 550443A 01	Mayor, P.O. Box 327, Galesville Wis. 54630	Nov. 30, 1973 June 4, 1976
Do	Clark	Granton, village of	H 550050A 01	Village Clerk, Municipal Bldg., Granton, Wis. 54436	Aug. 30, 1974
Do	Rusk	Ingram, village of	H 550374A 01	Village Clerk, Box 161, Ingram, Wis. 54535	Sept. 6, 1974
Do	Dodge	Kekoskee, village of	H 550101A 01	Village President, Rural Delivery 2, Mayville, Wis 53050	Jan. 23, 1974 June 4, 1976
Do	do	Neosho, village of	H 550104A 01	Mayor, P.O. Box 96, Neosho, Wis. 53059	May 17, 1974 June 4, 1976
Do	Sheboyan	Oostburg, village of	H 550427A 01	Village Clerk, Village Hall, Oostburg, Wis. 53070	June 28, 1974 June 4, 1976 June 4, 1976
Do	Jefferson	Palmyra, village of	H 550196A 01	Village President, P.O. 157, Palmyra, Wis. 53159	May 17, 1974 June 4, 1976
Do	Pierce	Plum City, village of	H 550328A 01	Village President, Plum City, Wis. 54761	July 19, 1974 June 4, 1976
Do	Trempealeau	Pigeon Falls, village of	H 550446A 01	Village Clerk, Village Hall, Pigeon Falls, Wis. 54760	Sept. 6, 1974
Do	Manitowoc	Reedsville, village of	H 550242A 01	Village President, Reedsville, Wis. 54230	May 3, 1974 June 4, 1976
Do	Ozaukee	Saukville, village of	H 550317A 01	Village President, 100 South Main St., Saukville, Wis. 53080.	Jan. 16, 1974 June 4, 1976
Do	Sauk	Spring Green, village of	H 550405A 01	Village President, Box 153, Spring Green, Wis. 53588	Dec. 7, 1973
Do	Oconto	Suring, village of	H 550300A 01	Village President, Village Hall, Suring, Wis. 54174	May 3, 1974
Do	Clark	Thorp, city of	H 550055A 01	Mayor, City Hall, Thorp, Wis. 54771	May 24, 1974 June 4, 1976
Do	Shawano	Tigerton, village of	H 550122A 01	Mayor, Village Hall, Tigerton, Wis. 54978	May 24, 1974 June 4, 1976
Do	Rusk	Tony, village of	H 550377A 01.	Village President, Village Hall, Tony, Wis. 54563	Sept. 20, 1974
Do	Manitowoc	Two Rivers, city of	H 550243A 01 through H 550243A 02.	Manager, P.O. Box 87, Two Rivers, Wis. 54241	Jan. 9, 1974 June 4, 1976
Do	Marathon	Unity, city of	H 550257A 01.	Mayor, City Hall, Unity, Wis. 54488	Sept. 20, 1974
Do	Wood	Vesper, village of	H 550519A 01.	Manager, 114 Elm St., Vesper, Wis. 54489	Aug. 2, 1974 June 4, 1976
Do	Richland and Vernon.	Viola, village of	H 550460A 01.	Village President, Village Hall, Viola, Wis. 54664.	Dec. 17, 1973 June 4, 1976
Do	Bayfield	Washburn, city of	H 550019A 01 through H 550019A 03.	Mayor, City Hall, Washburn, Wis. 54891	May 31, 1974 June 4, 1976
Do	Waushara	Wild Rose, village of	H 550507 A 01.	Village President, Village Hall, Wild Rose, Wis. 54984	May 31, 1974 June 4, 1976
Do	Walworth	Whitewater, city of	H 550200A 01.	City Manager, P.O. Box 149, Whitewater, Wis. 53190	Jan. 9, 1974 June 4, 1976
Wyoming	Natrona	Casper, city of	H 560037A 01 through H 560037A 04.	Mayor, City Hall, Casper, Wyo. 82601	Mar. 8, 1974 June 4, 1976
Do	Big Horn	Lovell, town of	H 560073A 01.	Town Manager, Town Hall, Lovell, Wyo. 82431	Aug. 8, 1975

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Mobile	Mount Vernon, town of	H 010169A 01 through H 010169A 05.	Mayor, Town Hall, P.O. Box 303, Mount Vernon, Ala. 36560.	Dec. 17, 1973 June 11, 1976
Do	Jefferson	Mulga, town of	H 10129A 01	Mayor, P.O. Box 184, Mulga, Ala. 35118	Sept. 20, 1974 June 11, 1976
Do	Geneva	Slocomb, town of	H 010083A 01 through H 010083A 04.	Mayor, P.O. Box 339, Slocomb, Ala. 36375	May 24, 1974 June 11, 1976
Arizona	Yavapai	Chino Valley, city of	H 040094A 01 through H 040094A 05.	Mayor, Town Hall, Highway 89 North, Chino Valley, Ariz. 86323.	May 3, 1974 June 11, 1976
Arkansas	Hempstead	Fulton, town of	H 050080A 01	Mayor, Town Hall, Fulton, Ark. 71838	Aug. 16, 1974
California	Monterey	Greenfield, city of	H 060446 01 through H 060446 02.	Mayor, P.O. Box 423, Greenfield, Calif. 93927	Aug. 6, 1976
Do	Los Angeles	Industry, city of	H 065035A 01 through H 065035A 10.	Mayor, 160 South Hacienda Blvd., City Hall, Industry, Calif. 91744.	June 28, 1974 June 11, 1976
Do	Tehama	Red Bluff, city of	H 065033A 01 through H 065033A 03.	City Clerk, P.O. Box 409, Red Bluff, Calif. 96080	June 7, 1974 June 11, 1976
Do	Fresno	Selma, city of	H 060056A 01 through H 060056A 02.	Mayor, City Hall, 1814 Tucker, Selma, Calif. 93662	May 24, 1974
Do	Solano	Suisun City, city of	H 060372A 01 through H 060372A 03.	Mayor, 710 Suisun City, City Hall, Suisun City, Calif. 94585.	Mar. 22, 1974 June 11, 1976
Colorado	La Plata	Bayfield, town of	H 080098A 01	Mayor, Town Hall, 493 Mill, Bayfield, Colo. 81122	Oct. 18, 1974 June 11, 1976
Do	Weld	Fort Lupton, town of	H 080183A 01 through H 080183A 03.	Mayor, City Hall, P.O. Box 158, Fort Lupton, Colo. 80621	May 31, 1974 June 11, 1976
Florida	Duval	Atlantic Beach, city of	H 120075A 01 through H 120075A 02.	Mayor, P.O. Drawer 25, Atlantic Beach, Fla. 32233	June 28, 1974 June 11, 1976
Do	Pinellas	Belleair Bluffs, city of	H 120239A 01	Mayor, 115 Florence Dr., Belleair Bluffs, Fla. 33540	June 28, 1974 June 11, 1976
Do	Jackson	Marianna, city of	H 120129A 01 through H 120129A 04.	Mayor, P.O. Box 636, Marianna, Fla. 32446	June 28, 1974 June 11, 1976
Do	Palm Beach	Palm Springs, village of	H 120223A 01	Mayor, 220 Cypress Lane, Palm Springs, Fla. 33460	Mar. 15, 1974 June 11, 1976
Do	Saint Lucie	St. Lucie, town of	H 120288A 01 through H 120288A 02.	Mayor, P.O. Box 3743, St. Lucie, Fla. 33450	Nov. 29, 1974 June 11, 1976
Idaho	Blaine	Ketchum, city of	H 160023A 01 through H 160023A 05.	Mayor, P.O. Box 597, Ketchum, Idaho 83340	Feb. 15, 1974 June 11, 1976
Do	Bonneville	Ucon, city of	H 160194 01	Mayor, P.O. Box 68, Ucon, Idaho 83454	Aug. 6, 1976
Do	Clearwater	Welppe, city of	H 160049A 01	Mayor, City Hall, Welppe, Idaho 83553	May 17, 1974 June 11, 1976
Illinois	Effingham	Altamont, city of	H 170228A 01	Mayor, Municipal Bldg., Altamont, Ill. 62411	Mar. 22, 1974
Do	Lee	Ashton, village of	H 170415A 01	Village President, Village Hall, Ashton, Ill. 61006	May 3, 1974 June 11, 1976
Do	Champaign	Broadlands, village of	H 170025A 01	Village President, Village Hall, Broadlands, Ill. 61816	Aug. 30, 1974
Do	Hamilton	Broughton, village of	H 170265A 01	Village President, Route 1, Broughton, Ill. 62817	Mar. 1, 1974 June 11, 1976
Do	Cook	Burbank, city of	H 170069A 01 through H 170069A 02.	Mayor, 6330 West 79th St., Burbank, Ill. 60459	Apr. 12, 1974 June 11, 1976
Do	Williamson	Bush, village of	H 170784A 01	Village President, Route 2, DeSoto, Ill. 62924	Mar. 29, 1974 June 11, 1976
Do	Douglas	Camargo, village of	H 170785A 01	Village President, Village Hall, Camargo, Ill. 61919	Apr. 5, 1974
Do	Macoupin	Carlinville, city of	H 170431A 01	Mayor, 129 West Main St., Carlinville, Ill. 62626	June 14, 1974 June 11, 1976
Do	Sangamon	Chatham, village of	H 170601A 01 through H 170601A 02.	Village President, 117 East Mulberry St., Chatham, Ill. 62629.	Nov. 16, 1973 June 11, 1976
Do	Cook	Crestwood, village of	H 170080A 01 through H 170080A 02.	Village President, 13340 South Cicero Ave., Crestwood, Ill. 60445.	Mar. 22, 1974 June 11, 1976
Do	do	East Chicago Heights, village of	H 170084A 01	Village President, 1327 Ellis Ave., East Chicago Heights, Ill. 60411.	Apr. 5, 1974
Do	do	Forest Park, village of	H 170092A 01	Mayor, 517 Desplaines Ave., Forest Park, Ill. 60130	Do.
Do	do	Forest View, village of	H 170093A 01	Village President, 7000 West 40th St., Forest View, Ill. 60402.	Do.
Do	De Kalb	Genoa, city of	H 170183A 01	Mayor, 113 North Genoa St., Genoa, Ill. 60135	Mar. 1, 1974 June 11, 1976
Do	Cook	Glenwood, village of	H 170097A 01 through H 170097A 02.	Village President, 13 South Rebecca St., Glenwood, Ill. 60425.	May 10, 1974 June 11, 1976
Do	Pope	Golconda, city of	H 170599A 01	Mayor, City Hall, Golconda, Ill. 62933	Jan. 23, 1974
Do	Bond	Greenville, city of	H 170007A 01	Mayor, 404 South 3d St., Greenville, Ill. 62246	June 14, 1974 June 11, 1976
Do	De Kalb	Kingston, village of	H 170185A 01	Village President, Village Hall, Kingston, Ill. 60145	Mar. 8, 1974 June 11, 1976
Do	Madison	Livingston, village of	H 170794A 01	Village President, P.O. Box 500, Livingston, Ill. 62058	Mar. 22, 1974 June 11, 1976
Do	Will	Lockport, city of	H 170703A 01 through H 170703A 04.	Mayor, 915 State St., Lockport, Ill. 60441	Mar. 8, 1974 June 11, 1976
Do	Union	Mill Creek, village of	H 170559A 01	Village President, Village Hall, Mill Creek, Ill. 62961	Sept. 6, 1974 June 11, 1976
Do	Effingham	Montrose, village of	H 170230A 01	Village President, Village Hall, Montrose, Ill. 62445	Aug. 23, 1974
Do	Cook	Mount Prospect, village of	H 170129A 01 through H 170129A 05.	Village President, 100 South Emerson, Mount Prospect, Ill. 60056.	Nov. 16, 1973
Do	Jefferson	Mount Vernon, city of	H 170308A 01 through H 170308A 06.	Mayor, City Hall, Mount Vernon, Ill. 62864	June 7, 1974 June 11, 1976
Do	Pike	Pleasant Hill, village of	H 170558A 01	Village President, Village Hall, Pleasant Hill, Ill. 62366	Nov. 16, 1973 June 11, 1976
Do	Carroll	Savana, city of	H 170021A 01 through H 170021A 04.	Mayor, 101 Main St., Savana, Ill. 61074	Jan. 16, 1974 June 11, 1976
Do	St. Clair	St. Libory, village of	H 170634A 01	Village President, P.O. Box 58, St. Libory, Ill. 62282	Sept. 6, 1974 June 11, 1976
Do	Alexander	Tamms, village of	H 170005A 01	Village President, P.O. Drawer E, Tamms, Ill. 62988	May 10, 1974 June 11, 1976
Indiana	Fountain	Attica, city of	H 180065A 01 through H 180065A 02.	Mayor, City Hall, Attica, Ind. 47918	Dec. 7, 1973 June 11, 1976
Do	Lawrence	Bedford, city of	H 180148A 01 through H 180148A 04.	Mayor, 1102 16th St., Bedford, Ind. 47421	Feb. 15, 1974 June 11, 1976
Do	Morgan	Brooklyn, town of	H 180402A 01	Chairman, Town Board, 10 North Main St., Brooklyn, Ind. 46111.	Dec. 7, 1973
Do	Carroll	Burlington, town of	H 180318A 01	President, Board, Burlington, Ind. 46915	Nov. 23, 1973 June 11, 1976
Do	Wayne	Cambridge City, town of	H 180281A 01	Town Board President, North Foot St., Cambridge City, Ind. 47327.	Nov. 23, 1973
Do	Carroll	Camden, town of	H 180319A 01	President, Board of Trustees, Main St., Camden, Ind. 46917.	Do. Do.
Do	Hamilton	Cicero, town of	H 180320A 01	President, Town Board, 70 North Byron St., Cicero, Ind. 46034.	Feb. 1, 1974
Do	Fayette	Connersville, city of	H 180061A 01 through H 180061A 05.	Mayor, 115 Court St., Connersville, Ind. 47331	Nov. 23, 1973 June 11, 1976
Do	Harrison	Corydon, town of	H 180086A 01	President, Town Board, 113 North Oak St., Corydon, Ind. 47112.	Nov. 23, 1973 June 11, 1976
Do	Fountain	Covington, city of	H 180066A 01	Mayor, 413 Washington St., Covington, Ind. 47932	Jan. 9, 1974 June 11, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Hendricks	Danville, town of	H 180088A 01	President, 776 North Kentucky, Danville, Ind. 46122	Dec. 17, 1973 June 11, 1976
Do	Montgomery	Darlington, town of	H 180321A 01	President, Town Board, Franklin St., Darlington, Ind. 47940.	Feb. 1, 1974
Do	Knox	Decker, town of	H 180322A 01	President of Town Board, P.O. Box 34, Decker, Ind. 47524	Do.
Do	Miami	Denver, town of	H 180323A 01	President, Town, Denver, Ind. 46926	Do.
Do	Vermillion	Fairview Park, town of	H 180261A 01	Board President of Fairview Park, Rural Route No. 1, Clinton, Ind. 47842.	Sept. 20, 1974 June 11, 1976
Do	Adams	Geneva, town of	H 180002A 01	President, Town Board, Lane St., Geneva, Ind. 46740	Nov. 23, 1973 June 11, 1976
Do	Newton	Goodland, town of	H 180181A 01	Mayor, P.O. Box 269, Goodland, Ind. 47948	May 31, 1974
Do	Decatur	Greensburg, city of	H 180043A 01 through H 180043A 02.	Mayor, City Hall, Greensburg, Ind. 47240	Apr. 12, 1974
Do	Fountain	Hillsboro, town of	H 180328A 01	Town Board President, Town Hall, Hillsboro, Ind. 47949	Feb. 1, 1974 June 11, 1976
Do	Dubois	Jasper, city of	H 180055A 01 through H 180055A 03.	Mayor, P.O. Box 29, Jasper, Ind. 47546	Oct. 26, 1973 June 11, 1976
Do	Parke	Judson, town of	H 180193A 01	President of Board, Town Hall, Judson, Ind. 47856	Dec. 17, 1973 June 11, 1976
Do	Franklin	Laurel, town of	H 180306A 01	President of Board, City Hall, Laurel, Ind. 47024	Jan. 23, 1974 June 11, 1976
Do	Dearborn	Lawrenceburg, city of	H 180041A 01 through H 180041A 03.	Mayor, 124 Short St., Lawrenceburg, Ind. 40702	Jan. 16, 1974 June 11, 1976
Do	Crawford	Leavenworth, town of	H 180035A 01	Town Board Supervisor, Town Hall, Leavenworth, Ind. 47137.	Nov. 30, 1973
Do	Washington	Livonia, town of	H 180278A 01	Clerk-Treasurer, Town of Livonia, Route 2, Campbellsburg, Ind. 47108.	Oct. 18, 1974 June 11, 1976
Do	Cass	Logansport, city of	H 180023A 01 through H 180023A 03.	Mayor, City Bldg., and Broadway, Logansport, Ind. 46947.	Feb. 1, 1974 June 11, 1976
Do	Morgan	Martinsville, city of	H 180177A 01 through H 180177A 02.	Mayor, P.O. Box 415, Martinsville, Ind. 46151	Nov. 23, 1973
Do	Parke	Montezuma, town of	H 180191A 01	Mayor, Town Hall, Montezuma, Ind. 47862	Dec. 17, 1973
Do	Harrison	New Amsterdam, town of	H 180308A 01	Town Board President, Town of New Amsterdam, Town Hall, Central, Ind. 47110.	Feb. 1, 1974
Do	Henry	New Castle, city of	H 180092A 01 through H 180092A 03.	Mayor, 321 South Main St., New Castle, Ind. 47362	Nov. 23, 1973
Do	Warrick	Newburgh, town of	H 180276A 01 through H 180276A 02.	President, Board of Trustees, P.O. Box 6, Newburgh, Ind. 47630.	Nov. 2, 1973 June 11, 1976
Do	Gibson	Oakland City, city of	H 180072A 01	Mayor, City Hall, Oakland City, Ind. 47660	May 10, 1974 June 11, 1976
Do	Madison	Pendleton, town of	H 180156A 01	Town Board President, 119 West State St., Pendleton, Ind. 46064.	Dec. 17, 1973 June 11, 1976
Do	Vermillion	Perrysville, town of	H 180395A 01	Town Board President, Town Hall, Perrysville, Ind. 47974.	Nov. 23, 1973 June 11, 1976
Do	Miami	Peru, city of	H 180168A 01 through H 180168A 02.	Mayor, City Hall, Peru, Ind. 46970	Jan. 16, 1974
Do	Wells	Poneto, town of	H 180291A 01	Chairman of Board, Town Hall, Poneto, Ind. 46781	Sept. 20, 1974 June 11, 1976
Do	Jasper	Rensselaer, city of	H 180102A 01	Mayor, 122 South Van Rensselear St., Rensselaer, Ind. 47978.	Feb. 1, 1974
Do	Rush	Rushville, city of	H 180223A 01 through H 180223A 02.	Mayor, 126 East Third St., Rushville, Ind. 46173	Dec. 7, 1973 June 11, 1976
Do	Decatur and Shelby.	St. Paul, town of	H 180390A 01	President, Town Board, Town Hall, St. Paul, Ind. 47272	Feb. 1, 1974
Do	Lake	Schneider, town of	H 180143A 01	President of Board, 23709 Elizabeth St., Schneider, Ind. 46376.	Dec. 17, 1973
Do	Kosciusko	Syracuse, town of (includes Turkey Creek, township of).	H 180122A 01 through H 180122A 12.	President, Board of Trustees, 418 South Huntington St., Syracuse, Ind. 46567.	Aug. 9, 1974 June 11, 1976
Do	Vigo	Terre Haute, city of	H 180261A 01 through H 180261A 09.	Mayor, City Hall, Terre Haute, Ind. 47808	Jan. 9, 1974 June 11, 1976
Do	Boone	Thorntown, town of	H 180014A 01	President of Town Board, Town Hall, Thorntown, Ind. 46071.	Dec. 7, 1973
Do	Vermillion	Universal, town of	H 180351A 01	Town Board President, Town Hall, Universal, Ind. 47881	Feb. 1, 1974
Do	Montgomery	Waveland, town of	H 180174A 01	Town Board President, Town Hall, Waveland, Ind. 47989	May 24, 1974 June 11, 1976
Do	Orange	West Baden Springs, town of	H 180190A 01	Town Board President, Town Hall, West Baden Springs, Ind. 47469.	Dec. 28, 1973 June 11, 1976
Do	Warren	Williamsport, town of	H 180272A 01	Town Board President, Town Hall, Williamsport, Ind. 47993.	Dec. 17, 1973 June 11, 1976
Do	Randolph	Winchester, city of	H 180220A 01 through H 180220A 04.	Mayor, City Bldg., 217 West Franklin St., Winchester, Ind. 47394.	Dec. 17, 1973 June 11, 1976
Iowa	Hamilton	Blairsburg, city of	H 190703 01 through H 190703 02.	Mayor, City Hall, Blairsburg, Iowa 50034	Aug. 6, 1976
Do	Clinton	Charlotte, city of	H 190087 01	Mayor, Charlotte, Iowa 52731	Do.
Do	Madison	Earlham, city of	H 190570 01 through H 190570 02.	Mayor, P.O. Box 362, Earlham, Iowa 50072	Do.
Do	Hardin	Eldora, city of	H 190139A 01 through H 190139A 02.	Mayor, City Hall, Eldora, Iowa 50627	June 28, 1974 June 11, 1976
Do	Scott	Eldridge, city of	H 190574 01	Mayor, 124 North 2d St., Eldridge, Iowa 52748	Aug. 6, 1976
Do	Lyon	Inwood, city of	H 190398A 01	Mayor, City Hall, Inwood, Iowa 51240	Aug. 8, 1975 June 11, 1976
Do	Plymouth	Kingsley, city of	H 190477 01	Mayor, P.O. Box 334, Kingsley, Iowa 51028	Aug. 6, 1976
Do	Warren	Norwalk, city of	H 190631 01 through H 190631 08.	Clerk, City Hall, 705 North Ave., Norwalk, Iowa 50211	Do.
Do	Webster	Otho, city of	H 190640 01	Mayor, City Hall, Otho, Iowa 50569	Do.
Do	Guthrie	Panora, city of	H 190405 01 through H 190405 02.	Mayor, Panora, Iowa 50216	Do.
Do	Palo Alto	West Bend, city of	H 190475 01	Clerk, P.O. Box 37, West Bend, Iowa 50597	Do.
Kansas	Butler	Andover, city of	H 200383 01	Mayor, P.O. Box 295, Andover, Kans. 67002	Do.
Do	Marion	Florence, city of	H 200494 01 through H 200 494 02.	Mayor, 100 East 4th St., Florence, Kans. 66851	Do.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Allen	Gas City, city of	H 200001 01	Mayor, City Hall, Gas City, Kans. 66742	Do.
Do	Stafford	Macksville, city of	H 200435 01 through H 200435 02.	Clerk, City Hall, Macksville, Kans. 67557	Do.
Do	Greenwood	Madison, city of	H 200121A 01	Mayor, City Hall, 123 West Main St., Madison, Kans. 66860	July 12, 1974 June 11, 1976
Do	Jewell	Mankato, city of	H 200321 01	Mayor, City Hall, Mankato, Kans. 66956	Aug. 6, 1976
Do	Ottawa	Minneapolis, city of	H 200308 01	Clerk, 216 North Reck St., Minneapolis, Kans. 67467	Do.
Do	Greenwood	Severy, city of	H 200457A 01	Mayor, P.O. Box 123, Severy, Kans. 67137	Sept. 26, 1975 June 11, 1976
Kentucky	Mercer	Harrodsburg, city of	H 210172A 01 through H 210172A 04.	Mayor, 110 West Poplar St., Harrodsburg, Ky. 40330	May 10, 1974 June 11, 1976
Do	Carroll	Worthville, town of	H 210019A 01	Trustee, Town Hall, Worthville, Ky. 41075	Jan. 23, 1974 June 11, 1976
Louisiana	Lafayette	Broussard, town of	H 220102B 01 through H 220102B 02.	Mayor, Town Hall, Broussard, La. 70518	Apr. 12, 1974 Nov. 7, 1975 June 11, 1976
Do	St. Mary	Patterson, town of	H 220197 01 through H 220197 04.	Mayor, Town Hall, Patterson, La. 70392	Aug. 6, 1976
Do	Tensas	Waterproof, town of	H 220218A 01	Mayor, Town Hall, Waterproof, La. 71375	May 24, 1974 June 11, 1976
Maine	Waldo	Belfast, city of	H 230129A 01 through H 230129A 13.	City Manager, City Hall, Belfast, Maine 04915	July 19, 1974 June 11, 1976
Do	Cumberland	Cape Elizabeth, town of	H 230043A 01 through H 230043A 08.	Town Manager, Town Hall, 320 Ocean House Rd., Cape Elizabeth, Maine 04107.	Mar. 8, 1974 June 11, 1976
Do	Franklin	Carthage, town of	H 230339 01 through H 230339 13.	Selectman, Town of Carthage, Star Route, Dixfield, Maine 04224.	Aug. 6, 1976
Do	Oxford	Hebron, town of	H 230335A 01 through H 230335A 09.	Chairman, Board of Selectmen, Town of Hebron, P.O. Box 135, Hebron, Maine 04238.	Apr. 11, 1975 June 11, 1976
Massachusetts	Berkshire	Alford, town of	H 250017A 01 through H 250017A 07.	Selectman, Town of Alford, Town Hall, Great Barrington, Mass. 01230.	June 7, 1974 June 11, 1976
Do	Plymouth	Brockton, city of	H 250261A 01 through H 250261A 11.	Brockton City Planner, City Hall, Brockton, Mass. 02401.	June 28, 1974 June 11, 1976
Do	Worcester	East Brookfield, town of	H 250303A 01 through H 250303A 05.	Selectman, Town Hall, East Brookfield, Mass. 01515	June 7, 1974 June 11, 1976
Do	Dukes	Tisbury, town of	H 250073A 01 through H 250073A 06.	Executive Secretary for Tisbury, Spring St., Vineyard Haven, Mass. 02543.	Mar. 22, 1974 June 11, 1976
Do	Plymouth	Whitman, town of	H 250285A 01 through H 250285A 04.	Selectman, Town Hall, Whitman, Mass. 02382	Oct. 18, 1974 June 11, 1976
Michigan	Iosco	AuSable, township of	H 260093A 01 through H 260093A 05.	Township Supervisor, Township of AuSable, Township Hall, 311 5th St., Oscoda, Mich. 48750.	July 19, 1974 June 11, 1976
Do	Oakland	Beverly Hills, village of	H 260230A 01 through H 260230A 02.	Village President, Village of Beverly Hills, 18600 West 13 Michigan Rd., Birmingham, Mich. 48010.	Feb. 22, 1974 June 11, 1976
Do	Charlevoix	Boyne City, city of	H 260050A 01 through H 260050A 02.	Mayor, 100 State St., Boyne, Mich. 49712	Mar. 29, 1974 June 11, 1976
Do	Berrien	Bridgman, city of	H 260033A 01 through H 260033A 04.	Mayor, P.O. Box 124, Bridgman, Mich. 49106	June 7, 1974 June 11, 1976
Do	Saginaw	Carrollton, township of	H 260187A 01 through H 260187A 03.	Supervisor, Township of Carrollton, 1645 Maple Rich, Saginaw, Mich. 48604.	July 19, 1974 June 11, 1976
Do	Eaton	Charlotte, city of	H 260065A 01 through H 260065A 02.	Mayor, 111 East Lawrence, Charlotte, Mich. 48813	May 24, 1974 June 11, 1976
Do	Monroe	Dundee, village of	H 260313A 01	Village President, 145 Riley St., Dundee, Mich. 48131	Feb. 1, 1974
Do	Iron	Iron River, city of	H 260103A 01 through H 260103A 02.	Mayor, 109 Lee West Genesee, Iron River, Mich. 49935	May 24, 1974 June 11, 1976
Do	Wayne	Livonia, city of	H 260233A 01 through H 260233A 03.	Mayor, 33001 5 Mile Rd., Livonia, Mich. 48154	Dec. 7, 1973 June 11, 1976
Do	Berrien	New Buffalo, city of	H 260089A 01	Mayor, 224 West Buffalo St., New Buffalo, Mich. 49117	May 31, 1974 June 11, 1976
Do	Allegan	Otsego, city of	H 260007A 01 through H 260007A 03.	Mayor, 117 East Orleans, Otsego, Mich. 49078	May 3, 1974 June 11, 1976
Do	Oceana	Pentwater, village of	H 260227A 01	Village President, 327 Hancock, Pentwater, Mich. 49449	Sept. 13, 1974 June 11, 1976
Do	Wayne	Plymouth, city of	H 260230A 01	Mayor, 201 South Main St., Plymouth, Mich. 48170	May 17, 1974 June 11, 1976
Do	St. Clair	St. Clair, city of	H 260279A 01 through H 260279A 02.	Mayor, 411 Trumbull St., St. Clair, Mich. 48079	June 28, 1974 June 11, 1976
Do	Washtenaw	Saline, city of	H 260215A 01 through H 260215A 02.	Mayor, 101 West Michigan Ave., Saline, Mich. 48176	Jan. 23, 1974 June 11, 1976
Do	Chippewa	Sault Ste. Marie, city of	H 260039A 01 through H 260039A 07.	Mayor, 325 Court St., Sault Ste. Marie, Mich. 49783	June 28, 1974 June 11, 1976
Do	Van Buren	South Haven, city of	H 260211A 01	Mayor, 539 Phoenix St., South Haven, Mich. 49090	June 7, 1974 June 11, 1976
Do	Arenac	Standish, city of	H 260010A 01	Mayor, P.O. Box 729, Standish, Mich. 48658	Sept. 20, 1974 June 11, 1976
Do	Leelanau	Suttons Bay, village of	H 260283A 01 through H 260283A 02.	Village President, Village Hall, Suttons Bay, Mich. 49682	June 28, 1974 June 11, 1976
Do	Lenawee	Tecumseh, city of	H 260117A 01 through H 260117A 01.	Mayor, 309 East Chicago Blvd., Tecumseh, Mich. 49286	May 24, 1974 June 11, 1976
Do	Tuscola	Vassar, city of	H 260208A 01	Mayor, 287 East Huron, Vassar, Mich. 48768	June 14, 1976
Do	Berrien	Watervliet, city of	H 260047A 01	Mayor, P.O. Box 89, Watervliet, Mich. 49098	May 31, 1974 June 11, 1976
Do	Washtenaw	Ypsilanti, city of	H 260210A 01 through H 260210A 02.	Mayor, 201 North Huron St., Ypsilanti, Mich. 48197	June 14, 1974 June 11, 1976
Minnesota	Norman	Ada, city of	H 270323A 01	Mayor, City Hall, Ada, Minn. 56510	May 10, 1974 June 11, 1976
Do	Marshall	Argyle, city of	H 270268A 01	Mayor, City Hall, Argyle, Minn. 56713	May 3, 1974
Do	Polk	Climax, city of	H 270203A 01	Mayor, City Hall, Climax, Minn. 56523	Sept. 20, 1974 June 11, 1976
Do	Stearns	Cold Spring, city of	H 270444A 01	Mayor, 27 Red River South, Cold Spring, Minn. 56320	Oct. 5, 1973 June 11, 1976
Do	Winona	Elba, city of	H 270527A 01 through H 270527A 02.	Mayor, City Hall, Elba, Minn. 55910	Aug. 9, 1974 June 11, 1976
Do	Sherburne	Elk River, city of	H 270430A 01 through H 270430A 02.	Mayor, City Hall, P.O. Box 120, Elk River, Minn. 55330	Mar. 8, 1974 June 11, 1976
Do	Stearns	Greenwald, city of	H 270447A 01	Mayor, City Hall, Greenwald, Minn. 56335	Aug. 23, 1974 June 11, 1976
Do	Dakota and Washington.	Hastings, city of	H 270105A 01 through H 270105A 03.	Mayor, 100 Sibley St., Hastings, Minn. 55033	Nov. 16, 1973 June 11, 1976
Do	Faribault	Minnesota Lake, city of	H 270122A 01	Mayor, City Hall, Minnesota Lake, Minn. 56063	May 17, 1974
Do	Renville	Morton, city of	H 270279A 01	Mayor, City Hall, Morton, Minn. 56270	Jan. 9, 1974
Do	Nicollet	Nicollet, city of	H 270316A 01	Mayor, City Hall, Nicollet, Minn. 56074	Apr. 5, 1974
Do	Redwood	North Redwood, city of	H 270332A 01	Mayor, City Hall, North Redwood, Minn. 56275	Aug. 20, 1974 June 11, 1976
Do	Olmstead	Oronoco, city of	H 270330A 01	Mayor, City Hall, Oronoko, Minn. 55960	May 10, 1974 June 11, 1976
Do	Aitkin	Palisade, city of	H 270004A 01	Mayor, City Hall, Palisade, Minn. 56469	Aug. 2, 1974 June 11, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Otter Tail	Pelican Rapids, city of	H 270340A 01 through H 270340A 02.	Mayor, City Hall, Pelican Rapids, Minn. 56572	May 3, 1974 June 11, 1976
Do	Fillmore	Preston, city of	H 270129A 01 through H 270129A 02.	Mayor, City Hall, Preston, Minn. 55965	May 10, 1974 June 11, 1976
Do	Goodhue	Red Wing, city of	H 270146A 01 through H 270146A 14.	Mayor, Box 1, Red Wing, Minn. 55066	Mar. 8, 1974 June 11, 1976
Do	Scott	Savage, city of	H 270433A 01 through H 270433A 03.	Mayor, 101 Elm St., Savage, Minn. 55378	Mar. 29, 1974 June 11, 1976
Do	Morrison	Sobieski, city of	H 270304A 01 through H 270304A 03.	Mayor, Route No. 3, Sobieski, Minn. 56345	Aug. 10, 1974 June 11, 1976
Do	Nicollet	St. Peter, city of	H 270317A 01 through H 270317A 05.	Mayor, 227 South Front St., St. Peter, Minn. 56082	June 21, 1974 June 11, 1976
Do	Wabasha	Wabasha, city of	H 270490A 01 through H 270490A 07.	Mayor, P.O. 118, Wabasha, Minn. 55981	Mar. 8, 1974 June 11, 1976
Do	Pine	Willow River, city of	H 270353A 01	Mayor, Box 73, Willow River, Minn. 55795	June 28, 1974 June 11, 1976
Missouri	Dunklin	Campbell, city of	H 290121A 01 through H 290124A 04.	Mayor, City Hall, 202 West Grand, Campbell, Mo. 63933	Mar. 29, 1974 June 11, 1976
Do	Nodaway	Hopkins, city of	H 290489A 01	Mayor, City Hall, Hopkins, Mo. 64461	Mar. 15, 1974
Do	St. Louis	Mackenzie, village of	H 290365A 01	Chairman, Village of Mackenzie, Village Hall, 7060 Holly Hills Ave., St. Louis, Mo. 63123.	Oct. 5, 1973
Do	Montgomery	Middletown, city of	H 290568 01	Mayor, City Hall, Middletown, Mo. 63359	Aug. 6, 1976
Do	St. Louis	Normandy, village of	H 290371A 01 through H 290371A 02.	Mayor, Village Hall, 3620 Oakmont Ave., Normandy, Mo. 63121.	June 28, 1974 June 11, 1976
Do	do	Oakland, city of	H 290373A 01	Mayor, City of Oakland, City Hall, 1007 Oakland Ave., Kirkwood, Mo. 63122.	Nov. 1, 1974 June 11, 1976
Do	do	Pagedale, city of	H 290377A 01 through H 290377A 03.	Mayor, City Hall, 1404 Ferguson Ave., Pagedale, Mo. 63133.	Dec. 17, 1973 June 11, 1976
Do	Lawrence	Pierce City, city of	H 290203A 01 through H 290203A 02.	Mayor, City Hall, Pierce City, Mo. 65723	May 17, 1974 June 11, 1976
Do	Platte	Platte City, city of	H 290295A 01 through H 290295A 04.	Mayor, City Hall, Main St., Platte City, Mo. 64079	Dec. 17, 1973 June 11, 1976
Do	St. Louis	Town and County, city of	H 290389A 01 through H 290389A 05.	Mayor, City of Town and County, Village Hall, 12225 Clayton Rd., St. Louis, Mo. 63131.	Dec. 28, 1973 June 11, 1976
Do	do	Velda Village, village of	H 290643 01	Mayor, City Hall, 3122 Kemp Dr., Velda Village, Mo. 63121.	Aug. 6, 1976
Do	Platte	Weatherby Lake, city of	H 290650 01 through H 290650 02.	Mayor, City Hall, 7200 Northwest Eastside Dr., Weatherby Lake, Mo. 64152.	Do.
Nebraska	Gage	Beatrice, city of	H 310091 01 through H 310091 04.	Mayor, City Hall, Beatrice, Nebr. 68310	Do.
Do	Douglas	Boystown, village of	H 310353 01 through H 310353 04.	Chairman, Village Hall, Boystown, Nebr. 68010	Do.
Do	Deuel	Chappell, city of	H 310358 01	Mayor, P.O. Box 503, Chappell, Nebr. 69129	Do.
Do	Thayer	Chester, village of	H 310261 01	Chairman, Village Hall, Chester, Nebr. 68327	Do.
Do	Sarpy	Gretna, city of	H 310375 01	Mayor, 127 West Gaye, Gretna, Nebr. 68028	Do.
Do	Burt	Oakland, city of	H 310023A 01	Mayor, City Hall, Oakland, Nebr. 68045	Jan. 9, 1974 June 11, 1976
New Hampshire	Hillsborough	Goffstown, town of	H 330087A 01 through H 330087A 12.	Selectman, Town Hall, Goffstown, N.H. 03045	Sept. 20, 1974 June 11, 1976
Do	Rockingham	Hampton Falls, town of	H 330133A 01 through H 330133A 01.	Selectman, Town Hall, Hampton Falls, N.H. 03844	Dec. 6, 1974 June 11, 1976
New Jersey	Burlington	Delanco, township of	H 340093A 01 through H 340093A 02.	Mayor, Burlington Ave. and Buttonwood St., Delanco, N.J. 08075.	June 21, 1974 June 11, 1976
Do	Hudson	East Newark, borough of	H 340219A 01	Mayor, 34 Sherman Ave., East Newark, N.J. 07029	June 28, 1975 June 11, 1976
Do	Sussex	Franklin, borough	H 340449A 01 through H 340449A 02.	Mayor, 46 Main St., Franklin, N.J. 07416	May 17, 1974 June 11, 1976
Do	Hunterdon	Frenchtown, borough of	H 340234A 01	Mayor, Borough Hall, 2d St., Frenchtown, N.Y. 08825	Apr. 12, 1974 June 11, 1976
Do	Essex	Glen Ridge, borough of	H 340183A 01	Mayor, P.O. Box 66, Glen Ridge, N.J. 07023	July 6, 1973 June 11, 1976
Do	Hunterdon	Holland, township of	H340509A 01 through H 340509A 07.	Mayor, Township of Holland, Rural Delivery, Milford, N.J. 08848.	July 26, 1974 June 11, 1976
Do	Bergen	Mahwah, township of	H 340049A 01 through H 340049A 04.	Mayor, 211 Franklin Turnpike, Mahwah, N.J. 07430	Apr. 5, 1974 June 11, 1976
Do	Monmouth	Neptune City, borough of	H 340316A 01	Mayor, P.O. Box 98, Neptune City, N.J. 07753	June 28, 1974 June 11, 1976
Do	Essex	North Caldwell, borough of	H 340190A 01	Mayor, Gould Ave., North Caldwell, N.J. 07006	June 7, 1974
Do	Passaic	Passaic, city of	H 340403A 01 through H 340403A 04.	Mayor, 101 Passaic Ave., Passaic, N.J. 07055	Aug. 31, 1973
Do	Atlantic	Pleasantville, city of	H 340015A 01 through H 340015A 02.	Mayor, City Hall, Pleasantville, N.J. 08232	May 31, 1974 June 11, 1976
Do	Sussex	Sparta, township of	H 340535A 01 through H 340535A 12.	Mayor, 65 Main St., Municipal Bldg., Sparta, N.J. 07871	Dec. 20, 1974 June 11, 1976
Do	Hunterdon	Tewksbury, township of	H 340516A 01 through H 340516A 10.	Mayor, township of Tewksbury, Mountainville, Rural Delivery 2, Lebanon, N.J. 08833.	June 28, 1974 June 11, 1976
Do	Essex	Verona, borough of	H 340195A 01	Mayor, 600 Bloomfield, Verona, N.J. 07044	June 22, 1973 June 11, 1976
Do	Warren	Washington, borough of	H 340495A 01 through H 340495A 03.	Mayor, 100 Belvidere Ave., Washington, N.J. 07882	Jan. 3, 1975 June 11, 1976
Do	Gloucester	Washington, township of	H 340213A 01 through H 340213A 07.	Mayor, township of Washington, P.O. Box 1107, Municipal Hall, Turnersville, N.J. 08012.	May 31, 1974 June 11, 1976
Do	do	Wenonah, borough of	H 340503A 01	Mayor, 1 West Cherry St., Wenonah, N.J. 08090	Mar. 29, 1974
New Mexico	Valencia	Milan, village of	H 350093A 01	Mayor, Village Hall, 623 Uranium St., P.O. Box 2727, Milan, N. Mex. 87020.	June 28, 1976 June 11, 1974
Do	Lincoln	Ruidoso Downs, village of	H 350034A 01	Mayor, Village Hall, Box 348, Ruidoso Downs, N. Mex. 88346.	May 31, 1974 June 11, 1976
New York	Alleghany	Angelica, village of	H 360023A 01	Mayor, White St., Angelica, N.Y. 14709	Dec. 6, 1974 June 11, 1976
Do	Wayne	Arcadia, town of	H 360972A 01 through H 360972A 06.	Supervisor, Town of Arcadia, 165 East Union, Newark, N.Y. 14513.	Apr. 12, 1974 June 11, 1976
Do	Chautauqua	Arkwright, town of	H 361105A 01 through H 361105A 12.	Supervisor, Town of Arkwright, Creek Rd., Forrestville, N.Y. 14062.	Oct. 18, 1974 June 11, 1976
Do	Wyoming	Attica, village of	H 360985A 01	Mayor, 9 Water St., Attica, N.Y. 14011	May 24, 1974 June 11, 1976
Do	Suffolk	Babylon, village of	H 360791A 01	Mayor, 153 West Main St., Babylon, N.Y. 14702	Dec. 7, 1973 June 11, 1976
Do	Niagara	Barker, village of	H 360498A 01	Mayor, 8708 Main St., Barker, N.Y. 14012	May 3, 1974
Do	Sullivan	Bloomingburg, village of	H 361473A 01	Mayor, Bloomingburg, N.Y. 12721	Nov. 15, 1974 June 11, 1976
Do	Essex	Bloomingdale, village of	H 361490A 01	Mayor, Village Hall, Bloomingdale, N.Y. 12997	Nov. 15, 1974 June 11, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Oneida	Bridgewater, village of	H 360322A 01	Mayor, Village Hall, Bridgewater, N.Y. 13313	May 17, 1974 June 11, 1976
Do	Suffolk	Brightwaters, village of	H 361342A 01	Mayor, 120 Oronoko Dr. Brightwaters, N.Y. 11718	Oct. 18, 1974 June 11, 1976
Do	Montgomery	Canajoharie, village of	H 360443A 01	Mayor, Erie Blvd., Municipal Bldg., Canajoharie, N.Y. 13317.	Feb. 22, 1974 June 11, 1976
Do	Madison	Canastota, village of	H 360333A 01	Mayor, 120 East Center St., Canastota, N.Y. 13032	Mar. 29, 1974 June 11, 1976
Do	Monroe	Churchville, village of	H 360099A 01	Mayor, Village Hall, Churchville, N.Y. 14428	June 28, 1974 June 11, 1976
Do	Wayne	Clyde, village of	H 360340A 01	Mayor, Lock St., Clyde, N.Y. 14433	May 31, 1974 June 11, 1976
Do	Albany	Cohoes, city of	H 360000A 01 through H 360000A 05.	Administrator, City Hall, Cohoes, N.Y. 12047	Oct. 5, 1973 June 11, 1976
Do	Herkimer	Columbia, town of	H 360229A 01 through H 360229A 03.	Supervisor, Town of Columbia, Rural Delivery No. 1, West Windfield, N.Y. 07832.	Mar. 29, 1974 June 11, 1976
Do	Nassau	Cove Neck, village of	H 360162A 01	Mayor, Cove Neck, Oyster Bay, N.Y. 11171	Oct. 18, 1974 June 11, 1976
Do	Schenectady	Delanson, village of	H 360737A 01	Mayor, Village Hall, Main St., Delanson, N.Y. 12053	May 31, 1974 June 11, 1976
Do	Lewis	Diana, town of	H 360394A 01 through H 360394A 10.	Town Supervisor, Town of Diana, Main St., Harrisville, N.Y. 13648.	Sept. 13, 1974 June 11, 1976
Do	Westchester	Dobbs Ferry, village of	H 360008A 01	Mayor, 112 Main St., Dobbs Ferry, N.Y. 10522	May 17, 1974 June 11, 1976
Do	Onondaga	Elbridge, village of	H 360370A 01	Mayor, 111 South St., Elbridge, N.Y. 13060	May 31, 1974
Do	Sullivan	Fallsburg, town of	H 360319A 01 through H 360319A 11.	Town Clerk, Town of Fallsburg, Railroad Plaza, South Fallsburg, N.Y. 12779.	June 21, 1974 June 11, 1976
Do	Cattaraugus	Farmersville, town of	H 360071A 01 through H 360071A 11.	Supervisor, Town of Farmersville, Town Hall, Delevan, N.Y. 14042.	June 28, 1974 June 11, 1976
Do	Orange	Florida, village of	H 360613A 01 through H 360613A 03.	Mayor, 62 North Main St., Florida, N.Y. 10921	Mar. 22, 1974 June 11, 1976
Do	Washington	Fort Ann, village of	H 360834A 01	Mayor, Village Hall, Fort Ann, N.Y. 12827	Apr. 12, 1974 June 11, 1976
Do	Wyoming	Gainesville, village of	H 361511A 01	Mayor, 15 Main St., Gainesville, N.Y. 14066	Nov. 22, 1974 June 11, 1976
Do	Nassau	Glen Cove, city of	H 360465A 01 through H 360465A 09.	Mayor, City Hall, Glen Cove, N.Y. 11542	Aug. 16, 1974 June 11, 1976
Do	Livingston	Groveland, town of	H 360385A 01 through H 360385A 10.	Town Clerk, Town of Groveland, 6076 Groveland Station Road, Mount Morris, N.Y. 14510.	Mar. 1, 1974 June 11, 1976
Do	Montgomery	Hagaman, village of	H 360450 01	Mayor, 12 North Boulevard, Hagaman, N.Y. 12086	Aug. 6, 1976
Do	Madison	Hamilton, village of	H 360402A 01	Mayor, 3 Broad St., Hamilton, N.Y. 13346	May 31, 1974 June 11, 1976
Do	Rockland	Haverstraw, village of	H 360682A 01 through H 360682A 02.	Mayor, Village Hall, Maple Ave., Haverstraw, N.Y. 10927.	Apr. 12, 1974 June 11, 1976
Do	Greene	Hunter, village of	H 360233A 01	Mayor, Village Hall, Hunter, N.Y. 12442	Aug. 16, 1974 June 11, 1976
Do	Allegany	Independence, town of	H 361008A 01 through H 361008A 05.	Supervisor, Town of Independence, Town Hall, Whitesville, N.Y. 14897.	Sept. 6, 1974 June 11, 1976
Do	Herkimer	Ilion, village of	H 360308A 01 through H 360308A 02.	Mayor, Box 270, Ilion, N.Y. 13357	Feb. 8, 1974 June 11, 1976
Do	Onondaga	Liverpool, village of	H 360382A 01	Mayor, 314 2d St., Liverpool, N.Y. 13088	July 26, 1974 June 11, 1976
Do	Cayuga	Locke, town of	H 360114A 01 through H 360114A 03.	Town Supervisor, Rural Delivery No. 2, Locke, N.Y. 13092.	May 31, 1974 June 11, 1976
Do	Wayne	Macedon, village of	H 360833A 01	Mayor, 109 Main St., Macedon, N.Y. 14502	Apr. 12, 1974 June 11, 1976
Do	Franklin	Malone, village of	H 360272A 01	Mayor, 14 Elm St., Malone, N.Y. 12953	Apr. 5, 1974 June 11, 1976
Do	Ontario	Manchester, village of	H 361014A 01	Mayor, 4 Clifton St., Manchester, N.Y. 14504	June 21, 1974 June 11, 1976
Do	do	Manchester, town of	H 361301A 01 through H 361301A 11.	Supervisor, Town of Manchester, Town Hall, Clifton Springs, N.Y. 14432.	Nov. 1, 1974 June 11, 1976
Do	Saratoga	Mechanicville, city of	H 360721A 01	Mayor, 36 North Main St., Mechanicville, N.Y. 12118	Apr. 5, 1974 June 11, 1976
Do	Chemung	Millport, village of	H 360155A 01 through H 360155A 02.	Mayor, Village Hall, Millport, N.Y. 14864	Aug. 9, 1974 June 11, 1976
Do	Cayuga	Montezuma, town of	H 360116A 01 through H 360116A 03.	Supervisor, Box 375, Montezuma, N.Y. 13117	May 31, 1974 June 11, 1976
Do	St. Lawrence	Morristown, village of	H 361537A 01	Mayor, Village Hall, Morristown, N.Y. 13664	May 31, 1974
Do	Bronx, New York, Kings, Queens and Richmond.	New York, city of	H 360497A 01 through H 360497A 103.	Mayor, City Hall, New York, N.Y. 10007	June 28, 1974 June 11, 1976
Do	Chautauqua	Panama, village of	H 360143A 01	Mayor, Village Hall, Panama, N.Y. 14767	Aug. 9, 1974 June 11, 1976
Do	Cayuga	Port Byron, village of	H 360121A 01	Mayor, 66-C3 Utica St., Port Byron, N.Y. 13140	May 3, 1974 June 11, 1976
Do	Suffolk	Port Jefferson, village of	H 360804A 01 through H 360804A 02.	Mayor, 121 W. Broadway, Port Jefferson, N.Y. 11777	June 28, 1974 June 11, 1976
Do	Steuben	Pulteney, town of	H 360780A 01 through H 360780A 09.	Supervisor, Town of Pulteney, Rural Delivery 2, Hammondsport, N.Y. 14840.	May 10, 1974
Do	Livingston	Sparta, town of	H 361288A 01 through H 361288A 04.	Town Supervisor, Town of Sparta, 2787 Lake St., Scottsburg, N.Y. 14545.	Nov. 8, 1974 June 11, 1976
Do	Columbia	Stuyvesant, town of	H 361323A 01 through H 361323A 03.	Supervisor, Town Hall, Stuyvesant, N.Y. 12173	Oct. 18, 1974 June 11, 1976
Do	Schuyler	Tyrone, town of	H 360749A 01 through H 360749A 06.	Supervisor, Town of Tyrone, Rural Delivery 1, Bradford, N.Y. 14515.	Sept. 6, 1974 June 11, 1976
Do	Orange	Unionville, village of	H 360933A 01	Mayor, Village Office, Route 284, Unionville, N.Y. 10988	June 28, 1974
Do	Onondaga	Van Buren, town of	H 360930A 01 through H 360930A 05.	Supervisor, Town of Van Buren, 7375 Van Buren Rd., Van Buren Town Bldg., Baldwinsville, N.Y. 13027.	May 3, 1974 June 11, 1976
Do	Oneida	Vernon, village of	H 360560A 01	Mayor, Box 217, Vernon, N.Y. 13476	Mar. 8, 1974 June 11, 1976
Do	Oswego	Volney, town of	H 361266A 01 through H 361266A 15.	Supervisor, Town of Volney, Rural Delivery 4, Fulton, N.Y. 13069.	Nov. 1, 1974 June 11, 1976
Do	Tioga	Waverly, village of	H 361343A 01 through H 361343A 04.	Mayor, P.O. Box 148, Waverly, N.Y. 14892	Nov. 1, 1974 June 11, 1976
Do	Otsego	Westford, town of	H 361282A 01 through H 361282A 10.	Supervisor, Town of Westford, Rural Delivery 1, Schenanus, N.Y. 12155.	Oct. 25, 1974 June 11, 1976
Do	Cortland	Willet, town of	H 361331A 01 through H 361331A 03.	Town Supervisor, Town Hall, Willet, N.Y. 13863	Dec. 20, 1974 June 11, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Niagara	Wilson, village of	H 360978A 01	Mayor, 375 Lake St., Wilson, N.Y. 14172	Apr. 5, 1974
Do	Wayne	Wolcott, village of	H 361509A 01	Mayor, P.O. Box 85, Wolcott, N.Y. 14590	Nov. 15, 1974
North Carolina	Surry and Yadkin	Elkin, town of	H 370225A 01	Mayor, 116 East Market St., Elkin, N.C. 28621	June 28, 1974 June 11, 1976
Do	Halifax	Hobgood, town of	H 370116A 01	Mayor, P.O. Box 217, Hobgood, N.C. 27843	June 14, 1974 June 11, 1976
Do	Ashe	Lansing, town of	H 370374A 01	Mayor, Town Hall, Lansing, N.C. 28643	Feb. 22, 1974 June 11, 1976
Do	Catawba	Long View, town of	H 370055A 01	Mayor, Town of Long View, 139 24th St. SW., Hickory, N.C. 28601.	June 28, 1974 June 11, 1976
Do	Edgecombe	Macclesfield, town of	H 370090A 01	Mayor, Town Hall, P.O. Box 185, Macclesfield, N.C. 27852	Jan. 9, 1974 June 11, 1976
Do	Catawba	Maiden, town of	H 370056A 01	Mayor, P.O. Box 125, Maiden, N.C. 28650	Sept. 20, 1974 June 11, 1976
Do	Richmond	Rockingham, city of	H 370201A 01 through H 370201A 04.	Mayor, P.O. Box 510, Rockingham, N.C. 28378	Mar. 15, 1974 June 11, 1976
North Dakota	Morton	Glen Ullin, city of	H 380070B 01	City Attorney, Glen Ullin, N. Dak. 58631	May 24, 1974 Jan. 2, 1976 June 11, 1976
Do	Stark	Richardton, city of	H 380248 01 through H 380248 02.	President, City Hall, Richardton, N. Dak. 58625	Aug. 6, 1976
Ohio	Perry	Corning, village of	H 390440A 01	Mayor, Village of Corning, 576 West Park Ave., Barberton, Ohio 44203.	May 10, 1974
Do	Allen	Delphos, city of	H 390005A 01 through H 390005A 02.	Mayor, 125 East 2d St., Delphos, Ohio 45833	May 17, 1974 June 11, 1976
Do	Summit	Fairlawn, city of	H 390657A 1 through H 390657A 02.	Mayor, 3487 South Smith Rd., Fairlawn, Ohio 44313	Mar. 29, 1974 June 11, 1976
Do	Highland	Greenfield, village of	H 390267A 01 through H 390267A 02.	Mayor, P.O. Box 300, Greenfield, Ohio 45123	Mar. 1, 1974
Do	Sandusky and Seneca.	Green Springs, village of	H 390492A 01	Mayor, P.O. Box 335, Green Springs, Ohio 44836	Do.
Do	Franklin	Groveport, village of	H 390174A 01 through H 390174A 04.	Mayor, 605 Cherry St., Groveport, Ohio 43125	May 31, 1974 June 11, 1976
Do	Cuyahoga	Independence, city of	H 390111A 01 through H 390111A 04.	Mayor, 6675 Brecksville Rd., Independence, Ohio 44131	Feb. 1, 1974 June 11, 1976
Do	Warren	Mason, city of	H 390559A 01 through H 390559A 02.	Mayor, 202 West Main St., Mason, Ohio 45040	June 14, 1974 June 11, 1976
Do	Jefferson	Mingo Junction, city of	H 390300A 01 through H 390300A 02.	Mayor, 501 Commercial St., Mingo Junction, Ohio 43938	Mar. 1, 1974 June 11, 1976
Do	Trumbull	Niles, city of	H 390540A 01 through H 390540A 03.	Mayor, 34 West State St., Niles, Ohio 44446	Mar. 1, 1974 June 11, 1976
Do	Cuyahoga	Parma, city of	H 390123A 01 through H 390123A 06.	Mayor, 6611 Ridge Rd., Parma, Ohio 44129	May 17, 1974 June 11, 1976
Do	Scioto	Portsmouth, city of	H 390498A 01 through H 390498A 05.	City Manager, 728 2d St., Portsmouth, Ohio 45662	May 31, 1974 June 11, 1976
Do	Ottawa	Put-In-Bay, village of	H 390600A 01	Mayor, Town Hall, Put-In-Bay, Ohio 43456	Oct. 20, 1973
Do	Mahonin	Struthers, city of	H 390372A 01 through H 390372A 04.	Mayor, 6 Elm St., Struthers, Ohio 44471	Mar. 15, 1974 June 11, 1976
Do	Tuscarawas	Sugarcreek, village of	H 390546A 01	Mayor, 154 North Broadway, Sugarcreek, Ohio 44681	May 31, 1974 June 11, 1976
Do	Meigs	Syracuse, village of	H 390391A 01 through H 390391A 02.	Mayor, Town Hall, Syracuse, Ohio 45779	Apr. 5, 1974
Do	Jefferson	Toronto, city of	H 390304A 01 through H 390304A 03.	Mayor, 305 5th St., Toronto, Ohio 43964	Jan. 16, 1974 June 11, 1976
Do	Lucas	Waterville, village of	H 390637A 01	Mayor, 16 North 2d St., Waterville, Ohio 43566	Apr. 5, 1974
Do	Stark	Waynesburg, village of	H 390667A 01	Mayor, 123 Market St., Waynesburg, Ohio 44688	Mar. 29, 1974 June 11, 1976
Do	Jackson	Wellston, city of	H 390293A 01 through H 390293A 02.	Mayor, Box 147, Wellston, Ohio 45692	Feb. 15, 1974 June 11, 1976
Do	Lake	Willoughby, city of	H 390322A 01 through H 390322A 06.	Mayor, 4169 River St., Willoughby, Ohio 44094	Nov. 30, 1973 June 11, 1976
Do	Monroe	Woodsfield, village of	H 390406A 01 through H 390406A 02.	Mayor, Town Hall, Paul St., Woodsfield, Ohio 43793	June 7, 1974 June 11, 1976
Oklahoma	Payne	Cushing, city of	H 400165A 01 through H 400165A 04.	City Manager, P.O. Box 311, Cushing, Okla. 74023	Jan. 16, 1974 June 11, 1976
Do	Pittsburg	Hartshorne, city of	H 400387 01 through H 400387 03.	Mayor, P.O. Box 449, Hartshorne, Okla. 74547	Aug. 6, 1976
Do	Dewey	Seiling, town of	H 400058A 01	Mayor, P.O. Box 405, Seiling, Okla. 73663	May 24, 1974 June 11, 1976
Oregon	Clackamas	Johnson City, city of	H 410267 01	Mayor, City Hall, Johnson City, Oreg. 97015	Aug. 6, 1976
Do	Washington, Multnoma, Clackamas.	Lake Oswego, city of	H 410018A 01 through H 410018A 04.	Mayor, City Hall, Lake Oswego, Oreg. 97034	June 14, 1974 June 11, 1976
Do	Linn	Lebanon, city of	H 410141A 01 through H 410141A 02.	Mayor, City Hall, Lebanon, Oreg. 97355	Nov. 30, 1973 June 11, 1976
Do	Douglas	Oakland, city of	H 410271 01	Mayor, City Hall, Oakland, Oreg. 97462	Aug. 6, 1976
Pennsylvania	Delaware	Aldan, borough of	H 420401A 01	Mayor, 110 Merion Ave., Alden, Pa. 19018	Dec. 28, 1973 June 11, 1976
Do	Luzerne	Ashley, borough of	H 420596A 01 through H 420596A 02.	Mayor, Town Hall Bldg., Ashley, Pa. 18706	Apr. 5, 1974
Do	Delaware	Birmingham, township of	H 420402A 01 through H 420402A 02.	Chairman, Township of Birmingham, Box 181, Chadds Ford, Pa. 19317.	July 19, 1974 June 11, 1974
Do	Bucks	Bridgeton, township of	H 420182A 01 through H 420182A 02.	Chairman, Township of Bridgeton, Township Bldg., Upper Black Eddy, Pa. 18972.	Aug. 31, 1973 June 11, 1976
Do	Armstrong	Burrell, township of	H 421303A 01 through H 421303A 06.	Chairman, Township of Burrell, Rural Delivery No. 3, Fort City, Pa. 16226.	Sept. 20, 1974 June 11, 1976
Do	Bradford	Canton, township of	H 421397A 01 through H 421397A 05.	Chairman, Rural Delivery No. 1, Canton, Pa. 17724	Oct. 18, 1974 June 11, 1976
Do	Franklin	Chambersburg, borough of	H 420469A 01 through H 420469A 02.	Mayor, 100 South 2d St., Chambersburg, Pa. 17201	Dec. 28, 1973 June 11, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Westmoreland	Export, borough of	H 420870A 01	Mayor, 5889 Washington, Export, Pa. 15632	June 28, 1974 June 11, 1976
Do	McKean	Foster, township of	H 421835A 01 through H 421835A 04.	Chairman, Township of Foster, Board of Supervisors, 120 Russell Blvd., Bradford, Pa. 16701.	May 3, 1974 June 11, 1976
Do	Cambria	Geistown, borough of	H 420220 01	Mayor, 428 Danner St., Geistown, Pa. 15904	Aug. 6, 1976
Do	York	Goldsboro, borough of	H 420925A 01	Mayor, Borough of Goldsboro, Borough Bldg., Etters, Pa. 17319.	Dec. 28, 1973 June 11, 1976
Do	Union	Gregg, township of	H 420830A 01 through H 420830A 05.	Chairman, Township of Gregg, Rural Delivery 1, Allenwood, Pa. 17810.	June 21, 1974 June 11, 1976
Do	Columbia	Hemlock, township of	H 420344A 01 through H 420344A 08.	Chairman, Township of Hemlock, Rural Delivery No. 2, Bloomsburg, Pa. 17815.	Sept. 13, 1974 June 11, 1976
Do	Washington	Houston, borough of	H 420394A 01	Mayor, 210 West Grant St., Houston, Pa. 15342	Apr. 12, 1974 June 11, 1976
Do	Greene	Jefferson, township of	H 421672A 01 through H 421672A 03.	Chairman, Township of Jefferson, Rural Delivery No. 1, Rices Landing, Pa. 15357.	Dec. 20, 1974 June 11, 1976
Do	Tioga	Liberty, borough of	H 420822A 01	Mayor, Box 6, Liberty, Pa. 16930	Sept. 13, 1974
Do	Lycoming	Loyalsock, township of	H 421040A 01 through H 421040A 03.	Chairman, Township of Loyalsock, P.O. Box 606, Williamsport, Pa. 17701.	June 28, 1974 June 11, 1976
Do	Berks	Marion, township of	H 421070A 01 through H 421070A 05.	Chairman Township of Marion, Rural Delivery 1, Womelsdorf, Pa. 19567.	Sept. 13, 1974 June 11, 1976
Do	Snyder	Middlecreek, township of	H 420037A 01 through H 420037A 02.	Chairman, Township of Middlecreek, Township Bldg., Kreamer, Pa. 17833.	Jan. 10, 1975 June 11, 1976
Do	Columbia	Mifflin, township of	H 421167A 01 through H 421167A 06.	Chairman, Township of Mifflin, Township Bldg., Mifflinville, Pa. 18631.	Nov. 1, 1974 June 11, 1976
Do	Centre	Milesburg, borough of	H 420094A 01	Mayor, Borough Bldg., Milesburg, Pa. 16853	Dec. 28, 1973 June 11, 1976
Do	Clinton	Mill Hall, borough of	H 420330A 01 through H 420330A 01.	Mayor, 224 South Chestnut St., Mill Hall, Pa. 17751	Mar. 29, 1974 June 11, 1976
Do	Chester	Modena, borough of	H 420282A 01	Mayor, Box 116, Modena, Pa. 19358	June 28, 1974 June 11, 1976
Do	Beaver	New Brighton, borough of	H 420115A 01	Mayor, 515 9th St., New Brighton, Pa. 15066	Mar. 1, 1974 June 11, 1976
Do	Bucks	New Hope, borough of	H 420195A 01	Mayor, P.O. 141, New Hope, Pa. 18938	Apr. 27, 1973 June 11, 1976
Do	Delaware	Newtown, township of	H 420091A 01 through H 420091A 05.	Chairman, Township of Newtown, P.O. Box 333, Newtown Square, Pa. 19073.	Jan. 23, 1974 June 11, 1976
Do	Berks	Ontelaunee, township of	H 420960A 01 through H 420960A 05.	Chairman, Township Supervisors, Township of Ontelaunee, Rural Delivery No. 1, Box 215, Shoemakersville, Pa. 19555.	June 28, 1974 June 11, 1976
Do	Dauphin	Pillow, borough of	H 420892A 01	Mayor, Borough Bldg., Pillow, Pa. 17080	Dec. 28, 1973 June 11, 1976
Do	Northampton	Plainfield, township of	H 421147A 01 through H 421147A 04.	Chairman, Board of Supervisors, Township of Plainfield, Rural Delivery 3, Nazareth, Pa. 18064.	Sept. 13, 1974 June 11, 1976
Do	Delaware	Radnor, township of	H 420423A 01 through H 420423A 02.	Manager, Township of Radnor, 301 Iven Ave., Wayne, Pa. 19087.	Feb. 1, 1974 June 11, 1976
Do	Jefferson	Reynoldsville, borough of	H 420513A 01 through H 420513A 04.	Mayor, Municipal Bldg., Reynoldsville, Pa. 15851	Jan. 9, 1974 June 11, 1976
Do	Berks	Richmond, township of	H 421090A 01 through H 421090A 04.	Chairman, Township of Richmond, 323 South White Oak St., Kutztown, Pa. 19530.	Sept. 13, 1974 June 11, 1976
Do	Northumberland	Riverside, borough of	H 420740A 01 through H 420740A 02.	Mayor, P.O. Box 237, Riverside, Pa. 17868	Mar. 29, 1974 June 11, 1976
Do	Mercer	Sandy Creek, township of	H 421873A 01 through H 421873A 03.	Supervisor, Township of Sandy Creek, Rural Delivery No. 1, Hadley, Pa. 16130.	Sept. 20, 1974 June 11, 1976
Do	Jefferson	Snyder, township of	H 421735A 01 through H 421735A 05.	Chairman, Township of Snyder, Rural Delivery 1, Brockway, Pa. 15824.	Sept. 13, 1974 June 11, 1976
Do	Chester	South Coatesville, borough of	H 420283A 01	Mayor, Modena Road, South Coatesville, Pa. 19320	May 31, 1974 June 11, 1976
Do	do	South Coventry, township of	H 421490A 01 through H 421490A 03.	Chairman, Township of South Coventry, Rural Delivery No. 2, Pottstown, Pa. 19464.	Oct. 18, 1974 June 11, 1976
Do	Bradford	South Waverly, borough of	H 420176A 01	President of Council, 106 Division St., South Waverly, Pa. 18852.	Jan. 9, 1974 June 11, 1976
Do	Mercer	Stoneboro, borough of	H 420670A 01 through H 420670A 04.	Mayor, Beech St., Stoneboro, Pa. 16153	July 26, 1974
Do	Monroe	Stroudsburg, borough of	H 420094A 01	Mayor, Municipal Bldg., Stroudsburg, Pa. 18360	June 21, 1974 June 11, 1976
Do	Adams	Tyrone, township of	H 421163A 01 through H 421163A 05.	Supervisor, Township of Tyrone, Rural Delivery 4, Box 220, Gettysburg, Pa. 17325.	Dec. 13, 1974 June 11, 1976
Do	Blair	do	H 421895A 01 through H 421895A 12.	Township Secretary, Rural Delivery 1, Box 175, Tyrone, Pa. 16686.	Dec. 13, 1974 June 11, 1976
Do	Northumberland	Upper Augusta, township of	H 420745A 01 through H 420745A 12.	Chairman, Township Supervisors, Township of Upper Augusta, Rural Delivery No. 1, Box 313, Sunbury, Pa. 17801.	Jan. 16, 1974 June 11, 1976
Do	Crawford	Venango, township of	H 421574A 01 through H 421574A 02.	Chairman, Board of Supervisors, Township of Venango, Rural Delivery 3, Saegertown, Pa. 16433.	May 31, 1974 June 11, 1976
Do	Montgomery	West Conshohocken, borough of	H 420710A 01 through H4 20710A 02.	Mayor, 112 Ford St., West Conshohocken, Pa. 19428	Jan. 16, 1974 June 11, 1976
Do	do	West Pottsgrove, township of	H 421133A 01 through H 421133A 05.	President of Commissioners, Township of West Pottsgrove, Township Hall Bldg., Stowe, Pa. 19464.	Sept. 20, 1974 June 11, 1976
Do	do	Whitpain, township of	H 420713A 01 through H 420713A 04.	Chairman, Board of Supervisors, Township of Whitpain, P.O. Box 800, Blue Bell, Pa. 19444.	July 26, 1974 June 11, 1976
Do	Northampton	Williams, township of	H 421030A 01 through H 421030A 03.	Chairman, Township of Williams, 1535 Morgan Hill Rd., Easton, Pa. 18042.	May 17, 1974 June 11, 1976
South Carolina	Lexington	Swansea, town of	H 450139A 01	Mayor, P.O. Drawer 423, Swansea, S.C. 29160	June 7, 1974 June 11, 1976
Do	do	South Congaree, town of	H 450137A 01	Mayor, 1633 Berry Rd., South Congaree, S.C. 29169	May 17, 1974 June 11, 1976
Do	Allendale	Ulmer, town of	H 450012A 01	Mayor, P.O. Box 123, Ulmer, S.C. 29849	Aug. 16, 1974 June 11, 1976
South Dakota	Douglas	Armour, city of	H 460234 01	Mayor, City Hall, Armour, S. Dak. 57313	Aug. 6, 1976
Do	Bon Homme	Springfield, city of	H 460216 01	Mayor, City Hall, Springfield, S. Dak. 57062	Do.
Do	do	Tyndall, city of	H 460220 01	Mayor, City Hall, Tyndall, S. Dak. 57066	Do.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Tennessee	DeKalb	Alexandria, town of	H 470042A 01	Mayor, P.O. Box 277, Alexandria, Tenn. 37012	June 7, 1974
					June 11, 1976
Do	do	Liberty, city of	H 470044A 01	Mayor, City Hall, Liberty, Tenn. 37095	Aug. 9, 1974
					June 11, 1976
Do	Scott	Oneida, town of	H 470170A 01 through H 470170A 02.	Mayor, P.O. Box 545, Oneida, Tenn. 37841	June 14, 1974
					June 11, 1976
Do	Macon	Red Boiling Springs, city of	H 470111A 01 through H 470111A 03.	Mayor, Donaldson and Main, Red Boiling Springs, Tenn. 37150.	June 7, 1974
					June 11, 1976
Do	Fayette	Rossville, town of	H 470050A 01	Mayor, P.O. Box 65, Rossville, Tenn. 38066	July 19, 1974
					June 11, 1976
Texas	Nacogdoches	Appleby, city of	H 481085 01	Mayor, Rual Station, Nacogdoches, Appleby, Tex. 75961	Aug. 6, 1976
Do	Cass	Avinger, town of	H 480731 01	Mayor, P.O. Box 8, Avinger, Tex. 75630	Do.
Do	Brown	Bangs, town of	H 480718 01	Mayor, P.O. Box 98, Bangs, Tex. 76823	Do.
Do	Red River	Bogata, town of	H 480084 01 through H 480084 02.	Mayor, P.O. Box 476, Bogata, Tex. 75417	Do.
Do	Waller	Brookshire, town of	H 481097 01	Mayor, Box 473, Brookshire, Tex. 77423.	Do.
Do	Atascosa	Charlotte, city of	H 480701 01	Mayor, P.O. Box 216, Charlotte, Tex. 78011	Do.
Do	Dallas	Cockrell Hill, city of	H 480169A 01	Mayor, City Hall, Cockrell Hill, Tex. 75211	Dec. 7, 1973
					June 11, 1976
Do	Hopkins	Como, town of	H 480870 01	Mayor, Town Hall, Como, Tex. 75431	Aug. 6, 1976
Do	Callahan	Cross Plains, town of	H 480723 01	Mayor, P.O. Box 385, Cross Plains, Tex. 76443	Do.
Do	Hopkins	Cumby, city of	H 480871 01	Mayor, P.O. Box 819, Cumby, Tex. 75433	Do.
Do	Tarrant	Dalworthington Gardens, town of	H 481013 01	Mayor, Town of Dalworthington Gardens, 2600 Roosevelt Dr., Arlington, Tex. 76016.	Do.
Do	Brazoria	Danbury, city of	H 480069A 01	Councilman, City Hall, Danbury, Tex. 77534	May 24, 1974
					June 11, 1976
Do	Dickens	Dickens, city of	H 480787 01	Mayor, P.O. Box 625, Dickens, Tex. 79229	Aug. 6, 1976
Do	Fayette	Fayetteville, town of	H 481147 01	Mayor, P.O. Box 127, Fayetteville, Tex. 78940	Do.
Do	Rusk	Henderson, city of	H 480551A 01 through H 480551A 04.	Mayor, City Hall, 400 West Main St., Henderson, Tex. 75652.	Mar. 8, 1974
					June 11, 1976
Do	Clay	Henrietta, city of	H 480126A 01 through H 480126A 02.	Mayor, City Hall, 115 North Main St., Henrietta, Tex. 76365.	Apr. 12, 1974
					June 11, 1976
Do	Bexar	Hollywood Park, town of	H 480040A 01	Mayor, City Hall, 2 Mecca Dr., Hollywood Park, Tex. 78232.	Apr. 12, 1974
					June 11, 1976
Do	Dallas	Hutchins, city of	H 480170A 01 through H 480126A 02.	Mayor, City Hall, 305 N. Main St., Hutchins, Tex. 75141	Mar. 22, 1974
					June 11, 1976
Do	Gregg and Rusk	Kilgore, city of	H 480263A 01 through H 480263A 05.	Mayor, City Hall, Kilgore, Tex. 75662	May 24, 1974
					June 11, 1976
Do	Wilson	La Vernia, city of	H 481050 01 through H 481050 02.	Mayor, P.O. Box 198, La Vernia, Tex. 78121	Aug. 6, 1976
Do	Llano	Llano, city of	H 480451A 01 through H 480451A 04.	City Secretary, 301 West Main St., Llano, Tex. 78643	Dec. 28, 1973
					June 11, 1976
Do	Morris	Lone Star, town of	H 480944 01 through H 480944 02.	Mayor, Town Hall, Jefferson and Center, Lone Star, Tex. 75663.	Aug. 6, 1976
Do	Roberts	Miami, city of	H 480541A 01 through H 480541A 02.	Mayor, City Hall, P.O. Box 217, Miami, Tex. 79059	May 24, 1974
					June 11, 1976
Do	Bowie	Nash, city of	H 480058A 01	Mayor, City Hall, 119 Elm St., Nash, Tex. 75569	Jan. 23, 1974
					June 11, 1976
Do	Reeves	Pecos, city of	H 480538A 01 through H 480533A 04.	Mayor, City Hall, 6th and Cedar St., Pecos, Tex. 79772	June 7, 1974
					June 11, 1976
Do	Atascosa	Poteet, city of	H 480016A 01	May, City Hall, 530 Ave. H, Poteet, Tex. 78065	Jan. 23, 1974
					June 11, 1976
Do	Dallas and Kaufman.	Seagoville, city of	H 480187A 01 through H 480187A 05.	Mayor, City Hall, 702 North Highway 175, Seagoville, Tex. 75159.	Feb. 1, 1974
					June 11, 1976
Do	Parker	Weatherford, city of	H 480522A 01 through H 480522A 06.	Mayor, 119 Palo Pinto St., P.O. Box 235, Weatherford, Tex. 76086.	Mar. 8, 1974
					June 11, 1976
Do	Dallas	Wilmer, city of	H 480190A 01 through H 480190A 05.	Mayor, City Hall, 217 Belt Line Rd., Wilmer, Tex. 75172	Feb. 1, 1974
					June 11, 1976
Utah	Piute	Circleville, town of	H 490095A 01	Town President, Town Hall, Circleville, Utah 84723	Aug. 2, 1974
					June 11, 1976
Do	Washington	St. George, city of	H 490177A 01 through H 490177A 07.	Mayor, City Hall, St. George, Utah 84770	Aug. 16, 1974
					June 11, 1976
Virginia	Mecklenburg	Clarksville, town of	H 510209A 01 through H 510209A 05.	Mayor, Box 787, Clarksville, Va. 23927	Nov. 1, 1974
					June 11, 1976
Washington	Clark	Camas, city of	H 530026A 01 through H 530026A 03.	Mayor, City Hall, 616 NE. 4th Ave., Camas, Wash. 98607	June 14, 1974
					July 11, 1976
Do	Grays Harbor	Elma, town of	H 530060A 01	Mayor, 202 West Main St., Town Hall, Elma, Wash. 98541	June 7, 1974
					June 11, 1976
Do	Cowlitz	Woodland, town of	H 530035A 01 through H 530035A 02.	Mayor, 100 Davidson Ave., Woodland, Wash. 98674	Nov. 2, 1973
					June 11, 1976
West Virginia	Putnam	Bancroft, town of	H 540165A 01	Mayor, Box 31, Bancroft, W. Va. 25011	Aug. 9, 1974
Do	Harrison	Bridgeport, city of	H 540055A 01	Mayor, 131 West Main St., Bridgeport, W. Va. 26330	July 19, 1974
Do	Pocahontas	Cass, town of	H 540157A 01	Mayor, Box 96, Cass, W. Va. 24927	Aug. 30, 1974
Do	Kanawha	Chesapeake, city of	H 540074A 01	Mayor, 12404 McCorkel Ave., Chesapeake, W. Va. 25315	Mar. 15, 1974
Do	do	Clendenin, town of	H 540075A 01	Mayor, Box 515, Clendenin, W. Va. 25045	June 28, 1974
Do	Pocahontas	Durbin, town of	H 540158A 01	Mayor, Town Hall, Durbin, W. Va. 26264	Aug. 9, 1974
					June 11, 1976
Do	Ritchie	Ellenboro, town of	H 540180A 01	Mayor, Town Hall, Ellenboro, W. Va. 26346	Aug. 9, 1974
					June 11, 1976
Do	Kanawha	Marmet, town of	H 540079A 01	Mayor, Town Hall, Marmet, W. Va. 25315	Apr. 12, 1974
Do	Wyoming	Pineville, town of	H 540220A 01 through H 540220A 03.	Mayor, Box 220, Pineville, W. Va. 24874	July 26, 1974
					June 11, 1976
Do	Mercer	Princeton, city of	H 540128A 01	Mayor, P.O. Box 311, Princeton, W. Va. 24740	July 19, 1974
					June 11, 1976
Do	Kanawha and Fayette.	Smithers, town of	H 540033A 01 through H 540033A 02.	Mayor, Town Hall, Smithers, W. Va. 25186	May 17, 1974
Wisconsin	Iowa	Arena, village of	H 550172A 01	President, Arena, Wis. 53503	Dec. 17, 1973
					June 11, 1976
Do	Columbia	Cambria, village of	H 550057A 01	Village President, Box 295, Cambria, Wis. 53923	Apr. 12, 1974
Do	Walworth	Delavan, city of	H 550463A 01	Mayor, Municipal Bldg., 123 South 2d St., Delavan, Wis. 53115.	June 7, 1974
					June 11, 1976
Do	Waukesha	Dousman, village of	H 550480A 01	Village President, P.O. Box 86, Dousman, Wis. 53118	Sept. 6, 1974
					June 11, 1976
Do	Columbia	Doylestown, village of	H 550059A 01 through H 550059A 02.	Village President, Box 21, Doylestown, Wis. 53928	May 17, 1974
					June 11, 1976
Do	Burnett	Grantsburg, village of	H 550033A 01	Village President, Village Hall, Grantsburg, Wis. 54840	June 7, 1974
Do	Winnebago	Neenah, city of	H 550509A 01 through H 550509A 03.	Mayor, P.O. Box 627, Neenah, Wis. 54956	June 28, 1974
					June 11, 1976
Do	Green	New Glarus, village of	H 550164A 01	Village President, P.O. Box 548, New Glarus, Wis. 53576	May 24, 1974
					June 11, 1976
Do	Portage	Plover, village of	H 550340A 01 through H 550340A 03.	Village Clerk, P.O. Box 13, Plover, Wis. 54467	July 11, 1975
					June 11, 1976
Do	Ozaukee	Port Washington, city of	H 550316A 01 through H 550316A 02.	Mayor, 100 West Grand Ave., Port Washington, Wis. 53074	May 31, 1974
					June 11, 1976
Do	Oneida	Rhinelander, city of	H 550301A 01	Mayor, P.O. Box 658, Rhinelander, Wis. 54501	Dec. 17, 1973
					June 11, 1976
Do	Portage	Stevens Point, city of	H 550342A 01 through H 550342A 06.	Mayor, 1515 Strongs Ave., City-County Bldg., Stevens Point, Wis. 54481.	Dec. 28, 1973
					June 11, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Dodge	Watertown, city of	H 550107A 01 through H 550107A 04.	Mayor, 106 Jones St., Watertown, Wis. 53094	May 31, 1974 June 11, 1976
Do.	Dane	Waunakee, village of	H 550093A 01	Village President, 401 West 2d St., Waunakee, Wis. 53597	Dec. 17, 1973 June 11, 1976
Do.	Waupaca	Waupaca, city of	H 550502A 01 through H 550502A 02.	Mayor, 124 South Washington St., Waupaca, Wis. 54981	Jan. 9, 1974 June 11, 1976
Do.	Sauk	West Baraboo, village of	H 550107A 01	Village President, 507 Linn West, West Baraboo, Wis. 53913.	Jan. 16, 1974
Do.	Marquette	Westfield, village of	H 550260A 01	Village President, 109 East 2d St., Westfield, Wis. 53964	May 24, 1974 June 11, 1976
Do.	Columbia	Wisconsin Dells, city of	H 550065A 01	Mayor, 712 Oak St., Wisconsin Dells, Wis. 53965	Dec. 17, 1973 June 11, 1976
Do.	Juneau	Wonewoc, village of	H 550306A 01	Village President, Village Hall, Wonewoc, Wis. 53968	Dec. 7, 1973
Do.	Monroe	Wyeville, village of	H 550263A 01	Village President, Village of Wyeville, Rural Delivery 2, Tomah, Wis. 54660.	Aug. 23, 1974 June 11, 1976

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: June 19, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-20526 Filed 7-19-76;8:45 am]

[Docket No. 2234]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial asistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be August 19, 1976, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin August 19, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin August 19, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Chilton	Maplesville, town of	H 0100032A 01 through H 0100032A 02.	Mayor, P.O. Box 95, Maplesville, Ala. 36750	Sept. 13, 1974 July 23, 1976
Do.	Etowah	Sardis City, city of	H 010031 01 through H 010031 03.	Mayor, Box 541, Boaz, Ala. 35957	Sept. 17, 1976
California	San Luis Obispo	El Paso De Robles, city of	H 060303A 01 through H 060303A 02.	Mayor, City Hall, 1020 Spring St., El Paso De Robles, Calif. 93446.	Feb. 15, 1974 July 23, 1976
Connecticut	Fairfield	Wilton, town of	H 090020A 01 through H 090020A 03.	Town Chairman, Town Hall, Stonehigh Sq., Wilton, Conn. 06432.	Mar. 15, 1974 July 23, 1976
Georgia	Walker	Rossville, city of	H 130183A 01 through H 130183A 03.	Mayor, P.O. Box 150, Rossville, Ga. 30741	Mar. 22, 1974 July 23, 1976
Do.	Dade	Trenton, city of	H 130063A 01 through H 130063A 03.	Mayor, P.O. Box 513, Trenton, Ga. 30752	Mar. 8, 1974 July 23, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Idaho	Kootenai	Coeur D'Alene, city of	H 160078A 01 through H 160078A 02.	P.E., City Hall, 5th and Sherman, Coeur D'Alene, Idaho 83814.	Mar. 29, 1974 July 23, 1976
Do	Ada	Eagle, city of	H 160003A 01	Mayor, City Hall, P.O. Box 477, Eagle, Idaho 83616	Dec. 7, 1973 July 23, 1976
Illinois	Cook	East Hazel Crest, village of	H 170085A 01	Village President, 17223 Throop St., East Hazel Crest, Ill. 60429.	Mar. 22, 1974 July 23, 1976
Do	do	Lansing, village of	H 170116B 01 through H 170116B 02.	Mayor, 3404 Lake St., Lansing, Ill. 60438	Apr. 23, 1976 Feb. 1, 1974 July 23, 1976
Do	Lake	Mettawa, village of	H 170381A 01 through H 170381A 03.	Village President, 602 Riverwoods Rd., Lake Forest, Ill. 60045.	Oct. 18, 1974 July 23, 1976
Do	Lawrence	Sumner, city of	H 170412A 01	Mayor, City Hall, Sumner, Ill. 62466	Mar. 1, 1974 July 23, 1976
Indiana	Bartholomew	Columbus, city of	H 180007A 01 through H 180007A 10.	Mayor, 5th & Franklin Sts., Columbus, Ind. 47201	Dec. 7, 1973 July 23, 1976
Do	Wayne	Greens Fork, town of	H 180283A 01	Town Board, 16 East Carriage, Greens Fork, Ind. 47345	Sept. 20, 1974 July 23, 1976
Do	Grant	Jonesboro, town of	H 180076A 01	President, 414 South Main St., Jonesboro, Ind. 46938	Dec. 7, 1973
Do	Gibson	Patoka, town of	H 180340A 01	President, Town Board, 202 Mill St., Patoka, Ind. 47666	Nov. 23, 1973 July 23, 1976
Do	Huntington	Roanoke, town of	H 180096A 01	Town Board, Town Hall, Roanoke, Ind. 46783	Dec. 28, 1973 July 23, 1976
Iowa	Jackson	Bellevue, city of	H 190158A 01	Mayor, City Hall, Bellevue, Iowa 52031	Mar. 29, 1974 July 23, 1976
Do	Cherokee	Cherokee, city of	H 190063A 01 through H 190063A 04.	Mayor, City Hall, Cherokee, Iowa 51012	Mar. 29, 1974 July 23, 1976
Do	Pottawattamie	Council Bluffs, city of	H 190235A 01 through H 190235A 12.	Chairman, City Planning Commission, City Hall, 209 Pearl St., Council Bluffs, Iowa 51501.	June 28, 1974 July 23, 1976
Do	Chickasaw	Fredericksburg, city of	H 190066A 01	Mayor, City Hall, Fredericksburg, Iowa 50630	May 3, 1974 July 23, 1976
Do	Buchanan	Independence, city of	H 190031A 01 through H 190031A 02.	City Clerk, City Hall, Independence, Iowa 50644	May 3, 1974 July 23, 1976
Do	Louisa	Wapello, city of	H 190194A 01 through H 190194A 03.	Mayor, City Hall, Wapello, Iowa 52653	Jan. 10, 1974 July 23, 1976
Kansas	Miami	Paola, city of	H 200224A 01 through H 200224A 02.	City Manager, P.O. Box 409, Paola, Kans. 66071	Dec. 17, 1973 July 23, 1976
Kentucky	Letcher	Jenkins, city of	H 210138A 01 through H 210138A 04.	Mayor, P.O. Box 568, Jenkins, Ky. 41537	June 7, 1974 July 23, 1976
Louisiana	Natchitoches Parish.	Natchitoches, city of	H 220131A 01 through H 220131A 08.	Mayor, City Hall, Natchitoches, La. 71457	July 19, 1974 July 23, 1976
Maine	Washington	Addison, town of	H 230132A 01 through H 230132A 23.	Selectmen, Town Hall, Addison, Maine 04606	Oct. 18, 1974 July 23, 1976
Do	Somerset	Anson, town of	H 230123A 01 through H 230123A 16.	Selectmen, Town Hall, Main St., Anson, Maine 04911	Aug. 23, 1974 July 23, 1976
Do	Cumberland	Raymond, town of	H 230205A 01 through H 230205A 14.	Chairman, Office of Selectmen, Raymond, Maine 04071	Dec. 6, 1974 July 23, 1976
Do	Franklin	Strong, town of	H 230061A 01 through H 230061A 12.	Chairman, Board of Selectmen, Town Hall, Strong, Maine 04983.	June 14, 1974 July 23, 1976
Do	Sagadahoc	Topsham, town of	H 230122A 01 through H 230122A 13.	Chairman, Board of Selectmen, Municipal Building, 22 Elm St., Topsham, Maine 04086.	Mar. 29, 1974 July 23, 1976
Massachusetts	Worcester	Athol, town of	H 250291A 01 through H 250291A 12.	Selectmen, Town Hall, 584 Main St., Athol, Mass. 01331	Mar. 8, 1974 July 23, 1976
Do	Essex	Essex, town of	H 250080A 01 through H 250080A 09.	Selectmen, Town Hall, Essex, Mass. 01929	July 20, 1974 July 23, 1976
Do	Norfolk	Medfield, town of	H 250242A 01 through H 250242A 06.	Selectmen, Town Hall, Main St., Medfield, Mass. 02052	Sept. 6, 1974 July 23, 1976
Do	Worcester	Lancaster, town of	H 250312A 01 through H 250312A 10.	Selectmen, Town Hall, Main St., Lancaster, Mass. 01523	Feb. 22, 1974 July 23, 1976
Do	Essex	Topsfield, town of	H 250106A 01 through H 250106A 03.	Selectmen, Town Hall, Topsfield, Mass. 01983	Sept. 13, 1974 July 23, 1976
Do	do	Wenham, town of	H 250107A 01 through H 250107A 04.	Member—Conservation Commission, 7 Walnut Rd., Wenham, Mass. 01984.	July 20, 1974 July 23, 1976
Michigan	Cheboygan	Cheboygan, city of	H 260058A 01 through H 260058A 03.	Mayor, Backus St., Cheboyan, Mich. 49721	June 28, 1974 July 23, 1976
Do	Mecosta	Hinton, township of	H 260137A 01 through H 260137A 11.	Township Supervisor, Township Bldg., Blanchard, Mich. 49310.	Sept. 6, 1974 July 23, 1976
Do	Muskegon	Muskegon Heights, city of	H 260162A 01	Mayor, 2724 Peck St., Muskegon Heights, Mich. 49444	June 28, 1974
Do	Arenac	Whitney, township of	H 260018A 01 through H 260018A 08.	Township Supervisor, Rural Delivery 1, Augres, Mich. 48703.	Do. June 23, 1976
Do	Tuscola	Wisner, township of	H 260209A 01 through H 260209A 07.	Township Supervisor, 6384 West Bay City, Forestville Rd., Fairgrove, Mich. 48733.	June 7, 1974 July 23, 1976
Minnesota	Polk	East Grand Forks, city of	H 275236A 01 through H 275236A 03.	Mayor, P.O. Box 373, East Grand Forks, Minn. 56721	Sept. 13, 1974 July 23, 1976
Do	Nobles	Ellsworth, city of	H 270320A 01	Mayor, City Hall, Ellsworth, Minn. 56129	May 3, 1974
Do	Hennepin	Minnetonka, city of	H 270173A 01 through H 270173A 11.	Mayor, 14600 Minnetonka Blvd., Minnetonka, Minn. 55343.	Aug. 23, 1974 July 23, 1976
Do	Morrison	Randall, city of	H 270302A 01 through H 270302A 02.	Mayor, City Hall, Randall, Minn. 56475	June 7, 1974 July 23, 1976
Mississippi	Simpson	D'Lo, town of	H 280157A 01	Mayor, Town Hall, D'Lo, Miss. 39062	June 7, 1974
Do	Sunflower	Drew, city of	H 280163A 01	Mayor, 130 West Shaw Ave., Drew, Miss. 38737	May 10, 1974 July 23, 1976
Do	Coahoma	Friars Point, town of	H 280040A 01	Mayor, Town Hall, Box 185, Friars Point, Miss 38631	June 28, 1974 July 23, 1976
Do	Washington	Hollandale, city of	H 280180A 01	Mayor, 202 East Ave., Hollandale, Miss. 38748	May 31, 1974
Do	Marshall	Holly Springs, city of	H 280113A 01 through H 280113A 02.	Mayor, City Hall, Holly Springs, Miss. 38635	June 7, 1974 July 23, 1976
Do	Chickasaw	Houston, city of	H 280030A 01 through H 280030A 04.	Mayor, P.O. Box 548, Houston, Miss. 38851	June 28, 1974 July 23, 1976
Do	Sunflower	Inverness, town of	H 280165A 01	Mayor, P.O. Box 166, Inverness, Miss. 38753	May 31, 1974
Do	Claiborne	Port Gibson, town of	H 280033A 01	Mayor, P.O. Box 607, Port Gibson, Miss. 39150	Feb. 1, 1974 July 23, 1976
Do	Sharkey	Rolling Fork, city of	H 280155A 01	Mayor, 401 East China, Rolling Fork, Miss. 39159	May 24, 1974
Do	Leflore	Schlater, town of	H 280105A 01	Mayor, Town Hall, Schlater, Miss. 38952	Aug. 23, 1974 July 23, 1976
Missouri	Cooper	Boonville, city of	H 290110A 01 through H 290110A 03.	Mayor, City Hall, 6th and Spring Sts., Boonville, Mo. 65233.	Jan. 23, 1974 July 23, 1976
Do	Clinton	Lathrop, city of	H 290704A 01 through H 290704A 02.	City Clerk, P.O. Box 225, Lathrop, Mo. 64465	Feb. 7, 1975 July 23, 1976
Do	Franklin	Union, city of	H 290137A 01 through H 290137A 02.	Mayor, City Hall, 500 East Locust, Union, Mo. 63084	Mar. 8, 1974 July 23, 1976
Nebraska	Buffalo	Gibbon, city of	H 310015A 01	Mayor, City Hall, Gibbon, Nebr. 68840	May 31, 1974 July 23, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Thurston	Pender, village of	H 310221A 01	Village Chairman, Village Hall, Pender, Nebr. 68047	May 3, 1974 July 23, 1976
Do	Scotts Bluff	Scottsbluff, city of	H 310209A 01 through H 310209A 02.	Mayor, City Hall, Scottsbluff, Nebr.	Apr. 5, 1974 July 23, 1976
New Hampshire	Rockingham	Portsmouth, city of	H 330139A 01 through H 330139A 11.	Development Director, City Hall, 125 Daniel St., Portsmouth, N.H. 03801.	July 19, 1974 July 23, 1976
Do	Cheshire	Troy, town of	H 330173A 01 through H 330173A 06.	Town Attorney, P.O. Box 705, 45 Roxbury Street, Keene, N.H. 03431.	Jan. 3, 1975 July 23, 1976
New Jersey	Salem	Alloway, township of	H 340413A 01 through H 340413A 07.	Mayor, P.O. Box 435, Alloway, N.J. 08001	June 28, 1974 July 23, 1976
Do	Morris	Chatham, township of	H 340504A 01 through H 340504A 04.	Mayor, 24 Southern Blvd., Chatham, N.J. 07928	July 27, 1973 July 23, 1976
Do	Gloucester	Deptford, township of	H 340199A 01 through H 340199A 08.	Mayor, 1011 Cooper St., Deptford, N.J. 08096	Aug. 9, 1976 July 23, 1976
Do	do	East Greenwich, township of	H 340200A 01 through H 340200A 08.	Mayor, Cohawkin Road, Clarksboro, N.J. 08020	Sept. 6, 1974 July 23, 1976
Do	do	Glassboro, borough of	H 340203A 01 through H 340203A 04.	Mayor, Main and High St., Glassboro, N.J. 08028	June 28, 1974 July 23, 1976
Do	Morris	Mendham, township of	H 340511 01 through H 340511 07.	Mayor, Box 20, Brookside, N.J. 07926	Sept. 17, 1976
Do	Bergen	Norwood, borough of	H 340057A 01	Mayor, 455 Broadway, Norwood, N.J. 07648	Jan. 16, 1974 July 23, 1976
Do	Gloucester	Paulsboro, borough of	H 340210A 01 through H 340210A 02.	Mayor, 23 East Beard St., Paulsboro, N.J. 08066	Aug. 9, 1974 July 23, 1976
Do	Ocean	Plumsted, township of	H 340338A 01 through H 340338A 10.	Mayor, 31 Main St., New Egypt, N.J. 08533	June 28, 1974 July 23, 1976
Do	Burlington	Shamong, township of	H 340534A 01 through H 340534A 14.	Mayor, Tuckerton Road, Rural Delivery 5, Vincentown, N.J. 08088.	Dec. 20, 1974 July 23, 1976
Do	Ocean	South Tom's River, borough of	H 340322A 01 through H 340322A 02.	Mayor, 144 Mill St., South Tom's, River, N.J. 08753	July 26, 1974 July 23, 1976
Do	Cumberland	Upper Deerfield, township of	H 340175A 01 through H 340175A 09.	Mayor, Route 49, Municipal Bldg., Upper Deerfield, N.J.	Aug. 2, 1974 July 23, 1976
Do	Salem	Upper Pittsgrove, township of	H 340425A 01 through H 340425A 11.	Mayor, Rural Delivery 3, Elmer, N.J. 08318	July 19, 1974 July 23, 1976
New Mexico	Quay	Logan, village of	H 350105 01 through H 350105 03.	Mayor, P.O. Box 7, Logan, N. Mex. 88426	Sept. 17, 1976
New York	Allegany	Amity, town of	H 361033A 01 through H 361033A 05.	Supervisor, 29 Genesee St., Belmont, N.Y. 14813	Nov. 8, 1974 July 23, 1976
Do	Wyoming	Attica, town of	H 360340A 01 through H 360340A 05.	Supervisor, 1278 Gulf Road., Attica, N.Y. 14011	July 26, 1974 July 23, 1976
Do	Yates	Benton, town of	H 360355B 01 through H 360355B 13.	Town Clerk, Rural Delivery No. 4, Penn Yan, N.Y. 14527.	Jan. 2, 1976 June 7, 1974 July 23, 1976
Do	Oneida	Boonville, town of	H 360519A 01 through H 360519A 08.	Supervisor, 139 Ford St., Boonville, N.Y. 13309	Sept. 6, 1974 July 23, 1976
Do	Clinton	Champlain, village of	H 360107A 01	Mayor, Main St., Champlain, N.Y. 12919	May 31, 1974 July 23, 1976
Do	Otsego	Cherry Valley, town of	H 361209A 01 through H 361209A 12.	Supervisor, Elm St., Cherry Valley, N.Y. 13320	Oct. 18, 1974 July 23, 1976
Do	Columbia	Claverack, town of	H 360173A 01 through H 360173A 04.	Supervisor, Town Hall, Fillmont, N.Y. 12565	May 3, 1974 July 23, 1976
Do	Washington	Easton, town of	H 361221A 01 through H 361221A 10.	Supervisor, Rural Delivery 1, Greenwich, N.Y. 12834	Dec. 20, 1974 July 23, 1976
Do	Cattaraugus	Ellicottville, town of	H 360069A 01 through H 360069A 14.	Supervisor, Elizabeth St., Ellicottville, N.Y. 14731	May 31, 1974 July 23, 1976
Do	Ontario	Farmington, town of	H 361229A 01 through H 361229A 12.	Supervisor, Town Hall, 5699 Collett Rd., Victor, N.Y. 14564.	Oct. 25, 1974 July 23, 1976
Do	Rensselaer	Grafton, town of	H 361150A 01 through H 361150A 12.	Supervisor, Box 1, Grafton, N.Y. 12082	Nov. 1, 1974 July 23, 1976
Do	Columbia	Greenport, town of	H 361319A 01 through H 361319A 04.	Town Supervisor, Route 9, Hudson, N.Y. 12534	Nov. 1, 1974 July 23, 1976
Do	Greene	Greenville, town of	H 360290A 01 through H 360290A 11.	Supervisor, Town Hall, Greenville, N.Y. 12083	July 26, 1974 July 23, 1976
Do	Orange	Greenwood Lake, village of	H 360616A 01 through H 360616A 04.	Mayor, Church St., Greenwood Lake, N.Y. 10925	May 3, 1974 July 23, 1976
Do	Ontario	Hopewell, town of	H 361300A 01 through H 361300A 12.	Supervisor, Rural Delivery 2, Canandaigua, N.Y. 14424	Oct. 18, 1974 July 23, 1976
Do	St. Lawrence	Lisbon, town of	H 360703A 01 through H 360703A 15.	Town Supervisor, Box 93, Lisbon, N.Y. 13658	Aug. 16, 1974 July 23, 1976
Do	Orleans	Murray, town of	H 361230A 01 through H 361230A 04.	Supervisor, Town Hall, Holly, N.Y. 14470	Oct. 18, 1974 July 23, 1976
Do	Orange	Newburg, city of	H 360630A 01 through H 360630A 05.	Mayor, 83 Broadway, City Hall, Newburgh, N.Y. 12550	Mar. 15, 1974 July 23, 1976
Do	Schenectady	Niskayuna, town of	H 360739A 01 through H 360739A 03.	Supervisor, 1335 Balltown Rd., Schenectady, N.Y. 12309	Mar. 29, 1974 July 23, 1976
Do	Onondaga	Otisco, town of	H 360589A 01 through H 360589A 12.	Supervisor, Rural Delivery 1, Tully, N.Y. 13159	May 31, 1974 July 23, 1976
Do	Fulton	Perth, town of	H 361135A 01 through H 361135A 04.	Supervisor, Rural Delivery 6, Amsterdam, N.Y. 12010	Oct. 18, 1974 July 23, 1976
Do	Ontario	Phelps, township of	H 361302A 01 through H 361302A 07.	Town Supervisor, Town Hall, Phelps, N.Y. 15432	Nov. 8, 1974 July 23, 1976
Do	Rensselaer	Poestenskill, town of	H 360670A 01 through H 360670A 04.	Supervisor, Rural Delivery 2, Averill Park, N.Y. 12018	Aug. 30, 1974 July 23, 1976
Do	Oswego	Pulaski, village of	H 360659A 01 through H 360659A 02.	Mayor, 7571 Broad St., Pulaski, N.Y. 13142	May 10, 1974 July 23, 1976
Do	Tioga	Richford, township of	H 361216A 01 through H 361216A 10.	Supervisor, Rural Delivery 1, Richford, N.Y. 13835	Dec. 20, 1974 July 23, 1976
Do	Suffolk	Shoreham, village of	H 361500A 01	Mayor, Prospect St., Shoreham, N.Y. 11786	Nov. 15, 1974
Do	Rockland	South Nyack, village of	H 360691A 01	Mayor, 282 South Broadway, South Nyack, N.Y. 10960	Mar. 15, 1974 July 23, 1976
Do	Cayuga	Summerhill, town of	H 360127A 01 through H 360127A 03.	Supervisor, R.F.D. 4, Cortland, N.Y. 13045	May 31, 1974 July 23, 1976
Do	Essex	Ticonderoga, town of	H 361159A 01 through H 361159A 22.	Supervisor, Community Bldg., Ticonderoga, N.Y. 12883	Oct. 15, 1974 July 23, 1976
Do	Delaware	Tompkins, town of	H 360214A 01 through H 360214A 10.	Supervisor, Trout Creek, N.Y. 13347	June 28, 1974 July 23, 1976
Do	Lewis	Turin, town of	H 360370A 01 through H 360370A 03.	Town Supervisor, Town Hall, Turin, N.Y. 13473	June 7, 1974 July 23, 1976
Do	Rensselaer	Valley Falls, village of	H 361409A 01	Mayor, Village Hall, Valley Falls, N.Y. 12185	Nov. 22, 1974 July 23, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Erie	Wales, town of	H 360261A 01 through H 360261A 04.	Town Supervisor, 4256 Four Rod Rd., Wales Center, N.Y. 14169.	May 10, 1974 July 23, 1976
Do	Franklin	Waverly, town of	H 361126A 01 through H 361126A 32.	Supervisor, 444 Park Ave., Waverly, N.Y. 14892	Oct. 25, 1974 July 23, 1976
Do	Oneida	Western, town of	H 360564A 01 through H 360564A 04.	Town Supervisor, Rural Delivery 2, Boonville, N.Y. 13309.	Aug. 2, 1974 July 23, 1976
Do	Essex	Westport, village of	H 361495A 01 through H 361495 03.	Mayor, Village Hall, Westport, N.Y. 12993	Sept. 17, 1976
Do	Washington	White Creek, town of	H 361238A 01 through H 361238A 15.	Supervisor, Town Hall, Eagle Bridge, N.Y. 12057	Oct. 18, 1974 July 23, 1976
Do	Niagara	Wilson, town of	H 360514A 01 through H 360514A 04.	Supervisor, 375 Lake St., Wilson, N.Y. 14172	May 17, 1974 July 23, 1976
Do	Ulster	Woodstock, town of	H 360868A 01 through H 360868A 19.	Supervisor, 76 Pinker St., Woodstock, N.Y. 12498	May 31, 1974 July 23, 1976
Do	Niagara	Youngstown, village of	H 360515A 01	Mayor, 240 Lockport St., Youngstown, N.Y. 14174	Mar. 1, 1974 July 23, 1976
North Carolina	Madison	Hot Springs, city of	H 370153 01 through H 370153 07.	Mayor, P.O. Box 218, Hot Springs, N.C. 28743	Sept. 17, 1976
Do	Cleveland	Shelby, city of	H 370064A 01 through H 370064A 06.	Mayor, P.O. Box 207, Shelby, N.C. 28150	Jan. 9, 1974 July 23, 1976
Ohio	Defiance	Defiance, city of	H 390144A 01 through H 390144A 04.	Mayor, 324 Perry St., Defiance, Ohio 42512	May 17, 1974 July 23, 1976
Do	Gallia	Gallipolis, city of	H 390188A 01 through H 390188A 02.	Manager, 518 2d Ave., Gallipolis, Ohio 45631	Sept. 17, 1976
Do	Butler	Hamilton, city of	H 390039A 01 through H 390039A 09.	Mayor, Municipal Bldg., 2 High St., Hamilton, Ohio 45011.	Feb. 15, 1974 July 23, 1976
Do	Warren	Lebanon, city of	H 390557A 01 through H 390557A 06.	City Manager, City Bldg., Broadway at Main St., Lebanon, Ohio 45036.	May 10, 1974 July 23, 1976
Do	Montgomery	Miamisburg, city of	H 390413A 01 through H 390413A 04.	Mayor, 10 North 1st St., Miamisburg, Ohio 45342	Mar. 1, 1974 July 23, 1976
Do	Columbiana	Salem, city of	H 390086A 01 through H 390086A 02.	Mayor, 231 South Broadway, Salem, Ohio 44460	May 3, 1974 July 23, 1976
Do	Delaware	Shawnee Hills, village of	H 390151A 01	Mayor, Route 1, Powell, Ohio 43065	Feb. 8, 1974 Feb. 23, 1976
Do	Shelby	Sidney, city of	H 390507A 01 through H 390507A 05.	City Manager, Poplar St. and West Ave., Sidney, Ohio 45365.	May 24, 1974 July 23, 1976
Do	Miami	Tipp City, city of	H 390401B 01 through H 390401B 02.	Mayor, 3 East Main St., Tipp City, Ohio 45371	Apr. 9, 1976 May 10, 1974 July 23, 1976
Oklahoma	McIntosh	Eufaula, town of	H 400376 01 through H 400376 05.	Mayor, Town Hall, 64 Linden Ave., Eufaula, Okla. 74432	Sept. 17, 1976
Do	Caddo	Fort Cobb, town of	H 400022A 01	President, 202 Main St., P.O. Box 334, Fort Cobb, Okla. 73038.	Dec. 7, 1973 July 23, 1976
Do	Coal	Tupelo, city of	H 400333 01	President, City Hall, P.O Box 216, Tupelo, Okla, 74572	Sept. 17, 1976
Pennsylvania	Bradford	Albany, township of	H 421047A 01 through H 421047A 10.	Chairman, Box 20, New Albany, Pa. 18833	Sept. 20, 1974 July 23, 1976
Do	Luzerne	Bear Creek, township of	H 421136A 01 through H 421136A 28.	Chairman, Rural Delivery 2, Pittston Blvd., Wilkes-Barre, Pa. 18702.	Dec. 20, 1974 July 23, 1976
Do	Jefferson	Bell, township of	H 422244A 01 through H 422244A 03.	Chairman, Rural Delivery 2, Punxsutawney, Pa. 15767	Dec. 13, 1974 July 23, 1976
Do	Bucks	Buckingham, township of	H 420985A 01 through H 420985A 09.	Chairman, Box 413, Buckingham, Pa. 18912	June 28, 1974 July 23, 1976
Do	Lancaster	Ephrata, township of	H 421208A 01 through H 421208A 08.	Township Supervisors, 733 East Main, Ephrata, Pa. 17522.	Sept. 20, 1974 July 23, 1976
Do	Wyoming	Factoryville, borough of	H 420912A 01	Mayor, Borough Hall, Factoryville, Pa. 18419	Aug. 2, 1974 July 23, 1976
Do	Beaver	Franklin, township of	H 421065A 01 through H 421065A 06.	Chairman, 355 Franklin St., Ellwood City, Pa. 16117	June 28, 1974 July 23, 1976
Do	Lancaster	Fulton, township of	H 421774A 01 through H 421774A 07.	Chairman, Township Hall, Peach Bottom, Pa. 17563	Sept. 0, 1974 July 23, 1976
Do	Cameron	Gibson, township of	H 421130A 01 through H 421130A 07.	Chairman, Box 32, Rural Delivery 1, Driftwood, Pa. 15832.	Sept. 20, 1974 July 23, 1976
Do	Clinton	Grugan, township of	H 421539A 01 through H 421539A 05.	Chairman, P.O. Box 674, Lock Haven, Pa. 17745	Nov. 8, 1974 July 23, 1976
Do	Washington	Independence, township of	H 421202A 01 through H 421202A 02.	Chairman, Box E, Avella, Pa. 15312	Sept. 0, 1974 July 23, 1976
Do	Luzerne	Jenkins, township of	H 420611A 01 through H 420611A 02.	Chairman, Municipal Bldg., Port Griffith, Pa. 18640	June 1, 1973
Do	Westmoreland	Ligonier, township of	H 420884A 01 through H 420884A 11.	Chairman, Rural Delivery 2, Box 6A, Ligonier, Pa. 15658.	Sept. 0, 1974 July 23, 1976
Do	Montgomery	Lower Moreland, township of	H 420702A 01 through H 420702A 02.	Chairman, 640 Red Lion Rd., Huntingdon Valley, Pa. 19006.	Nov. 30, 1973 July 23, 1976
Do	Lycoming	McIntyre, township of	H 420645A 01 through H 420645A 14.	Chairman, Township Hall, Ralston, Pa. 17763	June 28, 1974 July 23, 1976
Do	Bradford	North Towanda, township of	H 421087A 01 through H 421087A 04.	Chairman, Rural Delivery 3, Towanda, Pa. 18848	July 20, 1974 July 23, 1976
Do	Lackawanna	Old Forge, borough of	H 420535A 01 through H 420535A 07.	Mayor, 310 South Main St., Old Forge, Pa. 18518	June 28, 1974 July 23, 1976
Do	Greene	Perry, township of	H 422434A 01 through H 422434A 04.	Chairman, Board of Supervisors, Township Bldg., Mount Morris, Pa. 15349.	Jan. 10, 1975 July 23, 1976
Do	Centre	Philipsburg, borough of	H 420267A 01 through H 420267A 03.	Mayor, Borough Hall, Philipsburg, Pa. 16866	Dec. 28, 1973 July 23, 1976
Do	....do	Port Matilda, borough of	H 420268B 01	Mayor, Box 125, Port Matilda, Pa. 16870	Oct. 0, 1975 Jan. 10, 1974 July 23, 1976
Do	Bedford	Saxton, borough of	H 420123A 01	Mayor, Borough Hall, Saxton, Pa. 16678	June 28, 1974
Do	Cambria	Scalp Level, borough of	H 420237A 01	Mayor, 503½ Main St., Scalp Level, Pa. 15963	June 28, 1974 July 23, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Bradford	South Creek, township of	H 421105A 01 through H 421105A 08.	Chairman, Rural Delivery 2, Box 91, Gillett, Pa. 16925	Sept. 13, 1974 July 23, 1976
Do	Armstrong	Wayne, township of	H 421318A 01 through H 421318A 04.	Chairman, Dayton, Rural Delivery 1, Dayton, Pa. 16222	Sept. 13, 1974 July 23, 1976
Do	Crawford	do	H 421570A 01 through H 421570A 04.	Chairman, Township Supervisors, Rural Delivery 1, Cochranton, Pa. 16314.	May 31, 1974 July 23, 1976
Do	Allegheny	West Elizabeth, borough of	H 420083A 01	Mayor, 5th St., West Elizabeth, Pa. 15088	Nov. 30, 1973 July 23, 1976
South Carolina	Marion	Sellers, town of	H 450145A 01	Mayor, P.O. Box 20, Sellers, S.C. 29592	June 7, 1974 July 23, 1976
Do	Williamsburg	Stuckey, town of	H 450192A 01	Mayor, Town Hall, Stuckey, S.C. 29554	Sept. 6, 1974 July 23, 1976
Tennessee	Wayne	Clifton, city of	H 470200 01 through H 470200 04.	Mayor, P.O. Box 192, Clifton, Tenn. 38425	Sept. 17, 1976
Do	Marshall	Cornersville, city of	H 470325 01 through H 470325 03.	Mayor, 110 North Main, Cornersville, Tenn. 37047	Do.
Do	Tipton	Covington, city of	H 470189B 01 through H 470189B 05.	Mayor, P.O. Box 130, Covington, Tenn. 38019	Apr. 23, 1976 Jan. 23, 1974 July 23, 1976
Do	Overton	Livingston, town of	H 470143A 01 through H 470143A 02.	Vice Mayor, 106 Henson St., Livingston, Tenn. 38570	May 24, 1974 July 23, 1976
Do	Moore	Lynchburg, city of	H 470138A 01 through H 470138A 03.	Mayor, P.O. Box D, Lynchburg, Tenn. 37352	Mar. 8, 1974
Do	Hawkins	Surgoinsville, city of	H 470279A 01 through H 470279A 07.	Mayor, Church Street and Old Stage Rd., Surgoinsville, Tenn. 37873.	May 17, 1974
Texas	Val Verde	Del Rio, city of	H 480331A 01 through H 480331A 12.	Mayor, P.O. Drawer DD, Del Rio, Tex. 78840	May 24, 1974 July 23, 1976
Do	Winkler	Kermit, city of	H 480674A 01 through H 480674A 04.	City Manager, City Hall, 1145 South Tornillo St., Kermit, Tex. 79745.	May 24, 1974 July 23, 1976
Do	Knox	Knox City, city of	H 480830A 01	Mayor, City Hall, Knox City, Tex. 79529	Aug. 15, 1975 July 23, 1976
Do	San Patricio	Mathis, city of	H 480337A 01	Mayor, City Hall, 411 East San Patricio, Mathis, Tex. 78368	Mar. 29, 1974
Do	Palo Pinto and Parker.	Mineral Wells, city of	H 480517A 01 through H 480517A 09.	Mayor, City Hall, 211 Southwest 1st Ave., Mineral Wells, Tex. 76067.	May 3, 1974 July 23, 1976
Utah	Salt Lake	Riverton, city of	H 490104A 01 through H 490104A 01.	Mayor, Riverton City, 12331 South Redwood Rd., Riverton, Utah 84065.	Nov. 1, 1974 July 23, 1976
Virginia	Wise	Pound, town of	H 510177A 01 through H 510177A 04.	Mayor, Municipal Bldg., Pound, Va. 24279	June 14, 1974 July 23, 1976
Washington	Skagit	La Conner, town of	H 530159A 01	Mayor, Town Hall, P.O. Box 400, La Conner, Wash. 98257	May 24, 1974 July 23, 1976
West Virginia	Taylor	Flemington, town of	H 540189A 01	Mayor, Box 170, Flemington, W. Va. 26347	Aug. 9, 1974 July 23, 1976
Wisconsin	Iowa and Lafayette.	Blanchardville, village of	H 550227B 01	Village President, Village Hall, Blanchardville, Wis. 53516	May 21, 1976 Dec. 17, 1973 July 23, 1976
Do	Sauk	Lake Delton, village of	H 550391B 02	Village President, P.O. Box 87, Lake Delton, Wis. 53940	Apr. 30, 1976 Dec. 17, 1973 July 23, 1976
Do	Oconto	Oconto Falls, city of	H 550228B 01	Mayor, P.O. Box 70, Oconto Falls, Wis. 54154	May 28, 1976 Jan. 9, 1974 July 23, 1976
Do	Outagamie	Shiocton, village of	H 550390A 01	Village President, Box 2, Shiocton, Wis. 54170	May 31, 1974 July 23, 1976
Do	Racine	Waterford, village of	H 550354A 01	Village President, 123 North River St., Waterford, Wis. 53185.	Dec. 17, 1973 July 23, 1976
Do	Milwaukee	West Allis, city of	H 550235A 01 through H 550235A 05.	Mayor, 7525 West Greenfield Ave., West Allis, Wis. 53214	Apr. 12, 1974 July 23, 1976

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

Issued: July 9, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-20720 Filed 7-19-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 2]

DISPOSITION OF CREDIT LIFE INSURANCE INCOME

Notice of Proposed Rulemaking

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in 12 U.S.C. 1 et seq., 12 U.S.C. 24(7), 12 U.S.C. 60, 12 U.S.C. 73, 12 U.S.C. 92, and 12 U.S.C. 1818(b), is considering the adoption of a new regulation, 12 CFR 2, governing the disposition of income earned from the sale of credit life, health and accident insurance (hereinafter "credit life insurance") by national banks or their officers, directors or principal shareholders.

PURPOSE OF THE REGULATION

The primary purposes of the regulation are to restate the policy of the Comptroller's Office with respect to the treatment of credit life insurance income and to summarize certain principles applicable to such income.

In the past, the Comptroller's views on this subject have been communicated in oral discussions between national bank examiners and officers and boards of directors of national banks; in letters signed by officials of the Comptroller's fourteen regional offices, in circulars distributed by the regional offices to all national banks in a particular region; in letters to individual national banks and other federal regulatory agencies signed by officials of the Washington office, including the Comptroller of the Currency; in administrative actions pursuant to the Financial Institutions Supervisory Act of 1966, 12 U.S.C. 1818(b) et seq.; and in litigation. The proposed regulation is intended to consolidate and clarify these prior statements of law and policy, with the objective of providing both examiners and bankers with a convenient and definitive reference to the Comptroller's views.

The regulation is addressed to a practice, engaged in by some banks, by which income from the sale of credit life insurance is diverted to individual officers, directors and principal shareholders, or to corporations or partnerships owned by them, instead of being credited to the bank's income accounts. Despite previous admonitions by the Comptroller's Office, the practice still prevails in some national banks. The Comptroller believes that a formal regulation may now be desirable to halt this diversion of income, which may constitute an unsafe and unsound banking practice, an unlawful distribution of the bank's income other than by the payment of dividends under the provisions of 12 U.S.C. 60, a breach of the fiduciary obligations of officers and directors under both the common law and 12 U.S.C. 73, a misapplication of bank funds punishable under 18 U.S.C. 656 and other criminal statutes, and, in some circumstances, a possible violation of the antitrust laws.

DESCRIPTION OF THE PRACTICE

The practice of diverting credit life insurance income takes several forms. In its simplest form, the bank loan officer is paid a portion of the commission as a substitute for salary. Since the loan officer in some instances receives the commission directly from the insurance underwriter, the bank's income account is never credited. Alternatively, commissions earned by all loan officers are pooled in a demand deposit account and divided among these officers and senior management at year end. The Comptroller's Office has been informed that this practice is designed to encourage loan officers to seek out and make installment loans. It would appear, however, that the practice serves at least as much to encourage loan officers, through subtle forms of coercion or otherwise, to have the borrower purchase credit life insurance as part of the loan package. This raises the question whether such incentive arrangements result, or could result, in the tying of loans to the purchase of insurance, a possible violation of the antitrust laws, including the anti-tying provisions of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1971 et seq.).

Moreover, the practice of allowing bank officers to receive income directly from credit life insurance sales involves an inherent conflict of interest: the lending officer's judgment is influenced by his direct financial reward from making the loan. Consequently, the officer may be induced to make a loan he would not otherwise have considered sound. While the maintenance of a detailed and rigidly adhered to loan policy might tend to reduce the number of cases where marginal or unsound loans are made primarily to reap the credit life commission, banks where this incentive arrangement is common do not always have written loan policies that must be followed by all officers. Thus, there is a significant possibility that salaries structured on this basis can produce loans of a lower quality than a well-managed bank normally would make.

The more complex diversions of insurance income are an outgrowth of the incentive practice just discussed, the principal difference being that the sums diverted are much larger than the amounts involved in payments to loan officers. In these situations, the bank's executive officers, who frequently are the principal shareholders as well, pay themselves sums in the form of credit life commissions equal to or exceeding their established salaries. In a number of cases, the bank's directors were completely unaware of the practice. In other cases, the directors as a group form their own corporation or partnership to which the insurance income is diverted. Not uncommonly, the recipients use this income to service personal debts incurred in the purchase of the bank's stock, with the result that individuals and small groups of investors have been able to finance the acquisition of a bank or a chain of banks partially on the expectation of receiving the income from credit life insurance sales. Regardless of the arrangement, in most cases where large sums are diverted to officers, directors or principal shareholders the bank receives little or no income from this corporate opportunity associated with its business.

The amount of income diverted to persons or entities other than the bank can be substantial, both in absolute dollar amount and in relation to other bank income. At one national bank with total assets at year-end 1975 of $17 million and pre-tax income of $280,000, credit life insurance income of $83,00 or 30 percent of income, was diverted to individual officers. Of this amount, $78,000 was paid to the bank's president, supplementing his salary and bonus of $24,660. A vice president in the same bank received $400 in addition to his salary and bonus of $20,550. Two assistant vice presidents received approximately $2,600 each in addition to their individual salary and bonus of $15,070. At another bank with total assets of $20 million and 1975 pre-tax income of $181,000, the credit life income totalled $91,000, of which the bank retained $14,000. The remaining $77,000 was credited to an on-premises insurance agency owned by five of the bank's nine directors. Even in larger banks, where instalment loans comprise a smaller percentage of the bank's loan portfolio, credit life insurance income can contribute significantly to earnings. At one $900 million bank, credit life income included in total pre-tax earnings of $8.2 million amounted to $630,000, or 7.7 percent.

The diversion problem also exists in holding company arrangements. In a sizeable number of cases where the holding company owns less than all of the bank's stock, the credit life income is taken out of the bank and paid directly to the holding company, instead of being

credited on the bank's books and upstreamed in the form of a duly declared dividend. The payment of these sums directly to the holding company constitutes a disguished dividend not recognized by 12 U.S.C. 60, and is clearly detrimental to the condition of the bank and the interests of minority shareholders. The Comptroller recently addressed these problems when he advised the Federal Reserve Board not to permit a national bank in Illinois to form a holding company by acquiring only 60 percent of the banks' stock and using the credit life income to finance the holding company debt.

Legal Issues

The Comptroller of the Currency has held the view for many years that national banks may sell credit life, health and accident insurance, either by having the bank or one of its employees act as agent or by securing a group policy yielding experience refunds on the basis of the underwriter's loss experience. For example, in the 1960 edition of the Comptroller's "Digest of Opinions," the Comptroller stated, in § 9420, that national banks "wherever located" may provide individual or group credit life coverage and charge their loan customers accordingly. Additionally, the Comptroller's Office has stated that since credit life insurance is now widely used by lenders as a form of security in lieu of requiring guarantors or co-makers on the note, acting as agent for its sale is within that certain power granted national banks in 12 U.S.C. 24(7) "To exercise * * * all such incidental powers as shall be necessary to carry on the business of banking * * * *by loaning money on personal security.*" (Emphasis added.) The Comptroller's conclusion in this regard was also influenced by the widespread availability of credit life, health, and accident insurance at commercial banks throughout the United States,[1] and by the fact that credit life insurance is not generally obtainable elsewhere.

Several methods of selling credit life insurance are used in the commercial banking industry. Under one procedure, the bank or its employee obtains an insurance agent's license, which permits the sale of individual policies of credit life insurance. Under the proposed regulation, all commissions derived from this arrangement must be turned over to the bank and credited to the bank's income account for the benefit of all stockholders. If the commissions are initially received by the employee holding the agent's license, they must be transferred to the bank directly or pursuant to a contract between the employee and the bank by which the employee agrees to reimburse the bank to the extent of his commissions for the use of bank premises, employees and good will.

Another arrangement calls for the bank to secure a group policy. Under this method, loan customers are sold certificates of participation in a group credit life insurance policy, and the underwriter periodically remits to the policyholder (the bank) a dividend (sometimes called an experience refund or retrospective rate credit) based on the underwriter's loss experience. This procedure has been approved by the Comptroller of the Currency for many years for all national banks, and is widely used in the banking industry for the sale of credit life, health and accident insurance.

Under still other arrangements, a national bank can sell credit life insurance at no profit pursuant to an arrangement with the underwriter calling for the bank to be reimbursed for its administrative expenses in collecting and disbursing the premiums, furnishing the underwriter a monthly statement, etc. Alternatively, a national bank may provide group credit life insurance coverage at its own expense. Finally, a national bank may refund to its borrowers any commissions or experience refunds it receives.

The choice of the arrangement by which credit life insurance is sold is the responsibility of the bank's board of directors. In the Comptroller's opinion, all arrangements described in § 2.6 of the regulation are permissible for all national banks. The proposed regulation expresses the Comptroller's further opinion that under no circumstances may the board select a method of selling credit life insurance that confers a personal benefit upon an officer, director or principal stockholder.

Unsafe and Unsound Practices

For several reasons, the Comptroller believes that any arrangement allowing parties or entities other than the bank to receive and retain income earned from the sale of insurance in connection with bank loans, is an unsafe and unsound banking practice.

First, analysis of the purposes of 12 U.S.C. 73 and 12 U.S.C. 93 as well as common law fiduciary principles suggest that directors may be held personally liable for allowing insurance income to be retained by parties other than the bank. Historically, the courts have never tolerated practices that allow management or controlling stockholders to profit personally from corporate activities in a manner detrimental to the interests of other shareholders. The courts will have even less sympathy when such practices are carried on in a bank, whose management and directors owe not only the usual fiduciary duties to the bank and all its shareholders, but also a duty to depositors to conduct the bank's operations in a safe and sound manner.

There are substantial risks of suits against directors of national banks for diverting insurance income to their own interests. At last count, approximately 36 suits against directors of savings and loan associations were pending in Cook County (Chicago) alone. In the two litigated cases on record,[2] directors were held fully or partially liable. In the only case involving a national bank, the court found the directors personally liable for all credit life insurance income diverted in the preceding three years.[3] Regardless of the outcome in a particular case, stockholder suits on this issue generate unfavorable publicity that tends to erode public confidence in fiancial institutions.

Second, the payment of income earned on bank premises to some shareholders constitutes an unauthorized preferential dividend. Such payments may be made only after the income has been credited on the bank's books and included in the fund from which dividends to all stockholders are paid under the provisions of 12 U.S.C. 60. Distribution of this income by any other means reduces the sum available for dividends to all shareholders and accords an unwarranted preference to a few.

Third, failure to credit insurance income on the bank's books deprives the bank of earnings, and therefore makes the bank less profitable.

Fourth, the acquisition of a bank or a chain of banks by investors who rely on the credit life insurance income to service their bank stock loans is inherently unsafe and unsound because it decreases the investor's concern for and interest in running a profitable bank. If investors are allowed to depend on an uninterrupted flow of credit life insurance income transmitted in the form of something other than a dividend, their incentive to assure a profitable, dividend-paying operation is reduced. On the other hand, where investors must rely solely on dividends rather than on extraneous sources of income to service their bank stock loans, their interest in the bank's overall profitability is likely to increase.

Finally, arrangements that permit an officer, director or controlling stockholder to engage in business for his own profit while using the premises, personnel, good will and customers of a national bank, are inimical to the trust and confidence placed by depositors in financial institutions. Because banks survive primarily on public trust, conduct that may be permissible by similarly situated persons in a non-banking corporation cannot be condoned in a bank.

Conclusion

As indicated earlier, the proposed regulation is intended to reaffirm and clarify the Comptroller's long-standing policy against the diversion of credit life insurance income to parties other than the bank or its operating subsidiary.

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[1] Preliminary results of a recently completed survey by national bank examiners of 2,900 of the nation's 4,700 national banks indicate that less than 20 do not provide this service.

[2] *Kerrigan* v. *Unity Savings Ass'n*, 58 Ill. 2d 20, 317 N.E. 2d 39 (1974); *Goodman* v. *Perpetual Bldg. Ass'n.*, 320 F. Supp. 20 (D.D.C. 1970); see also *City Federal Savings & Loan Ass'n* v. *Crowley*, 393 F. Supp. 644 at 658 (E.D. Wis. 1975); *Rettig* v. *Arlington Heights Federal Savings & Loan Ass'n*, 405 F. Supp. 819 (N.D. Ill. 1975).

[3] *Kotobzadeh* v. *First National Bank of Attalla*, C.A. No. 29289-M, Etowah County Circuit Court, Alabama.

Adoption of this regulation will consolidate previous communications on this subject, thereby providing bankers and examiners with a convenient means of reference to applicable principles.

The proposed regulations in large measure merely restates the Comptroller's existing policy; nevertheless, it is recognized that portions of the regulation could, depending on the circumstances, effect the operations of a national bank in a substantive way. For this reason, the Comptroller deems it in the public interest to solicit public comment. Accordingly, comments should be submitted on or before September 3, 1976 and be addressed to C. Westbrook Murphy, Deputy Comptroller for Law and Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219. All comments received will be made available for inspection by any interested party.

Part 2 of title 12 of the Code of Federal Regulations is proposed to be added as follows:

PART 2—DISPOSITION OF CREDIT LIFE INSURANCE INCOME

Sec.
2.1 Authority.
2.2 Scope and application.
2.3 Definitions.
2.4 Distribution of income from insurance activities.
2.5 Responsibilities of Directors.
2.6 Methods of selling insurance.

AUTHORITY: 12 U.S.C. 1 et seq., 24(7), 60, 73, 92, 1818(b).

§ 2.1 Authority.

This part is issued by the Comptroller of the Currency under the general authority of the national banking laws, 12 U.S.C. 1 et seq., and under the specific authority of 12 U.S.C. 24(7), 60, 73, 92 and 1818(b).

§ 2.2 Scope and application.

This part applies to sales of credit life, health and accident insurance by employees, officers, directors or principal shareholders of a national or district bank.

§ 2.3 Definitions.

(a) "Bank" means a national banking association or a bank located in the District of Columbia and subject to the supervision of the Comptroller of the Currency.

(b) "Beneficial ownership" shall include: (i) Ownership through a spouse, child or spouse of a child;

(ii) Ownership through a broker, nominee or agent;

(iii) Ownership through a corporation, partnership, association, joint venture or proprietorship controlled by a director, officer, employee or principal shareholder of the bank.

(c) "Principal shareholder" means any shareholder who directly or indirectly possesses beneficial ownership of more than 5 percent of the bank's outstanding shares.

(d) The terms "officer," "director," "employee" and "principal shareholder" shall include the spouse, child, or spouse of a child of such officer, director, employee or principal shareholder.

§ 2.4 Distribution of income from insurance activities.

(a) Except as provided in paragraph (d) of this section, no bank or employee, officer, director or principal shareholder thereof, may act as an insurance agent for the purpose of selling or otherwise making available credit life, health and accident insurance to bank customers unless all income from this activity is credited to the bank or its wholly-owned subsidiary.

(b) Except as provided in paragraph (d) of this section, income from the sale of credit life, health and accident insurance by employees, officers, directors or principal shareholders to bank customers may not be distributed or credited to any corporation, partnership, association or individual other than the bank, a wholly-owned subsidiary of the bank, or the borrower.

(c) Except as provided in paragraph (d) of this section, a bank which distributes to or allows retention by a corporation, partnership, association or individual other than the bank, its wholly owned subsidiary, or the borrower, of income from the sale of credit life insurance by its employees, officers, directors or principal shareholders, is engaged in an unsafe and unsound banking practice.

(d) A bank may transfer income earned from the sale of credit life, health and accident insurance to an affiliate whose beneficial ownership is identical to that of the bank. For example:

(1) A bank wholly owned (except directors' qualifying shares) by a holding company may transfer income from the sale of credit life, health and accident insurance to an affiliate which is also wholly owned by the holding company.

(2) Where there is no holding company but the bank's stockholders are identical to those of the transferee, income from the sale of credit life, health and accident insurance may be credited to the transferee.

(3) Income from the sale of credit life, health and accident insurance may be transferred to a trust for the benefit of all shareholders.

(e) Nothing in this section shall be construed to prohibit a bank employee, officer, director or principal shareholder who holds an insurance agent's license from agreeing to compensate the bank for the use of its premises, employees and good will, provided that all income received by said employee, officer, director or principal shareholders from this activity is turned over to the bank as compensation.

§ 2.5 Responsibility of Directors.

(a) The selection of an insurance underwriter, the agreements between the underwriter and the bank or its employees, officers, directors or principal shareholders, and the manner in which income from the sale of insurance is distributed shall be approved by an appropriate resolution of the bank's board of directors. Such resolution shall set forth the name of the underwriter(s), a description of the agreement with the underwriter as to the collection of premiums and the disbursement thereof, and a discussion of the manner in which income from the sale of insurance is to be allocated.

(b) When carrying out its responsibilities under paragraph (a) of this section, the board of directors shall observe the rules in § 2.4 of this part, and shall be mindful of their duty under both the common law and 12 U.S.C. 73 to promote and advance the interests of the bank over their own personal interests.

§ 2.6 Methods of selling insurance.

(a) Pursuant to 12 U.S.C. 24(7), a bank may sell credit life, health and accident insurance to its loan customers by any of the methods listed below. This list is not intended to be exclusive.

(1) A bank may act as agent for the sale of credit life, health and accident insurance and receive income in the form of commissions.

(2) An employee, officer, director or principal shareholder of the bank may be licensed as an insurance agent, provided the rules set forth in § 2.4 are observed.

(3) A bank may acquire a group credit life, health and accident insurance policy and provide coverage thereunder to loan customers. A bank which makes coverage available by means of a group policy may received experience refunds or retrospective rate credits as provided in the policy.

(i) A bank may not arrange to obtain a group credit life, health and accident insurance policy from an employee, officer, director or principal shareholder, or from any insurance agency, corporation or partnership of which said employee, officer, director or principal shareholder has beneficial ownership, as defined in section 2.3, of 25 percent or more, unless the arrangement is at least as favorable to the bank as similar arrangements which could have been made with unrelated parties.

(4) As compensation for the use of its premises, personnel and good will, a bank may contract with an employee, director, officer, or principal shareholder to receive income payable to said individual from the sale of insurance, provided that said individual is obligated in said contract to pay over to the bank all of the income received.

(5) A bank may accept reimbursement from an insurance company for services rendered by the bank in selling credit life insurance, maintaining an account to receive premiums, disbursing premiums to the underwriter, and issuing a statement of account on a periodic basis.

(6) A bank may sell credit life, health and accident insurance to its loan customers at no profit, or it may provide group credit life, health and accident insurance at its own expense.

(7) A bank may refund to its loan customers who purchase credit life, health and accident insurance all commissions or experience refunds received from the underwriter.

(b) The Comptroller reserves the right to give written approval to the request of a national bank to modify the

applicability of this part to that bank because of that bank's particular circumstances.

Dated: July 15, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-20866 Filed 7-19-76;8:45 am]

[12 CFR Part 11]

SECURITIES EXCHANGE ACT DISCLOSURE RULES

Supplemental Notice of Proposed Rulemaking

On March 8, 1976, a document was published in the FEDERAL REGISTER (41 FR 9884) proposing to amend Part 11 of Title 12 of the Code of Federal Regulations in order to make Part 11 substantially similar to comparable regulations of the Securities and Exchange Commission ("SEC"). The preamble to the March 8, 1976 document indicated that certain instructions to financial statements were not being proposed at the time, but that the Comptroller of the Currency intended to propose appropriate revisions to such instructions in the near future to provide consistency, where needed, with the instructions to the Report of Condition and Report of Income ("Call Reports") which are filed by all national banks.

Since that time the instructions to the Call Reports have been finalized. Consequently, the Comptroller of the Currency is now proposing to add the appropriate instructions to the March 8, 1976 document, to make several minor changes in that document in response to comments which have been received to date, to correct and clarify some of the language in that document, and to add several other new items.

In order to accomplish this, the March 8, 1976 document is hereby being reproposed and republished for comment in its entirety and now includes the corrections and additions referred to above. The present proposal is being made pursuant to section 12(i) and section 23 of the Securities Exchange Act of 1934, as amended, ("the 1934 Act"), (15 USC 781(i) and 15 USC 78w).

Discussed below are the major changes proposed to be made in 12 CFR Part 11.

(a) Effective for periods beginning after December 25, 1975, the SEC adopted changes in its quarterly reporting form 10-Q substantially increasing the quarterly reporting requirements (40 FR 46111, Oct. 6, 1975). To conform to these changes, the Comptroller of the Currency proposes to replace the present Form of Quarterly Report (Form F-4, 12 CFR 11.44) with an expanded format which would include balance sheets as of the end of the most recent quarter and as of the same date of the preceding year, summarized statements of changes in financial position on a year-to-date basis for the current and prior year, and a narrative analysis of the results of operations. The expanded Form F-4 would also provide for the inclusion of additional financial information deemed appropriate by management and, to make it consistent with the Call Reports, would contain several other minor changes, including a requirement that management express its opinion about the financial information presented.

(b) At the same time it announced its amended quarterly reporting requirements, the SEC amended its Regulation S-X by adopting a new Rule 3-16(t) requiring disclosure of selected financial data in notes to annual financial statements of certain registrants (40 FR 46111, Oct. 6, 1975). Accordingly, the Comptroller of the Currency proposes to amend 12 CFR 11.7(c)(10) by adding a new clause (vii) to provide for similar disclosure by national banks subject to Part 11 whose securities are listed on a national securities exchange or are quoted on the National Association of Securities Dealers' automated quotation system (NASDAQ), and which meet certain tests of asset size and/or income.

(c) Effective with respect to financial statements filed after January 15, 1976, the SEC amended Article 9 of its Regulation S-X to conform certain reporting practices of banks and bank holding companies to generally accepted accounting principles as practiced in other industries (40 FR 58851, Dec. 19, 1975). The amendments related to reporting of reserves for loan losses, classification of unearned income, and classification of certain debt instruments sometimes referred to as debt capital. The Federal banking agencies on October 7, 1975, (40 FR 46399) proposed identical reporting changes in connection with the Call Reports which banks are required to file with the banking agencies, and such Call Report changes were put into effect beginning March 31, 1976. With these changes, as well as many others not directly traceable to the SEC's Regulation S-X, the Call Reports now contain many differences from the existing financial reporting requirements of 12 CFR Part 11, and the Comptroller of the Currency finds it desirable to eliminate this disparity. Accordingly, the Comptroller of the Currency proposes to delete the entire existing 12 CFR 11.71, Forms for Financial Statements (Forms F-9A, B, C and D), and the instructions thereto, and replace that section with a revised § 11.71 with instructions. The formats for Form F-9A (Balance Sheet), Form F-9B (Statement of Income), Form F-9C (Statement of Changes in Capital Accounts), and Form F-9D (Schedules) would be amended at the appropriate places to duplicate portions of the Call Report format and to conform portions of the accompanying instructions.

The proposed changes to § 11.71 would include the following:

1. A new Form F-9E (Statement of Changes in Financial Position) would be added.

2. The allowance for loan losses would be divided into valuation, contingency, and deferred tax portions and be reported according to new instructions thereto.

3. Unearned income on loans would be deducted from loans.

4. Subordinated debentures would be reported as a separate caption between liabilities and capital.

5. Direct lease financing would be reported as a separate item rather than be included in "Other assets."

6. A new caption "Interest bearing balances with other banks" would be added to the Balance Sheet and a related income account would be added to the Statement of Income.

7. The accretion of discount on securities purchased would now be required.

8. Reporting of minority interest in consolidated subsidiaries would be included in "Other Liabilities."

9. Instructions regarding the reporting of equity in loss or income from subsidiaries and associated companies not consolidated would be clarified.

10. Interest expense on Certificates of Deposit of $100,000 or more would be required to be disclosed.

11. An instruction calling for the inclusion of foreign income taxes as part of income expense would be added.

12. A new instruction would be added at the end of the Statement of Changes in Capital Accounts setting forth the policy of the Comptroller of the Currency regarding the accounting treatment for "goodwill" resulting from certain business combinations.

13. The analysis of loans would be conformed to that of the Call Reports.

14. The analysis of deposits would be conformed to that of the Call Reports.

These and several other minor proposed changes in placement and terminology are for the purpose of adhering more closely to accepted financial reporting practices and would not affect the Comptroller of the Currency's treatment of these items for purposes of capital adequacy of national banks.

(d) In addition to the foregoing, several other changes relating to financial reporting under Part 11 are being proposed. Among these are the following:

1. Section 11.7(b)(3)(i)(B) would be amended to conform more closely with SEC Rule 2-01(b) of Regulation S-X relating to independence of accountants.

2. A new subclause (C) would be added to § 11.7(b)(3)(iii) to conform to SEC Rule 2-02(c) of Regulation S-X relating to treatment of material differences between accounting principles reflected in the financial statements and those reflected in the books.

3. In § 11.7(b)(3), existing clause (iv) would be renumbered as "(vi)" and a new clause (iv) would be added to conform to SEC 2-02(d) of Regulation S-X relating to exceptions in accountants' opinions.

4. A new clause (v) would be added to § 11.7(b)(3) to conform to SEC Rule 2-02(e) of Regulation S-X relating to an accountant's association with an unaudited note covering interim financial data.

5. Section 11.7(c)(8)(i) would be expanded to conform more closely with SEC Rule 3-16(q)(1) of Regulation S-X relating to commitments.

6. A new clause (ix) would be added to § 11.7(c)(9) to conform to SEC Rule 3-16(e) of Regulation S-X relating to defaults on debt.

7. A new clause (x) would be added to § 11.7(c)(9) to conform to SEC Rule 3-16(k) of Regulation S-X relating to changes in indebtedness subsequent to the filing of a balance sheet.

8. A new clause (v) would be added to § 11.7(c)(10) to conform to SEC Rule 3-16(t) of Regulation S-X relating to capitalization of interest.

9. A new clause (vi) would be added to § 11.7(c)(10) to conform to SEC Rule 3-16(s) of Regulation S-X relating to disclosure concerning disagreements with, and changes of, accountants.

10. Existing paragraphs (5) and (6) of § 11.7(d) would be deleted, and new subparagraphs (5), (6), (7), and (8) would be added to conform to SEC Rules 4-03, 4-04(a) and 4-04(b) of Regulation S-X, relating to the filing of consolidated or combined financial statements of subsidiaries, disclosure of the principles followed in consolidation, and disclosure of any changes in consolidation.

(e) Item 14 of § 11.51, Form F-5, would be amended to require 5-year historical and pro-forma earnings summaries instead of the present 3-year summaries in proxy statements filed in connection with a merger, consolidation, or other corporate reorganization of a national bank subject to Part 11. This amendment would conform to present SEC requirements.

(f) Section 11.2 would be amended by adding a new paragraph (gg) defining the term "associated company." This amendment would conform to the present Call Report instructions.

(g) Section 11.3 would be amended by expanding the title of that section, correcting paragraph (b), and adding a new paragraph (d) which sets forth the notice procedure to be followed in cases of informal adjudications (as defined in 5 U.S.C. 551) under the 1934 Act. Paragraph (d) is proposed in response to new section 23(c) of the 1934 Act, as added by the Securities Acts Amendments of 1975.

(h) Section 11.4(a)(2) would be amended by the addition of a phrase to clarify the filing deadline for registration statements.

(i) Section 11.4 would be amended by adding a new paragraph (y) relating to the deregistration of registered securities.

(j) Sections 11.5(*l*)(3)(iv) and (*l*)(4) would be amended by requiring that certain information about criminal convictions contained in a Form F-11 also be disclosed in the tender offer materials to which the Form F-11 relates. This change would conform to present SEC requirements.

(k) Finally, several other corrections, clarifications and amended cross-references, all of a minor nature, are being proposed in §§ 11.4(g)(1), 11.5(c) (Notes 1 and 3), 11.5(c)(6), 11.5(e)(4), 11.5(i)(4)(iv), 11.6(e)(3)(i), 11.6(p)(1)(ii), 11.7(g)(1), 11.41 (Item 4), 11.42 (Item 4), 11.45 (General Instruction A), 11.51 [Items 9(f), 14(a), 14(b), 15(a) and 15(b)], 11.61, 11.62 and 11.102.

COMMENTS

All interested parties are invited to submit comments in writing to C. Westbrook Murphy, Deputy Comptroller for Law and Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219. All comments should be submitted not later than August 18, 1976, and will be given full consideration. Comments will be made available to the public for inspection and copying upon request, except as provided in 12 CFR Part 4.

The proposed amendments and corrections to 12 CFR Part 11 are as follows:

1. In the contents to Part 11 which precedes the regulations, the caption "11.3 Inspection and publication of information filed under the Act" would be changed to read as follows:

Sec.
11.3 Inspection and publication of information filed under the Act; Notice of informal adjudications.

2. In the contents to Part 11 which precedes the regulations, the caption "11.71 Forms for financial statements (Forms F-9A, B, C, and D)" would be changed to read as follows:

Sec.
11.71 Forms for financial statements (Forms F-9A, B, C, D and E).

3. Following the contents to Part 11 and immediately preceding the Regulations, the citation of authority should be changed to read as follows:

AUTHORITY: 15 U.S.C. 78*l*, 78m, 78p, 78w.

§ 11.2 [Amended]

4. Section 11.2 would be amended by adding a new paragraph (gg) as follows:

"(gg) The term "associated company" means a company in which the bank either directly or indirectly owns 20 to 50 percent of the outstanding common stock, unless the bank can refute the presumption of exercising significant influence."

5. Section 11.3 would be amended by changing the title of that section, by correcting the second sentence of paragraph (b), and by adding a new paragraph (d), as follows:

§ 11.3 Inspection and publication of information filed under the Act; Notice of informal adjudications.

* * * * *

(b) * * * In addition, copies of the registration statement and reports required by § 11.4 (exclusive of exhibits), the statements required by § 11.5(a), and the annual reports to security holders required by § 11.5(c) will be available for inspection at the Office of the Regional Administrator of National Banks in the national banking region in which the bank filing the statements or reports is located. * * *

* * * * *

(d) In every case of adjudication (as defined in section 551 of Title 5, United States Code) pursuant to the Act which is not required by the Act to be determined on the record after notice and opportunity for hearing, the Comptroller of the Currency shall (1) Give prompt notice of any adverse action or final disposition to any person who has requested the Comptroller of the Currency to make or not to make any such adjudication, and (2) Furnish any such person a statement of the written reasons for such action or disposition.

§ 11.4 [Amended]

6. Section 11.4(a)(2) would be amended by adding at the end of paragraph (a)(2) the phrase "within the period of time specified in the Act."

7. Section 11.4(g)(1) would be corrected by deleting from the beginning of paragraph (g)(1) the phrase "Following the filing of a Form F-1 registration statement pursuant to section 11.4(a)" and capitalizing the word "every".

8. Section 11.4 would be further amended by adding a new paragraph (y), as follows:

"(y) *Deregistration.* (1) Any class of security of a registrant bank which is registered on a national securities exchange pursuant to section 12(b) of the Act may be withdrawn or stricken from listing and registration on such exchange in accordance with the provisions of section 12(d) of the Act and the rules of such exchange.

(2) The registration of any class of security of a registrant bank which is registered pursuant to section 12(g) of the Act shall be terminated in accordance with the provisions of section 12(g)(4) of the Act, upon certification by the bank to the Comptroller of the Currency that the number of record holders of such class of security has fallen below 300. If the bank has merged into or consolidated with another bank or banks, such certification shall be filed by the successor bank.

(3) The registration of any class of security referred to in this paragraph, and the rights and obligations incident to such registration, shall remain in effect until such registration is terminated as provided in this paragraph."

§ 11.5 [Amended]

9. Section 11.5(c) Note 1(d) would be amended by adding at the end of Note 1(d) the phrase "similar in form to Form F-9E."

10. Section 11.5(c) Note 3 would be amended by deleting the present Note 3 and substituting the following:

3. If financial statements are accompanied by a report of an independent accountant in either the annual report to shareholders or in the annual report (Form F-2) which is filed (or proposed to be filed) with the Comptroller of the Currency, the other annual report shall also contain such accountants' report.

11. Section 11.5(c)(6) would be amended by correcting the word "boldfaced" in the first sentence of paragraph (c)(6) to read "boldface".

12. Section 11.5(e)(4) would be amended by correcting the word "thereo" in the first sentence of paragraph (e)(4) to read "thereto".

13. Section 11.5(l)(4)(iv) would be amended by correcting the word "writen" in clause (iv) to read "written".

14. Section 11.5(*l*)(3)(iv) would be amended by deleting the phrase "Items 2(a) and (c)" from clause (iv) substituting the phrase "Items 2(a), (c), and (e)".

15. Section 11.5(*l*) (4) would be amended by deleting the phrase "Items 2(a) and (c)" from the first sentence of paragraph (*l*) (4) and substituting the phrase "Items 2(a), (c), and (e)".

§ 11.6 [Amended]

16. Section 11.6(e) (3) (i) would be amended by correcting the citation to "§ 11.6(b)" in paragraph (e) (3) (i) to read "§ 11.6(*l*)".

17. Section 11.6(p) (1) (ii) would be corrected by deleting the present clause (ii) and substituting the following:

(ii) a sale of any equity security of the class convertible and any purchase of any equity security issuable upon conversion (otherwise than in a transaction involved in such conversion or in a transaction exempted by any paragraph under section 16(b) of the Act) within a period of less than six months which includes the date of conversion.

§ 11.7 [Amended]

18. Section 11.7(b) (3) (i) (B), would be amended by deleting the present paragraph (b) (3) (i) (B) and by substituting the following:

(B) The Comptroller of the Currency will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (*1*) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest, or (2) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person of its affiliates covering any period of his employment by the person. For the purposes of § 11.7 the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

19. Section 11.7(b) (3) (iii) would be amended by inserting a new paragraph (b) (3) (iii) (C) which would read as follows:

(C) The nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

20. Section 11.7(b) (3) (iv) would be amended by redesignating clause (iv) as "(vi)" and by adding two new paragraphs (iv) and (v) as follows:

"(iv) *Exceptions.* If the accountant making the report considers that he must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(v) *Association with unaudited note covering interim financial data.* If the financial statements covered by the accountant's report designate as "unaudited" the note required by § 11.7(c) (10) (vii), it shall be presumed that appropriate professional standards and procedures with respect to the data in the note have been followed by the independent accountant who is associated with the unaudited footnote by virtue of reporting on the financial statements in which it is included.

21. Section 11.7(c) (8) (i) would be amended by deleting the present paragraph (c) (8) (i) and substituting the following:

(i) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals. Rentals on noncapitalized financing leases shall be shown separately for both categories of rentals reported.

22. Section 11.7(c) (9) would be amended by adding at the end thereof two new clauses (ix) and (x), as follows:

(ix) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breech of covenant of a relaetd indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of covenant shall be made in the financial statements and the entire amount of obligations to which the default or breach relates shall be identified and included within "Other liabilities" if said default or breach accelerates the maturity of the obligations and makes it current under the terms of the related indenture or agreement. Classification with "Other liabilities" is not required if the lender has waived the acceclerated due date or otherwise agreed to a due date more than one year from the balance sheet date. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(x) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

23. Section 11.7(c) (10) would be amended by adding at the end of paragraph (c) (10) new paragraphs (v), (vi), and (vii), as follows:

(v) *Interest expense capitalized.* The amount of interest expense capitalized in each period for which an income statement is presented shall be shown within the income statement. Banks which follow a policy on capitalizing interest expense shall make the following additional disclosures: (A) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined, and (B) The effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred.

(NOTE.—National banks should not continue to capitalize interest costs on new assets acquired after December 31, 1975)

(vi) *Disagreements on accounting and financial disclosure matters.* If, within the twenty-four-month period prior to the date of the most recent financial statements, a Form F–3 has been filed reporting a change of accountants and included in such filing there is a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, and if such disagreement, if differently resolved, would have caused the financial statements to differ materially from those filed, state the existence and nature of the disagreement. In addition, if during the fiscal year in which the change in accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved a reported disagreement and if such transactions are material and were accounted for or disclosed in a manner different from that which the former accountants apparently concluded was required, state the effect on the financial statements if the method which the former accountant apparently concluded was required had been followed. The effects on the financial statements need not be disclosed if the method asserted by the former accountant ceases to be generally accepted because of authoritative standards or interpretations subsequently issued.

(vii) *Disclosure of selected quarterly financial data in notes to financial statements.*

(A) *Exemption.* This paragraph (c) (10) (vii) shall not apply unless the bank meets the following conditions:

(*i*) The bank's registered securities are (*i*) quoted on the National Association of Securities Dealers Automated Quotation System and (*ii*) meet the requirements for continued inclusion on the list of OTC margin stocks set forth in § 220.8(i) of Regulation T of the Board of Governors of the Federal Reserve System; and

(2) The bank and its consolidated subsidiaries (*i*) have had a net income after taxes but before extraordinary items and the cumulative effect of a change in accounting, of at least $250,000 for each of the last three fiscal years; or (*ii*) had total assets of at least $200,000,000 as of the last fiscal year end.

(B) *Explanation.* (*1*) Disclosure shall be made in a note to financial statements of total operating income, income before securities gains (losses), income before extraordinary items and cumulative effect of a change in accounting, net income, and per share data based upon such income and net income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented.

(2) When the data supplied in paragraph (c) (10) (vii) (B) (*1*) of this section vary from the amounts previously reported on the Form F–4 filed for any quarter, such as would be the case when a pooling of interests occurs or when an error is corrected, reconcile the amounts given with those previously reported describing the reason for the difference.

(*3*) Describe the effect of any disposals of segments of a business, and extraordinary, unusual or infrequently occurring items recognized in each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented, as well as the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter.

(*4*) If this footnote is unaudited and part of financial statements which are presented as audited, the note must be designated "unaudited."

24. Section 11.7(d) would be amended by deleting present subparagraphs (5) and (6) and by substituting new paragraphs (5), (6), (7) and (8), as follows:

(5) There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50-percent-or-less-owned persons, the investments in which are accounted for by the equity method, are consolidated or combined in one or more groups pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and re more groups pursuant to principles of groups.

(6) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (i) subsidiaries in consolidated or combined financial statements and (ii) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(7) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Comptroller of the Currency, which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed.

(8) Any change in the fiscal year of any consolidated person, which was made during the reported periods and which had a material effect on the consolidated financial statements, should be clearly indicated.

25. Section 11.7(g) (1) would be amended by deleting the phrase "and Schedule VI—Other Liabilities for Borrowed Money." from the end of subparagraph (1) and substituting the phrase "Schedule VI—Other Liabilities for Borrowed Money; and Schedule VIII—Deposits."

§ 11.41 [Amended]

26. Section 11.41, Form F–1, Item 4, Instruction 1, would be amended by deleting the present Instruction 1 and substituting the following:

Instructions. 1. At a minimum, Items 1(j), 2(i), 2(k) [excluding 2(i)], 3, 4, 5, 6, 7, and 10 of Form F–9B, and dividends per share, shall be shown.

§ 11.42 [Amended]

27. Section 11.42, Form F–2, Item 4, Instruction 1, would be amended by deleting the present Instruction 1 and substituting the following:

Instructions. 1. At a minimum, Items 1(j), 2(i), 2(k) [excluding 2(i)], 3, 4, 5, 6, 7, and 10 of Form F–9B, and dividends per share, shall be shown.

28. Section 11.44, Form F–4, would be deleted in its entirety, including the instructions thereto, and a new § 11.44 would be substituted as follows:

§ 11.44 Form for quarterly report of bank (Form F–4).

COMPTROLLER OF THE CURRENCY—FORM F–4, QUARTERLY REPORT PART A—*Summarized financial information*

(Name of bank)

(City and State)

Item	3 mos ending		Fiscal year to date (.... months ending .....)	
	19.... (current year)	19.... (prior year)	19.... (current year)	19.... (prior year)
1. Operating income:				
(a) Interest and fees on loans				
(b) Interest on balances with other banks				
(c) Income on Federal funds sold and securities purchased under agreements to resell				
(d) Interest and dividends on investments:				
(1) U.S. Treasury securities				
(2) Obligations of other U.S. Government agencies and corporations				
(3) Obligations of States and political subdivisions				
(4) Other securities				
(e) Income from direct lease financing				
(f) Trust department income				
(g) Service charges on deposit accounts				
(h) Other service charges, collection and exchange charges, commissions and fees				
(i) Other operating income				
(j) Total operating income				
2. Operating expenses:				
(a) Salaries, wages, and other employee benefits				
(b) Interest on time certificates of deposit of $100,000 or more				
(c) Interest on other deposits				
(d) Expense of Federal funds purchased and securities sold under agreements to repurchase				
(e) Interest on borrowed money				
(f) Interest on subordinated notes and debentures				
(g) Occupancy expense of bank premises, net				
Gross occupancy				
Less: Rental income				
(h) Furniture and equipment expense (including depreciation of $....)				
(i) Provision for possible loan losses				
(j) Other expenses				
(k) Total operating expenses				
3. Income (loss) before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income (loss) before securities gains (losses)				
6. Net securities gains (losses), less related tax effect ($....)				
7. Net income (loss)				
OR				
7. Income (loss) before extraordinary items				
8. Extraordinary items, less related income tax effect ($....)				
9. Net income (loss)				
10. Earnings (loss) per common share: [1]				
Income before securities gains (losses)				
Net income (loss)				

[1] The per share amount of securities gains (losses may be stated separately). If extraordinary items are reported, the per share amount of income before extraordinary items and the per share amount of extraordinary items shall be stated separately.

PART B.—*Balance sheet*

Furnish, insofar as practicable in the manner presented below, data as at the end of the latest fiscal quarter and for the ending of the corresponding quarter for the preceding fiscal year.

	As of ..... 19.... (current year)	As of ..... 19.... (prior year)
ASSETS		
1. Cash and due from banks		
2. Interest bearing balances with other banks		
3. Investment securities:		
(a) U.S. Treasury securities		
(b) Obligations of other U.S. Government agencies and corporations		
(c) Obligations of States and political subdivisions		
(d) Other securities		
(e) Federal Reserve and corporate stock		
4. Trading account securities		
5. Federal funds sold and securities purchased under agreements to resell		
6. Loans:		
Less, reserve for possible loan losses		
Loans, net		
7. Direct lease financing		
8. Bank premises and equipment		
9. Real estate owned other than bank premises		
10. Investment in unconsolidated subsidiaries and associated companies		
11. Customers, liability on acceptances outstanding		
12. Other assets		
13. Total assets		
LIABILITIES AND CAPITAL		
14. Deposits in domestic offices:		
(a) Demand		
(b) Savings		
(c) Time		
15. Deposits in foreign offices		
16. Federal funds purchased and securities sold under agreements to repurchase		
17. Liabilities for borrowed money		
18. Banks' acceptances outstanding		
19. Mortgages payable		
20. Other liabilities		
21. Total liabilities, excluding subordinated notes and debentures		
22. Subordinated notes and debentures		
23. Equity capital:		
(a) Capital stock:		
Common stock		
Preferred stock		
(b) Surplus		
(c) Undivided profits		
(d) Reserve for contingencies and other capital reserves		
24. Total equity capital		
25. Total liabilities, subordinated debentures, and equity capital		

PART C.—*Changes in financial position*

	Fiscal year to date (..... months ending .....)	
	19.... (current year)	19.... (prior year)
Sources of funds:		
Operations:		
Net income		
Charges to income not affecting funds		
Total funds provided by operations		
Equity funds, sale proceeds		
Subordinated notes and debentures, sale proceeds		
Increase in liabilities [1]		
Decrease in operating assets [1]		
Total		
Applications of funds:		
Payment of dividends		
Purchase of property and equipment		
Decrease in liabilities [1]		
Increase (decrease) in operating assets [1]		
Total		

[1] Sources and applications of funds shall be shown separately by amounts when they exceed 5 pct of the average of total funds provided during the reported periods.

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

Date: .....

.....
(Name of bank)

By: .....
(Name and title of signing officer)

(a) *Use of Form F-4.* (1) Form F-4 is a guide for use in preparation of quarterly reports to be filed with the Comptroller of the Currency. (2) The report shall be filed not later than 30 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

(b) *Persons for whom the information is to be given.* The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Comptroller of the Currency, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) *Presentation of information.* The form calls only for the items of information specified. It is not necessary to furnish a formal financial statement presentation. Reclassifications to make the information comparative should be made. The information is not required to be audited (see § 11.7(b) of this Part). The report may carry a notation to that effect and any other qualifications considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) *Management's opinion.* The information furnished shall reflect all adjustments which are, in the opinion of management, necessary to a fair statement of the results for the interim periods. A statement to that effect shall be included. Furnish any material information necessary to make the information called for not misleading, such as a statement that the results for interim periods are not necessarily indicative of results to be expected for the year.

(e) *Incorporation by reference to published statements.*

If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(f) *Extraordinary items.* If present with respect to any interim period reported herein, extarordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F-9B, Statement of Income.)

(g) *Acquisitions.* (1) If the bank has entered into a business combination with another bank or other related business treated for accounting purposes as a pooling of interests, the results of operations reported in this report—for both the current year and the preceding year—should reflect the combined results of the pooled entities. Disclosure of the separate results of the combined entities for periods prior to the combination should be given in a footnote with appropriate explanations. (2) In case the bank has acquired a significant amount of assets in a transaction treated for accounting purposes as a purchase, during any of the periods covered by the report, the effect thereof on revenue and net income, in total and per share, should be disclosed in a footnote.

(h) *Management's analysis of quarterly income statements.*

The bank shall provide a narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent quarter and the quarter immediately preceding it, between the most recent quarter and the same calendar quarter in the preceding year, and, if applicable, between the current year to date and the same calendar period in the preceding year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

(i) *Other financial information.* The bank may furnish any additional information related to the periods being reported on which, in the opinion of management, is of significance to investors, such as the seasonality of the bank's business, major uncertainties currently facing the bank, debt guarantees of affiliated or associated companies, significant accounting changes under consideration and the dollar amount of standby letters of credit. In addition, the bank shall indi-

cate whether any Form F-3 was required to be filed reporting any material unusual charges or credits to income during the most recently completed fiscal quarter or whether any Form F-3 was required to be filed during that period reporting a change in independent accountants.

(j) The financial information to be included in this report should be prepared in conformity with the accounting principles and practices reflected in the financial statements included in the annual report filed with the Comptroller of the Currency for the preceding fiscal year, except for any subsequent regulatory revisions and for changes required to be reported by § 11.7(c)(5) of this part.

§ 11.45 [Amended]

29. Section 11.45, Form F-20, General Instructions would be amended by correcting General Instruction A. to read as follows:

A. The form set forth hereinafter is not to be used as a blank form to be filled in but is intended solely as a guide in the preparation of an amendment to a previously filed registration statement or report. Attention should be given to the general requirements governing amendments, which are prescribed in § 11.4(u).

§ 11.51 [Amended]

30. Section 11.51, Form F-5, Item 9(f), the Instruction to paragraph (f) of Item 9 would be corrected by deleting the word "Comptroller" and by substituting the title "Comptroller of the Currency".

31. Section 11.51, Form F-5, Item 14 (a), paragraph (a) of Item 14 would be corrected by deleting the word "Comptroller" by substituting the title "Comptroller of the Currency".

32. Section 11.51, Form F-5, Item 14 (b) (5) and (6), in the first sentence of both paragraphs (b)(5) and (b)(6), the phase "last 3 fiscal years" would be deleted and in each case the phrase "last 5 fiscal years" would be substituted therefor.

33. Section 11.51, Form F-5, Item 14 (b)(7), paragraph (7)(i) would be corrected to read "(i)"; paragraphs (7)(i)(i), (ii) and (iii) would be corrected to read "(A)", "(B")" and "(C)", respectively; and paragraph (7)(2) would be corrected to read "(ii)".

34. Section 11.51, Form F-5, Item 14 (b)(8), Instruction 1, would be amended by changing the word "reflect" in the last sentence of Instruction 1 to read "indicate".

35. Section 11.51, Form F-5, Item 15 (a), would be amended by deleting the last sentence of paragraph (a) and substituting the following last sentence:

All schedules except Schedules III, VII, and VIII (Loans; Allowance for Possible Loan Losses; Deposits) may be omitted.

36. Section 11.51, Form F-5, Item 15 (b)(1), would be amended by deleting paragraph (b)(1) and by substituting the following:

(1) All schedules, except Schedules III, VII and VIII (Loans; Allowance for Possible Loan Losses; Deposits);

(i)(i), (ii) and (iii) would be corrected (b)(7), paragraph (7)(i) would be cor-

37. Section 11.61, Form F-7, Line (1), would be corrected by deleting the phrase "Name of bank:" from Line (1) and substituting the phrase "Name and address of bank:"

§ 11.62 [Amended]

38. Section 11.62, Form F-8, Line (1), would be corrected by deleting the phrase "Name of bank:" from Line (1) and substituting the phrase "Name and address of bank:"

39. Section 11.62. Form F-8, Instruction 11, would be amended by adding the following sentence at the beginning of Instruction 11:

State whether the transaction was an acquisition or a disposition. * * *

40. Section 11.62, Form F-8, Instruction 12(b), would be amended by deleting the present paragraph (b) of Instruction 12 and substituting the following:

(b) When two or more securities are purchased or sold as a unit (see Instruction 6(a) above), the purchase or sale price of the unit shall be stated next to one of the listed securities and cross-referenced to the other security or securities. Any appropriate details may be given in the "Remarks" space following Table II.

41. Section 11.62, Form F-8, Instruction 13, would be corrected by changing the word "accounts" in the middle of the first sentence of Instruction 13 to read "amounts", and by deleting the phrase "or accounts" at the end of that sentence.

42. Section 11.71, Forms for Financial Statements (Forms F-9 A, B, C and D) would be deleted in its entirety and the following revised § 11.71 would be substituted therefor:

§ 11.71 Forms for financial statements (Forms F-9 A, B, C, D and E).

FORM F-9: FINANCIAL STATEMENTS

A. Balance Sheet (Form F-9A).
B. Statement of Income (Form F-9B).
C. Statement of Changes in Capital Accounts (Form F-9C).
D. Schedules (Form F-9D).
E. Statement of Changes in Financial Position (Form F-9E).

GENERAL INSTRUCTIONS

1. *Preparation of forms.* The forms for financial statements are not to be used as blank forms to be filled in, but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in § 11.7 of this part, including paragraphs (e), (f) and (g) thereof which prescribe when statements of changes in capital accounts and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accrual accounting.* Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) Where the results would be only insignificantly different on a cash basis, or (b) Where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

A. BALANCE SHEET

ASSETS

1. Cash and due from banks.
2. Interest bearing balances with other banks.
3. Investment securities:
   (a) U.S. Treasury securities.
   (b) Obligations of other U.S. Government agencies and corporations.
   (c) Obligations of States and political subdivisions.
   (d) Other bonds, notes and debentures.
   (e) Federal Reserve and Corporate stock.
4. Trading account securities.
5. Federal funds sold and securities purchased under agreements to resell.
6. Loans.
   Less: Reserve for possible loan losses.
   Loans, net.
7. Direct lease financing.
8. Bank premises, equipment, furniture and fixtures.
9. Real estate owned other than bank premises.
10. Investment in unconsolidated subsidiaries and associated companies.
11. Customers' liability on acceptances outstanding.
12. Other assets.
13. Total assets.

LIABILITIES

14. Deposits in domestic offices:
   (a) Demand.
   (b) Savings.
   (c) Time.
15. Deposits in foreign offices.
16. Federal funds purchased and securities sold under agreements to repurchase.
17. Liabilities for borrowed money.
18. Bank's acceptances outstanding.
19. Mortgages payable.
20. Other liabilities.
21. Total liabilities (excluding subordinated notes and debentures).
22. Subordinated notes and debentures.

CAPITAL ACCOUNTS

23. Equity capital:
   (a) Capital stock:
      Preferred stock.
      Common stock.
   (b) Surplus.
   (c) Undivided profits.
   (d) Reserve for contingencies and other capital reserves.
24. Total equity capital.
25. Total liabilities, subordinated debt, and equity capital.

1. *Cash and due from banks.* (a) State the total of, (1) currency and coin, (i) owned and held in the bank's vaults, and (ii) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) demand balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets."

(d) Cash items in process of collection include:

(1) Checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day);

(2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and

(3) Such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Interest bearing balances with other banks.* Include interest bearing balances with banks in the United States and with other banks.

3. *Investment securities.*

(a) State separately book value of:

(1) U.S. Treasury securities;

(2) Securities of other U.S. Government agencies and corporations;

(3) Obligations of States and political subdivisions;

(4) Other bonds, notes and debentures; and

(5) Federal Reserve and corporate stock; include securities pledged, loaned or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and for accretion of discount. There shall be set forth in a note to financial statements:

(1) The basis of accounting for book value;

(2) If bond discount amounts to 5 percent or more of interest and dividends on investments, the total of accretion income and deferred income taxes applied thereto; and

(3) Set forth in a note to the financial statements the fair market value for each class of investment securities.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.

(d) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

4. *Trading account securities.* State the aggregate value at the balance sheet date of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (a) cost, (b) lower of cost or market, or (c) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

5. *Federal funds sold and securities purchased under agreements to resell.*

(a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of:

(1) Whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, etc., and

(2) Whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

6. *Loans.* (a) (1) State the aggregate gross value of all loans including:

(i) Acceptances of other banks and commercial paper purchased in the open market;

(ii) Acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount;

(iii) Customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed;

(iv) "Cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers; and

(v) Overdrafts in demand deposit acounts of other banks, both domestic and foreign.

(2) Include

(i) Paper rediscounted with the Federal Reserve or other banks; and

(ii) Paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(3) Do not include contracts of sale or other loans indirectly representing banks premises or other real estate; these should be included in "bank premises" or "real estate owned other than bank premises."

(4) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

(5) Deduct unearned income on loans.

(b) *Less: Reserve for Possible Loan Losses.* State the balance of the reserve for possible loan losses at the end of the fiscal year. Include in this reserve only the valuation portion that has been established through charges against income.

(NOTES.—1. For banks using the reserve method of accounting for loan losses, the reserve for possible loan losses allowable under IRS regulations is made up of three parts: (a) Valuation portion, (b) Contingency portion, and (c) Deferred tax:)

(a) *Valuation portion.* If prior to January 1, 1969, a bank did not distinguish the different parts of the reserve for loan losses, the total balance in the reserve for loan losses on December 31, 1968, may be considered to have been a valuation reserve. Such balance is increased by the amount of provision for possible loan losses charged to income in each period since December 31, 1968, and the amount of loan recoveries in each period since December 31, 1968, and reduced by the loan losses charged to the reserve for possible loan losses in each period since December 31, 1968. The resulting balance is the valuation portion of the reserve which is required to be deducted from total loans in the report of condition. Only the valuation portion of the reserve for loan losses is available for absorbing loan losses.

(b) *Contingency portion.* This represents the cumulative amount of transfers from undivided profits to IRS Reserve for Bad Debts. This amount, net of applicable income tax reduction benefit, should be allocated to Equity Capital and shown in the Balance Sheet as Item 23(d) "Reserve for contingencies and other capital reserves."

(c) *Deferred tax portion.* This represents the tax effect on the difference between the deduction for loan losses claimed for income tax purposes pursuant to IRS rulings and the "Provision for possible loan losses" claimed for financial reporting purposes. The "deferred tax portion" should be reported in "Other liabilities".

2. In the rare circumstances where the cumulative provisions for loan losses charged against income have exceeded cumulative transfers to the bad debt reserve account calculated pursuant to IRS regulations in the period since December 31, 1968, the entire balance of the reserve for loan losses is considered a valuation reserve.

7. *Direct lease financing.* Include the outstanding balance of all types of leases, e.g. financing, leverage, etc., on property acquired for the purpose of lease financing.

8. *Bank premises and equipment, furniture and fixtures.*

(a) State the aggregate cost of: (1) Bank premises owned,

(2) Lease-hold improvements, and

(3) Equipment, less any accumulated depreciation or amortization with respect to such assets.

(b) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to July 1, 1967, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "lease-hold improvements" comprehends two types of situations:

(1) Where the bank erects a building on leased property;

(2) Where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

9. *Real estate owned other than bank premises.*[1]

(a) This item should include all amounts representing investments, loans, and other assets based on properties which, disregarding the manner of holding or form of conveyance, properly should be considered to represent real estate owned other than bank premises.

[1] Refer to Interpretive Ruling 7.3025.

(b) Include assets representing property sold or transferred, directly or indirectly, where the terms of the transaction or other conditions do not afford reasonable assurance that the properties will not be taken over by the bank, regardless of whether or not a deed has been delivered. This item should also include a sale or transfer where someone other than the bank takes title for the convenience of the bank.

(c) Mortgage or liens on other real estate owned for which the bank is liable should be reported in item 19.

(NOTES.—(1) With respect to real estate acquired through default of a loan, state in a footnote the unpaid balance on the defaulted loan immediately prior to the time of foreclosure plus the bank's out-of-pocket costs in acquiring clear title to the property.

(2) The aggregate market value of all real estate owned by the bank that is not a part of bank premises shall be set forth in a footnote, together with an explanation of the method of determining such market value.)

10. *Investment in unconsolidated subsidiaries and associated companies.*

(a) State the aggregate investment, including advances, in subsidiaries not consolidated.

(b) The equity method of accounting should be used.

11. *Customers' liability on acceptances outstanding.*

(a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank, on the reporting date. (If held by the reporting bank, they should be reported as "loans.").

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits."

(c) Do not include customers' liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

12. *Other assets.* State separately, if material, (a) Income earned but not collected; (b) Prepaid expenses; and (c) Any other asset not included in the preceding item.

13. *Total assets.* State the sum of all asset items.

LIABILITIES

14. *Deposits in domestic offices.* (a) State separately (1) Demand deposits, (2) Savings deposits, and (3) Time deposits. Related unposted debits, if any, should preferably be deducted from deposits.

(b) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(c) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(d) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(e) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

15. *Deposits in foreign offices.* In reporting deposits in foreign offices, short and long term liabilities carried on the books of foreign offices should be classified as borrowings rather than deposits in foreign offices if they are of the type subject to the limitations of 12 USC 82. Borrowings also include assets rediscounted with central banks, participations sold in loans and securities (in certain circumstances), government fundings of loans, borrowings from the Export-Import Bank, and rediscounted trade acceptances. Deposits in foreign offices consist of such other short and long term liabilities issued or undertaken as a means of obtaining funds to be used in the banking business and especially include those liabilities generally characterized as "replacements and redeposits," "call money", and "deposit substitutes".

16. *Federal funds purchased and securities sold under agreements to repurchase.*

(a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of:

(1) Whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, etc., and

(2) Whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

17. *Liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

18. *Bank's acceptances outstanding.*

(a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange so required by usage of trade in the respective countries, dependencies, or insular possessions.

19. *Mortgages payable.*

(a) State separately here, or in a note referred to herein, such information as will indicate:

(1) The general character of the debt including the rate of interest;

(2) The date of maturity;

(3) If the payment of principal or interest is contingent, an appropriate indication of such contingency; and

(4) A brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

20. *Other liabilities.* State separately, if material,

(a) Accrued payrolls;

(b) Accrued income tax liability (Federal and State combined);

(c) Accrued interest;

(d) Cash dividends declared but not paid;

(e) Income collected but not earned;

(f) The aggregate amount of minority stockholders' interests in capital stock, surplus and undivided profits of consolidated subsidiaries; and

(g) Any other liability not included in Items 14 through 19.

21. *Total liabilities.* State the sum of Items 14 through 20.

22. *Subordinated notes and debentures.* State separately here, or on a note referred to herein, each issue or type of obligation and such information as will indicate:

(a) The general character of each type of debt including the rate of interest;

(b) The date of maturity (or dates if maturing serially) and call provisions;

(c) The aggregate amount of maturities and sinking fund requirements, each year for the 5 years following the date of the balance sheet;

(d) If the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency;

(e) A brief indication of priority; and

(f) If convertible, the basis.

CAPITAL ACCOUNTS [2]

23. *Equity capital.* (a) Capital stock. State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and if convertible, the basis of conversion. Show also the dollar amount, if any, if capital shares subscribed but unissued, and subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits.

(1) State the amonut of undivided profits shown by the bank's books; and

(2) The amount of undivided profits available for the payment of dividends should be disclosed in a footnote.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for security losses, the contingency portion of the reserve for loan losses, and other contingency reserves that are

[2] Federal law (12 U.S.C. 51c) expressly provides that the term "capital" as used in provisions of law relating to the capital of national banks, shall mean "the amount of unimpaired common stock plus the amount of preferred stock outstanding and unimpaired." However, capital notes and debentures are considered by the Comptroller of the Currency in his determination as to the capital adequacy of national banks and in various other determinations expressed in the national banking laws as percentages of "capital and surplus" or capital stock and surplus."

established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits."

24. *Total equity capital.* State the total of the segments included within Item 23.

25. *Total Liabilities, subordinted debt and equity capital.* State the total of Items 21, 22 and 24.

B. STATEMENT OF INCOME

1. Operating income:
(a) Interest and fees on loans.
(b) Interest on balances with other banks.
(c) Income on Federal funds sold and securities purchased under agreements to resell.
(d) Interest and dividends on investments:
(1) U.S. Treasury securities.
(2) Obligations of other U.S. Government agencies and corporations.
(3) Obligation of States and political subdivisions.
(4) Other securities.
(e) Income from direct lease financing.
(f) Trust department income.
(g) Service charges on deposit accounts.
(h) Other service charges, collection and exchange charges, commissions and fees.
(i) Other operating income.
(j) Total operating income.
2. Operating expenses:
(a) Salaries, wages and other employees benefits.
(b) Interest on time certificates of deposit of $100,000 or more.
(c) Interest on other deposits.
(d) Expense of Federal funds purchased and securities sold under agreements to repurchase.
(e) Interest on borrowed money.
(f) Interest on subordinated notes and debentures.
(g) Occupancy expense of bank premises, net Gross occupancy expense.
Less: Rental income.
(h) Furniture and equipment expense (including depreciation of $____).
(i) Provision for possible loan losses.
(j) Other expenses.
(k) Total operating expenses.
3. Income (loss) before income taxes and securities gains (losses).
4. Applicable income taxes.
5. Income (loss) before securities gains (losses).
6. Net securities gains (losses), less related tax effect, $____.
7. Net income (loss).

OR

7. Income (loss) before extraordinary items.
8. Extraordinary items, less related income tax effect, $____.
9. Net income (loss).
10. Earnings (loss) per common share.[3]
Income before securities gains (losses).
Net income (loss).

1. *Operating income.* State separately:
(a) *Interest and fees on loans.*
(1) Include interest, fees and other charges on all assets that are reported on the balance sheet as loans.
(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc. Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.
(3) Include service charges and other fees on loans.
(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.
(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.
(b) *Interest on balances with other banks.* Include the amount of interest income earned on balances carried with other banks.
(c) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.
(d) *Interest and dividends on investments.*
(1) State separately interest and dividends from:
(i) U.S. Treasury securities,
(ii) Securities of other U.S. Government agencies and corporations,
(iii) Obligations of States and political subdivisions, and
(iv) Other securities owned by the bank, including securities pledged, loaned or sold under repurchase agreements and similar arrangements.
(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If bond discount amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements the amount of accretion income and deferred income taxes applicable thereto.
(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.
(e) *Income from direct lease financing.* Include net income earned from the leasing of personal property acquired by the bank.
(f) *Trust department income.*
(1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.
(2) This item may be reported on the cash basis in those instances where the presentation of the item on the financial statements would not be materially affected thereby.
(g) *Service charges on deposit accounts.* Include amounts charged depositors that fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges, etc.
(h) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.
(i) *Other operating income.*
(1) Include all operating income not reported in Items 1(a) through 1(h).
(2) Include:
(i) Net trading account income consisting of profits and losses, interest, and other income and expense related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions and other indirect expenses;
(ii) Gross rentals from real estate owned other than bank premises and safe deposit boxes;
(iii) Equity in loss or net remittable income from subsidiaries and associated companies not consolidated; and
(iv) All other recurring credits and immaterial nonrecurring credit items.
(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(g).
(4) Itemize:
(i) Net trading account income,
(ii) Net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this subitem), and
(iii) All other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."
(j) *Total operating income.* State the sum of Items 1(a) through 1(i).
2. *Operating expenses.* State separately.
(a) *Salaries, wages and other employee benefits.*
(1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees. Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(g).
(2) Include amounts withheld from salaries for Social Security taxes and contributions to the bank's pension fund. Include Social Security taxes paid by the bank for its own account and the bank's contribution to pension funds.
(3) Include bonus and profit sharing paid directly or through a trustee. Also include compensation that is deferred and not distributed to employees.
(4) Do not include amounts paid to legal, management and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(j).
(5) Include all supplementary benefits accrued during the report period on behalf of all officers and employees except building department personnel (see Item 2(g)).
(6) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.
(7) Do not include expenses related to testing, training or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(j).
(b) *Interest on time certificates of deposit of $100,000 or more.* Include the interest expense of time certificates of deposit issued in denominations of $100,000 or more.
(c) *Interest on other deposits.* Include interest on all other deposits.
(d) *Expense of Federal funds purchased and securities sold under agreements to repurchase.*

[3] The per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, the per share amount of income before extraordinary items and the per share amount of extraordinary items shall be stated separately.

(1) Include the total gross expense of Federal funds purchased and securities sold under agreements to repurchase.

(2) Include expenses of such transactions undertaken by consolidated Edge Act and Agreement corporations.

(e) *Interest on borrowed money.*

(1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(g).

(f) *Interest on subordinated notes and debentures.*

(1) Include all interest on subordinated notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(l) or 2(j).

(g) *Occupancy expense of bank premises, net.*

(1) Include in "gross occupancy expense" the aggregate amount of:

(i) Salaries, wages, and supplementary compensation of bank personnel who devote the major portion of their time to the operation of bank premises or its consolidated premise subsidiaries;

(ii) Depreciation of bank premises and amortization of lease-hold improvements;

(iii) Rent expense of bank premises;

(iv) Real estate taxes;

(v) Interest on mortgages on bank premises owned; and

(vi) Other bank premises operating and maintenance expenses.

(2) Include in "rental income" the aggregate amount of rentals from bank premises leased by the bank or its consolidated premise subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parentheses.

(h) *Furniture and equipment expense.*

(1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown in parentheses.

(2) Include taxes on equipment.

(i) *Provision for possible loan losses.*

(1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses. Such amount shall be determined by management in light of past loan loss experience and evaluation of potential loss in the current loan portfolio.

(2) Furnish in a note to financial statements an explanation of the basis for determining the loan loss provision.

(3) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(4) Banks with total assets exceeding $25 million as of the end of the latest fiscal year, must be on the accrual basis for loan loss reserves.

(j) *Other expenses.*

(1) Include all operating expenses not reported in Items 2(a) through 2(i).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Real estate owned other than bank premises," postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeits, forgeries, payments over stops, and other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Include minority interest in consolidated subsidiaries.

(5) Itemize all amounts that represent 25 percent or more of this item.

(k) *Total operating expenses.* State the sum of Items 2(a) through 2(j).

3. *Income (loss) before income taxes and security gains (losses).* State the difference of Item 1(j) minus Item 2(k).

4. *Applicable income taxes.*

(a) State the aggregate of Federal, State and foreign taxes applicable to the amount reported in Item 3.

(b) Do not include taxes applicable to net security gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. *Income (loss) before securities gains (losses).* State the difference of Item 3 minus Item 4.

6. *Net security gains (losses).* State the net result of security gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income (loss).* State the sum or difference of Items 5 and 6.

NOTE.—If extraordinary items are reported (see Item 8) the caption to this Item shall read, "Income (loss) before extraordinary items."

8. *Extraordinary items.* State the results of material nonrecurring transactions that have occurred during the reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises and expropriation of properties. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(l) or 2(j) as appropriate.)

9. *Net income (loss).* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts of a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements.

C. Statement of changes in capital accounts

	Preferred stock $____ par	Common stock $____ par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Balance at beginning of year [1]					
2. Net income transferred to undivided profits					
3. Preferred stock and common stock sold (par or face value)					
4. Stock issued incident to mergers or acquisitions					
5. Premium on capital stock sold					
6. Additions to (or reductions in) surplus, undivided profits and reserves incident to mergers					
7. Cash dividends declared on preferred stock					
8. Cash dividends declared on common stock					
9. Stock issued in payment of stock dividend ____ shares at par value					
10. All other increases (decreases) for the period [2 3]					
11. Net increase (decrease) for the period					
12. Balance at the end of period					

[1] If the statement is filed as part of an annual or other report, and the balances at the beginning of the period differ from closing balances reported in previously issued reports, state separately the adjustments to these balances.

[2] State separately each item indicating clearly the nature of the transaction out of which the item arose. Adjustments such as: (a) prior period taxes; (b) prior period depreciation taken; (c) bad checks; (d) cash over/short should be charged or credited to the income statement for the current period.

[3] The difference between the purchase price and the fair value of the net assets acquired in business combinations treated as a purchase for accounting purposes should be charged to undivided profits.

SCHEDULE 1.—*U.S. Treasury securities; obligations of other U.S. Government agencies or corporations; obligations of State and political subdivisions; and other bonds, notes, and debentures*

Type and maturity grouping [1]	Book value [1]	Market value [2]
U.S. Treasury securities		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total U.S. Treasury securities		
Obligations of other U.S. Government agencies or corporations		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total of other U.S. Government agencies or corporations		
Obligations of States and political subdivisions [4]		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total obligations of States and political subdivisions		
Other bonds, notes, and debentures [5]		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total other bonds, notes, and debentures		

[1] Excludes securites sold short, securities borrowed, and securities purchased but not yet delivered.
[2] State briefly in a footnote the basis for determining the amounts in this column.
[3] If market value is determined on any basis other than market quotations at balance sheet date, explain.
[4] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.
[5] State in a footnote the aggregate amount and book value of foreign securities included.

SCHEDULE II.—*Corporate stock*

Type	Book value [1]	Market value [2]
Stock of the Federal Reserve bank		
Other stocks		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.
[2] If market value is determined on any basis other than market quotation at balance sheet date, explain.

SCHEDULE III.—*Loans* [1]

1. Real estate loans (include only loans secured primarily by real estate):
   a. Construction and land development.
   b. Secured by farmland (including farm residential and other improvements).
   c. Secured by 1-4 family residential properties:
      (1) Insured by FHA or guaranteed by VA.
      (2) Conventional.
   d. Secured by multi-family (5 or more) residential properties:
      (1) Insured by FHA.
      (2) Conventional.
   e. Secured by nonfarm nonresidential properties.
2. Loans to financial institutions:
   a. To real estate investment trusts and mortgage companies.
   b. To domestic commercial banks.
   c. To banks in foreign countries.
   d. To other depository institutions (Mutual Savings Banks, Savings and Loan Associations, Credit Unions).
   e. To other financial institutions.
3. Loans for purchasing or carrying securities (secured or unsecured):
   a. To brokers and dealers in securities.
   b. Other loans for purchasing or carrying securities.
4. Loans to farmers (except loans secured primarily by real estate; include loans for households and personal expenditures).
5. Commercial and industrial loans (except those secured primarily by real estate).
6. Loans to individuals for household, family, and other personal expenditures (include purchased paper):
   a. To purchase private passenger automobiles on installment basis.
   b. Credit cards and related plans:
      (1) Retail (charge account) credit card plans.
      (2) Check credit and revolving credit plans.
   c. To purchase other retail consumer goods on installment basis:
      (1) Mobile homes (exclude travel trailers).
      (2) Other retail consumer goods (exclude credit cards and related plans).
   d. Installment loans to repair and modernize residential property.
   e. Other installment loans for household, family, and other personal expenditures.
   f. Single-payment loans for household, family, and other personal expenditures.
7. All other loans.
8. Total loans, Gross (sum of Items 1 through 7).
9. Less: Unearned income on loans.
10. Total loans.

[1] Detailed instructions for the preparation of this schedule are contained within the Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations, revised March 1976.

SCHEDULE IV.—*Bank premises, equipment, furniture, and fixtures*

Classification [1]	Gross book value [2]	Accumulated depreciation and amortization [3 4]	Amount at which carried on balance sheet
Bank premises (including land $_____) Equipment, furniture, and fixtures Leasehold improvements			
Totals [5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a footnote.
[2] State briefly in a footnote the basis of determining the amounts in this column if different than historical cost.
[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for the last fiscal year shall be stated in an explanatory footnote.
[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.
[5] Show in a footnote totals (corresponding to the 1st 2 columns) representing amounts reported for Federal income tax purposes.

SCHEDULE V.—*Investments in, dividend income from, and share in earnings or losses of unconsolidated subsidiaries and associated companies*

Name of subsidiary	Percent of voting stock	Total investment, including advances	Equity in underlying net assets at balance sheet date [1]	Amount of dividends [2]	Bank's proportionate part of earnings or loss for the period
Totals					

[1] Equity shall include advances reported in preceding column to the extent recoverable.
[2] In a footnote state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

SCHEDULE VI.—*Liabilities for borrowed money*

Item	Amount
Borrowings from Federal Reserve bank Unsecured notes payable within 1 yr Unsecured notes payable after 1 yr Other obligations	
Total	

SCHEDULE VII.—*Allowance for possible loan losses* [1]

Item	Amount
Balance at beginning of period Recoveries credited to allowance Changes incident to mergers and absorptions [2] Provisions for loan losses charged to income statement	
Total Losses charged to allowance Balance at the end of period [3 4]	

[1] Do not include any entries pertaining to reserve accounts established by segregation of the bank's undivided profits account.
[2] Describe briefly in a footnote any such additions.
[3] Describe briefly in a footnote the basis used in determining the amount accumulated in the allowance at the end of the period.
[4] Indicate in a footnote whether the bank's reserve for bad debts computed for Federal income tax return purposes is at the maximum allowable pursuant to Treasury tax formula. In addition, set forth a summary reconciliation of any material difference between the allowance for possible loan losses reported herein and the reserve for bad debts computed for Federal income tax purposes.

SCHEDULE VIII.—*Deposits* [1]

Deposits	Demand	Savings	Time
1. Deposits of individuals, partnerships, corporations:			
a. Individuals and nonprofit organizations			
b. Corporations and other profit organizations			
c. Total, (sum of 1a and 1b)			
d. Mutual savings banks			
e. Deposits accumulated for payment of personal loans			
f. Total			
2. Deposits of U.S. Government			
3. Deposits of States and political subdivisions			
4. Deposits of foreign governments and official institutions, central banks, and international institutions			
5. Deposits of commercial banks in the United States			
6. Deposits of banks in foreign countries, including balances of foreign branches of other American banks			
7. Certified and officers' checks, travelers' checks, letters of credit			
8. Total deposits			

[1] Detailed instructions for the preparation of this schedule are contained within the "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations," revised March 1976.

E. Changes in financial position

Sources of funds	
Operations:	
Net income	
Charges to income not affecting funds	
Total funds provided by operations	
Equity funds, sale proceeds	
Subordinated notes and debentures, sale proceeds	
Increas in liabilities [1]	
Decrease in operating assets [1]	
Total	
Applications of funds	
Payment of dividends	
Purchase of property and equipment	
Decrease in liabilities [1]	
Increase in operating assets [1]	
Total	

[1] Sources and applications of funds shall be shown separately by amounts when they exceed 5 pct of the average of total funds provided during the reported periods

§ 11.102 [Amended]

43. Section 11.102(d) (1) would be corrected by deleting the word "greater" in paragraph (d) (1) and substituting the word "lesser".

Dated: July 13, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-20695 Filed 7-19-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2149]

Proposed Flood Elevation Determinations for the City of San Carlos, California

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of San Carlos, California.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of San Carlos must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 666 Elm Street, San Carlos, California 94070.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor David Nolan, City Hall, 666 Elm Street, San Carlos, California 94070. The period for comment will will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Pulgas Creek	Industrial Rd	9	3,000	3,030
	Old County Rd	15	520	800
	Fay Ave	157	50	30
Brittan Creek	El Camino Real	21	(1)	2,420
	Elm St	29	170	160
	Cordilleras Ave	63	10	10
	Graceland Ave	123	10	10
Cordilleras Creek	Stanford Lane	33	10	(1)
	Alameda de Las Pulgas	61	10	(1)

[1] Corporate limits.

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

Issued: June 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-20802 Filed 7-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2184]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Crestwood, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Crestwood, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Crestwood, Missouri must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, No. 1 Detjen Drive, Crestwood, Missouri 63126.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Carl S. Buetner, City Hall, No. 1 Detjen Drive, Crestwood, Missouri 63126. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing down-stream) to 100-yr flood boundary (feet)	
			Right	Left
Gravois Creek	State 366	525	40	350
	Liggett Dr.	538	00	270
Kirwood Creek	Sappington Rd.	550	280	160
	Reco Dr.	554	300	400
	Holmes Rd.	570	20	370
Mulberry Creek	Sappington Rd.	546	350	30
	New Sappington Rd.	555	40	340
	Richter Lane	561	280	210

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

Issued: June 11, 1976.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-20803 Filed 7-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2169]

NATIONAL FLOOD INSURANCE PROGRAM

Notice of Proposed Flood Elevation Determination for the Town of Union, Broome County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Union, Broome County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board outside of the Town Hall in Union.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Donald McManus, Supervisor of the Town of Union, 3111 East Main Street, Endwell, New York 13760. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Nanticoke River	Upstream corporate limit	872	60	830
	Nanticoke Drive Bridge	863	310	60
	Leon Dr. (extended)	834	40	620
	Route 26	829	0	820
	Downstream corporate limit	829	0	0
Susquehanna River	Upstream corporate limit	831	(1)	(1)
	Wilkins Ave	830	(2)	2,970
	Annabelle Ave	834	(2)	1,150
	Davis Ave	833	(2)	1,610
	Downstream corporate limit	832	(2)	120

[1] Corporate limit.
[2] Undetermined.

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

Issued: July 1, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-20804 Filed 7-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2167]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Conklin, Broome County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Conklin, Broome County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall Community Center, Conklin Road, Conklin.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor George S. Archie, Town Hall, Box 182, Conklin Road, Conklin, New York 13748. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	South corporate limits	887	40	(1)
	Route 304 bridge	891	70	(1)
	Powers Rd	897	1,030	(1)
	River Blvd	903	2,700	(1)
	Kirkwood Street Bridge	902	1,320	(1)
	North corporate limits	849	250	(1)
Little Snake Creek	Brady Hill Rd	1,017	20	20
	Murphy Rd. (extended)	990	270	40
	Steward Rd. (extended)	908	70	130
	Snake Creek and Conrail Bridge	865	280	1,000
Snake Creek	South corporate limits	824	700	600
	Route 7A bridge	865	50	850

[1] Corporate limit.

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

Issued: June 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-20805 Filed 7-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2163]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Port Dickinson, Broome County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Village of Port Dickinson, Broome County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in Village Hall, 786 Chenango Street, Port Dickinson.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John D. Wilfley, Port Dickinson Village Hall, 786 Chenango Street, Binghamton, New York 13901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Chenango River	Kirkwood Ave. (extended)	853	600	
	Mill St. (extended)	852	100	
	Newton St. (extended)	850	50	

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

Issued: June 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-20806 Filed 7-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2170]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of West Warwick, Kent County, Rhode Island

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Town of West Warwick, Kent County, Rhode Island.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall, 1170 Main Street, West Warwick.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Anthony L. Santilli, President, Town Council of West Warwick, Town Hall, 1170 Main Street, West Warwick, Rhode Island 02893. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Pawtuxet River	Daisy St	35	1,650	(1)
	East St	35	40	(1)
	Providence St	54	40	60
	Evergreen Ave	55	30	100
	Cantara St	56	20	90
North Branch, Pawtuxet River.	Main St	63	50	20
	Dam No. 155 (downstream side)	70	60	20
	Dam No. 155 (upstream side)	83	30	20
	Dam No. 156 (downstream side)	83	30	0
	Dam No. 156 (upstream side)	102	30	0
	Fairview Ave	102	30	40
South Branch, Pawtuxet River.	Providence St	63	30	30
	Factory St	87	20	20
	Hare St	115	50	10
	Main St	150	20	30
	Dale Ave	131	700	40
	Pulaski St	133	10	20
	Oriole Ave	147	300	10
Lippitt Brook	Packard St	83	330	200
	Ventura St	87	140	280
	Wakefield St	91	100	330
Baker Street Brook	West Warwick Ave	129	10	40
	Baker St	151	330	270
Hardig Brook	Quaker Lane	114	40	80
	Glenn Dr	118	50	80
	Colt Ave	133	130	40
	Beal St	145	40	20
	Revere Ave	104	60	90
Hawkinson Brook	Tiogue Ave	147	20	30
	Campbell St	151	50	30
	New London Turnpike	153	230	70
Tributary to Maskerchugg River.	Quaker Lane	227	30	270
	I-95 exit ramp to southbound Quaker Lane.	232	100	50

[1] Corporate limit.

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

Issued: June 30, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-20807 Filed 7-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2231]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Universal City, Bexar County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Universal City, Bexar County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood-hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in City Hall, 100 Northview Drive, Universal City.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Charles W. Johnstone, 100 Northview Drive, Universal City, Texas 78148. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Salitrillo Creek	Corporate limits	755	50	30
	Wagon Crossing	745		
	Fort Wayne (extended)	735	60	(1)
	Corporate limits		90	(1)
East Fork of Salitrillo Creek.	Corporate limits	800	70	80
	Kitty Hawk Rd. (extended)	785	50	100
	Guilford Rd	743	35	35
	Corporate limits	740	60	135
East Branch of Salitrillo Creek.	Desoto Dr	845	80	50
	Kitty Hawk Rd	810	80	140
	Meadowland	770	25	15
	Oakside (extended)	757	70	100
	Southern Pacific RR	715	150	210
	Corporate limits	715	90	40
East Fork of East Branch of Salitrillo Creek.	Kitty Hawk Rd	830	70	100
	Byrd Blvd (extended)	760	90	110
	Route 1604	730	40	140
Cibolo Creek	Corporate limits	740	(1)	180
	Selma Rd	735	(1)	270
	Boulder Dr (extended)	725	(1)	760
	Langley Blvd (extended)	720	(1)	230
	Aviation Blvd	715	(1)	500
	Corporate limits	715	(1)	320
Selma Creek	do	740	190	40

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

Issued: June 30, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-20808 Filed 7-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2232]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Haltom City, Tarrant County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 State. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Haltom City, Tarrant County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Manager's office, City Hall, Haltom City, Texas.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Johnnie B. Lee, 4900 Jerri Lane, Haltom City, Texas 76117. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Big Fossil Creek	Corporate limits	577	870	960
	Denton Highway	551	1,110	80
	Interstate 820	549	100	85
	Glenview Dr	533	350	910
	Cedarcrest Dr. (extended)	528	1,970	40
	Broadway	516	970	120
	State Highway 183 (southbound)	512	120	120
	State Highway 183 (northbound)	510	100	120
	Corporate limits	507	175	140
Whites Branch	Watauga Rd	577	40	440
	Cessna Dr. (extended)	568	635	50
Tributary B	Old Denton Rd. (extended)	587	120	290
	Haltom Rd	579	150	50
	Denton Rd. (30 ft upstream)	571	410	270
	Denton Rd. (25 ft upstream)	565	25	250

See footnotes at end of table.

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
East Branch, tributary C.	Madella St. (extended)	606	330	150
	Nadine Dr. (extended)	603	210	200
	Glenda St. (extended)	593	140	220
	Jerri Lane (extended)	593	100	300
Little Fossil Creek	Corporate limits	563	200	400
	Eastridge Dr.	552	450	120
	Cheryl Lane (extended)	548	800	75
	Fincer Rd.	542	100	850
	Haltom Rd.	537	20	1,110
	Belknap St.	527	475	450
	Lower Birdville Rd.	510	(1)	2,000
	Corporate limits	505		
	Solana Ave. (extended)	500	4,330	510
Tributary A	Diamond Oaks Dr.	552	60	220
	Corporate limits	551	270	330
Tributary C	St. Louis & Southwestern RR.	602	[2] 640	(3)
	do		[3] 450	(3)

[1] Corporate limits.
[2] 25 ft upstream.
[3] 24 ft upstream.

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

Issued: June 30, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-20809 Filed 7-19-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

(FRL 582-2)

[40 CFR Part 35]

GRANTS AND OTHER FEDERAL ASSISTANCE; STATE AND LOCAL ASSISTANCE

Grants to State and Designated Areawide Planning Agencies—Conditions, Policies and Procedures

Notice is hereby given that the Environmental Protection Agency proposes to amend 40 CFR Part 35 to reflect changes in policy and procedures necessitated by an order of the U.S. District Court for the District of Columbia entered June 2, 1976, in National Association of Regional Councils v. Train, No. 75-1706. In pertinent part, that order states:

> The unobligated balance of the amounts authorized to be appropriated to carry out * * * Section 208 of the Federal Water Pollution Control Act * * * for the fiscal years ending June 30, 1973 and June 30, 1974 * * * shall remain available for further obligation * * * to and including September 30, 1977 * * * Defendants shall, no later than July 15, 1976, propose regulations, or amendments to present regulations, and shall, no later than September 30, 1976, promulgate final regulations or amendments to present regulations, necessary to implement fully this Order * * *

The amount of funds made available for obligation by this order is approximately $137 million.

The water quality management process conducted under Section 208 must be conducted for all areas of the United States. Any formula for distribution of available funds must reflect this requirement. The court's order has prompted examination of a number of options for distribution of available funds, with the objective in mind of proposing an equitable distribution which would best accomplish the goals of Section 208. These options included:

1. A continuation of the existing formula of regional allocations based upon proportional net population and net land area with a weighting of 75 percent for population and 25 percent for land area;

2. A regional allocation formula based also on net population and net land area but with a weighting of 85 percent for population and 15 percent for land area;

3. A national allocation formula which would distribute funds by functional category, such as pretreatment or nonpoint source control from mining sources, with grantees, in effect, competing on the basis of merit to receive funds from the various functional categories;

4. Several regional allocation formulas which would recognize the proportionate levels of funding made prior to July 1975 for areawide agencies and allocate a portion of the funds based on this prior level of accomplishment; and

5. A regional allocation formula that would require individual prospective grantees to compete on a regional basis by functional category for funds.

The allocation approach proposed herein uses a formula with weights of 85 percent for population and 15 percent for land area. The formula would be complemented by EPA Headquarters guidance for use by Regions and prospective grantees. The guidance will suggest a distribution of funds within the regional allocation for the program elements identified in § 208(b)(2) of the Act, for the support of necessary administrative, management and public participation activities, and for a limited number of enhanced projects which may appear to have some value as models nationally.

This proposed allocation process was selected after numerous contacts with various interested parties, including representatives of state and local levels of government. A general preference was indicated in these discussions for a regional allocation process. The Agency anticipates that the formula of 85 percent net population and 15 percent net square miles of land area will be in the program's best interest. This represents a change from the formula that distributed the appropriations received in FY 76. The Agency anticipated at the time that it established the present formula, that this formula would become increasingly unsatisfactory if significantly larger amounts of money were added to the program. However, the formula was a suitable and equitable basis for distributing funds to initiate a basic water quality management process in all states. The formula proposed in these regulations adjusts the amount of funds that would have been received for sizeable amounts of land areas having a very low or negligible population density and which are often likely to have no man-caused pollution problems. It also recognizes that the language of section 208 placed a stress on urban-industrial concentrations, for which population may serve as an appropriate surrogate.

The net population and net land areas are based on the population and land area of designations approved and funded prior to July 1, 1975 being subtracted from the gross 1970 population and land area of the United States. While additional areawide designations have been made and funded in FY 1976, the net population and land area was not changed, for when compared to areawide designations made in FY 1974 and 1975, the FY 1976 designations often received significantly less funds.

Because of the need to initiate timely development of plans, and because of EPA's belief that the program has sufficiently matured with respect to defining outputs and objectives at this time the proposed amendments contain a provision limiting the period for workplan development for new grantees to four months.

Also set forth are proposed changes in procedures for reallotment which reflect the anticipated availability of some unobligated funds. This procedure and timing for reallotment is proposed in the expectation that by the indicated date there will be a further refinement of regional funding needs.

Comments are specifically solicited as to the most appropriate date for undertaking such a reallotment and that date will be identified in the final regulations in § 35.204(e). In the past, this reallotment has customarily occurred one month before the end of the fiscal year. Under the court order, those funds remain available for obligation until and including September 30, 1977 which is the concluding date for fiscal year 1977.

The Agency is considering plans to publish, with the final regulations, technical and minor amendments to the areawide planning regulations, and

comments are invited concerning the need for any such amendments.

These regulations are proposed without prejudice to the Government's right to appeal the decision in this case, and in the event that an appeal is undertaken, these regulations would be modified as necessary consistent with the rulings in any appellate decision.

Pursuant to the above mentioned order of the court, EPA must publish the necessary amendments as final regulations no later than September 30, 1976. In order to provide adequate time for Agency consideration of responses to these proposed amendments, all comments, suggestions or objections should be submitted in writing no later than August 20, 1976, to the Director, Grants Administration Division, 401 M Street S.W., Washington, D.C., 20460.

Dated: July 15, 1976.

RUSSELL TRAIN,
Administrator.

It is proposed to amend 40 CFR Part 35 as follows:

§ 35.204 [Amended]

In § 35.204(a), it is proposed to amend the word "formula" in the fourth line to read "formulae"; to add, following the colon and immediately before the formula presently contained in the regulations, the phrase "(1) for fiscal year 1976 funds:"; and to add, following the formula presently contained in the regulations, the following.

"(2) for funds authorized for Fiscal Years 1973 and 1974, but not previously obligated prior to the end of each of those Fiscal Years, and for funds appropriated for the transition quarter of Fiscal Year 1976:

85 percent (Population of region)—(Population of region's previously funded designated planning areas).
Plus (Population of United States and territories)—(Population of previously funded designated planning areas nationally).
15 percent (Land area of region)—(Land area of previously funded designated planning areas).
(Land area of United States and territories)—(Land area of previously funded designated planning areas nationally).

(3) for subsequent Fiscal Year funds: (reserved)"

It is also proposed to delete paragraph (b) and substitute the following: "(b) the Regional allotment ratio for each Region established pursuant to § 35.204 (a) will be applied to sums which the Administrator determines will be available in each fiscal year for allotment to the Regions." In paragraph (e), it is proposed to delete the phrase "On June 1, 1976," in the first line, and substitute "on a date to be established by the Administrator."

§ 35.220–3 [Amended]

In § 35.220–3, it is proposed to delete the period at the end of the second sentence, substitute a comma, and add the following phrase: "except that areawide planning agencies designated, and approved by EPA after July 1, 1976, shall submit the workplan no later than four months after such approval."

[FR Doc.76–21106 Filed 7–19–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 205, 210]

CLARIFICATIONS RELATING TO PROCEDURES FOR REVIEW OF SUBPOENAS AND SPECIAL REPORT ORDERS

Notice of Proposed Rulemaking and Request for Public Comment

Federal Energy Administration regulations presently provide two principal vehicles, the administrative subpoena (10 CFR 205.8) and the special report order (10 CFR 210.91), which may be utilized by the agency to compel the production of documents, records and other information necessary for FEA to fulfill its regulatory functions. The FEA hereby gives notice of a proposed rulemaking to amend the provisions of Parts 205 and 210 dealing with subpoenas and special report orders to clarify the procedures for administrative review from such agency actions.

With regard to subpoenas, § 205.8(h) provides that a person to whom a subpoena was issued may apply to the FEA official who issued the subpoena, "or if he is unavailable to the Administrator, to quash or modify such subpoena." FEA proposes to continue to require that applications to quash or modify first be made within 10 days from the date of service to the official who issued the subpoena. However, in order to insure that a disinterested party will be available to review denials of applications to quash or modify, it is proposed to amend § 205.8 (h)(1) to provide a review of the decision on applications to quash or modify, if filed within 10 days after service of such decision, to the Regional Administrator for the region in which the subpoena was issued. In the case of subpoenas issued by the FEA national office in Washington, D.C., it is proposed that § 205.8(h)(1) be amended to require that applications to modify or quash subpoenas issued by that office first be made to the official who issued the subpoena and that review from the decision on such applications be made to the Assistant Administrator or Director of the office that issued the subpoena.

Special Report Orders (SROs) are authorized by 10 CFR § 210.91. The regulations are silent with regard to the proper method of modifying or quashing such orders. Therefore, in order to clarify the procedures regarding SROs, it is proposed herein to amend § 210.91 to provide that within 10 days after the date of service of an SRO, the person to whom the SRO was issued may submit an application to the official that issued that order to have it modified or quashed, and, upon denial of that motion, may within 10 days thereafter seek review by the Regional Administrator of the region in which it was issued or, in the case of an SRO issued by the National Office, to the Assistant Administrator for Regulatory Programs.

It is further proposed that §§ 205.8 and 210.91 be amended to provide that in the case of an adverse ruling on an application to quash or modify a subpoena or a special report order by a Regional Administrator, or the Assistant Administrator or Director of the office that issued the action, an applicant, within 10 days of the date of service of the adverse decision, may seek relief, in the nature of a writ of review, from the FEA Office of Private Grievances and Redress. It is intended that FEA's Office of Private Grievances and Redress will hear only those cases in which the applicant demonstrates that the circumstances are so exceptional that an immediate review is warranted to correct substantial errors of law, or to prevent substantial injury to legal rights, or cure a gross abuse of administrative discretion. It is contemplated that the Office of Private Grievances and Redress will make an initial review of all requests for relief to determine if there is a reasonable probability that an applicant for extraordinary relief will be able to satisfy the prerequisites warranting the granting of such relief. If the Office of Private Grievances and Redress determines that an application fails to meet this threshold burden, the application will be dismissed. Those applications which, in the view of the Office of Private Grievances and Redress, are likely to meet the test for exceptional relief will be considered on the merits. In the discretion of the Office of Private Grievances and Redress a stay may also be issued pending a final determination on the merits.

Interested persons are invited to submit written data, views, or arguments with respect to these amendments to Executive Communications, Room 3309, Federal Energy Administration, Box HS, the Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Appeal Procedures for Subpoenas and SROs." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., August 6, 1976, will be considered by the Federal Energy Administration in evaluating the revision and amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Inasmuch as the amendments proposed herein are procedural only and are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, public hearings with respect to these amendments will not be scheduled at present. If upon analysis of the comments received in response to this notice it appears that a public hearing concerning these amendments would serve the public interest, FEA will give timely notice of such hearing.

This proposal has been reviewed in accordance with Executive Order 11821

and OMB Circular No. A-107 and has been determined not to require evaluation of its inflationary impact as provided therein.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act, Pub. L. 94-163; E.O. 11790, 39 FR 23195.)

In consideration of the foregoing, it is proposed that Parts 205 and 210 of Chapter II of Title 10 of the Code of Federal Regulations are amended as set forth below.

Issued in Washington, D.C., July 15, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 205.8(h) is amended to read as follows:

§ 205.8 Subpoenas; witness fees.

* * * * *

(h) (1) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than ten (10) days after the date of service of such subpoena, apply to quash or modify such subpoena to the FEA official who issued the subpoena, who may: (i) Deny the application; (ii) quash or modify the subpoena; or (iii) condition denial of the application to quash or modify the subpoena upon the satisfaction of cetrain just and reasonable requirements. A denial of an application must contain a statement of facts and conclusions of law.

(2) Within 10 days after the date of service of an adverse decision on an application to quash or modify a subpoena, an applicant may seek review of that decision from the Regional Administrator for the region which issued the subpoena, or the Assistant Administrator or Director of the office which issued the subpoena in the case of subpoenas issued by the National Office. The Regional Administrator or other reviewing official will evaluate the application and render a determination. Denial of an application must contain a statement of facts and conclusions of law.

(3) If the Regional Administrator or other reviewing official fails to take action on an application for review within 20 days of filing, the applicant may treat the application for review as having been denied in all respects.

(4) Any person to whom a subpoena is directed, in the event that an application to quash or modify such subpoena is denied by a Regional Administrator or other reviewing official, may, within ten (10) days after the date of service of such denial, seek relief from the Office of Private Grievances and Redress, at the address provided in § 205.12, only upon a showing that the circumstances are so exceptional that an immediate review is warranted to correct substantial errors of law, or to prevent substantial injury to legal rights, or to cure a gross abuse of administrative discretion. The relief requested may include a request for a stay of the obligation to comply with the subpoena, for good cause shown, pending a determination by the Office of Private Grievances and Redress.

2. Section 210.91 is amended to read as follows:

§ 210.91 Reports.

(a) Whenever the FEA considers it necessary for the effective administration of the FEA, it may order any firm to file special or separate reports, setting forth information relating to the FEA regulations in addition to any other reports required in Part 211, Part 212 or Part 214 of this chapter.

(b) Notwithstanding any provision of Part 205 of this chapter, any firm ordered to file a special or separate report under this section, may, within ten (10) days after the date of service of such order, submit an application to the FEA official that issued that order to quash or modify that order. The FEA official who issued the order, on an application to quash or modify, may (i) deny the application; (ii) quash or modify the order; or (iii) condition denial of the application to quash or modify the order upon the satisfaction of certain just and reasonable requirements. A denial of an application must contain a statement of facts and conclusions of law.

(c) Within 10 days after the date of service of an adverse decision on an application to quash or modify an order issued pursuant to this section, an applicant may seek review of that decision from the Regional Administrator for the region which issued the separate or special report order, or the Assistant Administrator for Regulatory Programs if the order was issued by the FEA National Office. The Regional Administrator or Assistant Administrator for Regulatory Programs will evaluate the application and render a determination. Denial of an application must contain a statement of facts and conclusions of law. If the Regional Administrator or the Assistant Administrator for Regulatory Programs fails to take action on an application for review within 20 days of filing, the applicant may treat the application for review as having been denied in all respects.

(d) Any firm which receives a special or separate report order and whose application to quash or modify pursuant to this section, is denied by a Regional Administrator or the Assistant Administrator for Regulatory Programs, may, within ten (10) days from the date of service of such denial, seek relief from the Office of Private Grievances and Redress, at the address provided in § 205.12, only upon a showing that the circumstances are so exceptional that an immediate review is warranted to correct substantial errors of law, or to prevent substantial injury to legal rights or cure a gross abuse of administrative discretion. The relief requested may include a request for a stay of the obligation to comply with the order, for good cause shown, pending a determination by the Office of Private Grievances and Redress.

[FR Doc.76-20926 Filed 7-15-76;3:05 pm]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20311, RM-2681]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS (BILLINGS, MONTANA)

Order Extending Time for Filing Comments and Reply Comments

By the Chief, Broadcast Bureau: 1. On May 13, 1976, the Commission adopted a Notice of Proposed Rule Making, 41 FR 21363, proposing the assignment of Channel 223 to Billings, Montana. The present dates for filing comments and reply comments are July 2 and July 22, respectively.

2. On June 10, 1976, counsel for Radio Billings, Inc. (Radio Billings), licensee of AM Station KBMY, Billings, Montana, proponent in this proceeding, requested that the time for filing comments and reply comments be extended to and including September 2 and September 22, 1976, respectively. Counsel states that as a result of the Commission's assignment of Channel 275 to Billings as a fourth FM assignment it will be necessary for Radio Billings to update and revise portions of its engineering material which were originally filed with its petition for rule making. Counsel further states that Radio Billing's consulting engineer is attempting to complete engineering statements and exhibits required for new or major change AM and FM applications before the Commission's cut-off date of June 30 and finds it impossible to review and revise the engineering data required in this proceeding before the present deadline for filing comments.

3. It appears that the requested extension is warranted. Accordingly, *It is ordered,* That the date for filing comments and reply comments are extended to and including September 2 and September 22, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: June 29, 1976.

Released: June 30, 1976.

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

[FR Doc.76-20917 Filed 7-19-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20378, RM-2680]

TELEVISION TABLE OF ASSIGNMENTS (FORT MADISON, KEOKUK, KEOSAUQUA, ROCK RAPIDS, AND SIBLEY, IOWA)

Notice of Proposed Rulemaking

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, has before it for con-

sideration a "Petition for Rule Making" [1] filed by The State Educational Radio and Television Facility Board of the State of Iowa (Board) which seeks amendment of the Television Table of Assignments (Section 73.606(b) of the Commission's Rules). The petition seeks five "drop-in" assignments and the revision of one existing assignment so that noncommercial educational service can be extended to serve the needs of residents throughout Iowa.

2. More specifically, the petition requests assignment of Channel *38 at Fort Madison, Iowa; Channel *44 at Keokuk, Iowa; Channel *54 at Keosauqua, Iowa; Channel *25 at Rock Rapids, Iowa; and Channel *33 at Sibley, Iowa. Further, the Board requests that Channel *57 be assigned and unoccupied and unapplied-for Channel *58- be deleted at Burlington, Iowa, in order that the requested assignment at Keokuk can be made. If the assignments are made, the Board proposes to operate translators at or near Fort Madison, Keokuk, Keosauqua, Rock Rapids, and Sibley.[2] The Board is presently the licensee of four noncommercial educational television stations in Iowa,[3] and the permittee of four others,[4] all of which form the Iowa Educational Broadcasting Network. It says its request for the assignments contained in this petition was prompted by a recent study whose purpose was to identify those areas in the state which do not now and cannot reasonably be expected to receive in the future satisfactory off-the-air service from present or proposed stations.

3. The proposed assignments meet the Commission's separation requirements However, the assignment of Channel 44 to Keokuk will require a change in the offset designation of the unoccupied cochannel Winona, Minnesota, assignment (from positive to negative). This and the earlier noted substitution at Burlington represent the only changes in the existing Table of Assignments required by the petitioner's proposals. Inasmuch as the proposal could confer a substantial benefit upon the public, and since Congress has determined that the growth and development of noncommercial educational television is in the public interest,[5] we believe that rule making proceedings seeking comments on the proposal should be initiated. Accordingly, *it is proposed*, That the Television Table of Assignments (§ 73.606(b) of the Commission's Rules), be AMENDED with regard to the following communities:

City	Channel No.	
	Present	Proposed
Burlington, Iowa	26-, *58-	26-, *57-
Fort Madison, Iowa		*38+
Keokuk, Iowa		*44+
Keosauqua, Iowa		*54+
Rock Rapids, Iowa		*25+
Sibley, Iowa		*33
Winona, Minn	*35+, 44+	*35+, 44-

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

5. Interested parties may file comments on or before August 16, 1976, and reply, before September 7, 1976.

Adopted: July 1, 1976.

Released: July 14, 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 Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this is attached. 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 the Notice of Proposed Rule Making to which this is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in 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.76-20915 Filed 7-19-76;8:45 am]

[1] Public Notice of the filing of the petition was issued April 12, 1976 (Rpt. No. 977).

[2] The translators at Fort Madison, Rock Rapids, and Sibley, would operate with transmitter power of 1,000 watts. The translators at Keokuk and Keosauqua would operate initially at 100 watts with power to be increased to 1,000 watts in the near future according to the petitioner.

[3] KDIN-TV, Des Moines, Iowa; KIIN-TV, Iowa City, Iowa; KRIN, Waterloo, Iowa; and KSIN, Sioux City, Iowa.

[4] KHIN, Red Oak, Iowa; KBIN, Council Bluffs, Iowa; KTIN, Fort Dodge, Iowa; and KYIN-TV, Mason City Iowa.

[5] 47 U.S.C. 396(a).

FEDERAL RESERVE SYSTEM

[12 CFR Part 202]

[Docket No. R-0031]

EQUAL CREDIT OPPORTUNITY

Notice of Proposed Rulemaking and Notice of Hearing

The Board of Governors is considering amendments to Regulation B, Equal Credit Opportunity (12 CFR 202), to implement the 1976 Amendments to the Equal Credit Opportunity Act (Pub. L. 94-239). The original Equal Credit Opportunity Act (hereinafter referred to as the "Act"), which went into effect on October 28, 1975, prohibits discrimination in any aspect of a credit transaction on the basis of sex or marital status. The 1976 Amendments to the Act were signed into law on March 23, 1976, and became effective on March 23, 1977. They extend the Act's prohibition of discrimination to include discrimination based on race, color, religion, national origin, age (provided the applicant has the capacity to contract), receipt of income from a public assistance program and the good faith exercise of rights under the Consumer Credit Protection Act. Since the Amendments substantially change the Act, numerous changes in existing Regulation B are necessary.

The existing regulation remains in effect, however, until March 23, 1977, and creditors are required to comply with its provisions until that time.

On April 27, 1976, the Board held a preliminary hearing to receive public comments and suggestions relating to implementation of the Amendments. The Board will hold a hearing on August 12 and 13 on the proposed amendments to Regulation B.

SECTION 202.1—AUTHORITY, SCOPE, ENFORCEMENT, PENALTIES AND LIABILITIES

This section includes material contained in §§ 202.1, 202.12 and 202.13 of the existing regulation.

SECTION 202.2—DEFINITIONS AND RULES OF CONSTRUCTION

Section 202.2(a)—Definition of "Account". The Board proposes a minor change in the definition in existing Regulation B to clarify that, when the word "use" is employed in relation to the word "account" in the regulation, it refers only to open end credit accounts.

Section 202.2(b)—Definition of "Act". The definition of Act is unchanged from existing Regulation B, except to substitute for the statutory citation a reference indicating that the Equal Credit Opportunity Act is Title VII of the Consumer Credit Protection Act, as amended.

Section 202.2(c)—Definition of "Adverse Action". This is a new definition. It is drawn from section 701(d)(6) of the amended Act. The definition describes the actions of a creditor which will trigger the requirement imposed by section 701(d)(2) of the amended Act to provide an applicant against whom adverse action is taken with a statement of reasons for the action. In addition, the definition sets in motion the requirements of § 202.9(b) of the proposed regulation relating to written notice of the adverse action taken and the ECOA notice, and the requirement under § 202.12(b) of the proposed regulation to retain records.

Under the proposed definition, adverse action occurs if a creditor refuses to grant credit in an amount and on terms acceptable to the applicant. Thus, a refusal to grant the amount of credit or the terms requested is not adverse action if the applicant accepts the amount and terms offered. An additional point to note is that adverse action as defined in section 701(d)(6) of the amended Act includes not only unfavorable action at the time of application but also unfavorable action after the initial credit extension. Hence, adverse action also occurs if the creditor terminates an account or makes an unfavorable change in the terms of an account where the creditor's action does not affect all or a substantial portion of a class of the creditor's accounts. The phrase "or an unfavorable change in the terms of an account which does not affect all or a substantial portion of a class of the creditor's accounts" allows a creditor to make a change in the terms of all of its open end accounts or in a class of those accounts (such as its credit card acounts but not its overdraft loan accounts) without the change being deemed adverse action. As proposed, adverse action also includes a refusal to increase the amount of credit available to an applicant who has informed the creditor that the request for such increase is intentional. Under this standard, a refusal to increase the credit limit of an applicant who has applied for the increase in accordance with the creditor's customary application procedures would be adverse action.

The proposed definition also indicates what action does not constitute adverse action. Adverse action does not occur if an applicant agrees to an unfavorable change in the terms of the account. Thus, an inrease in the annual percentage rate pursuant to the terms of a variable interest rate, or the elimination of a preferred annual percentage rate upon termination of employment pursuant to the agreement establishing the preferred rate would not be adverse action. Nor does adverse action occur if a creditor's action is taken because of inactivity, default, or delinquency by an applicant. A creditor may terminate an account or decline to renew a credit card because of non-use in acordance with its customary standards for such action, refuse to refinance a loan which is in default, or refuse to authorize credit pursuant to a credit card which has been revoked for nonpayment without taking adverse action. Finally, adverse action does not occur if the creditor has not been made aware that the applicant wishes to increase a previously established credit limit. Under this exclusion, a refusal to authorize a point-of-sale transaction that exceeds an existing credit limit for the applicant would not be adverse action.

Section 202.2(d)—Definition of "Age". This is a new definition. It indicates that the amended Act's protection against discrimination based on age extends only to natural persons and not to business entities.

Section 202.2(e)—Definition of "Applicant". The Board proposes a minor editorial change in the definition of applicant in existing Regulation B to express more succinctly the fact that the term includes both a person who requests credit and a debtor. The Board also proposes to add the phrase "and includes any person who is or may be contractually liable with respect to an extension of credit" in order to make clear that the amended Act's protection against discrimination on a prohibited basis extends to persons such as guarantors.

Section 202.2(f)—Definition of "Application". The definition of application remains substantially unchanged from that in existing Regulation B.

The Board proposes to add a new definition of a "completed application for credit" in accordance with section 701(d)(1) of the amended Act, which requires a creditor to notify an applicant of its action on the application within 30 days, or such longer reasonable time as set by the Board, after receipt of a completed application for credit. The definition indicates that an application is not to be considered complete until a creditor has had a reasonable opportunity to obtain all of the information that it regularly obtains and employs in evaluating the type of application involved, such as credit reports, any additional information from the applicant, and any necessary approvals by governmental agencies. The last clause of the definition precludes a creditor from purposefully delaying an application. The Board believes that defining a completed application in this fashion is a reasonable interpretation of the applicable statutory language and that the definition obviates the need to specify different notification periods for different situations.

Section 202.2(g)—Definition of "Board". This is a new definition incorporating the statutory definition of Board in section 702(c) of the amended Act.

Section 202.2(h)—Definition of "Consumer Credit". This definition is substantially similar to that in existing Regulation B, but the phrase "offered or" has been deleted since section 702(d) of the amended Act defines credit in terms of an actual debt, and the concept of offering credit is encompassed in the definition of credit transaction.

Section 202.2(i)—Definition of "Contractually Liable". The Board proposes to delete the words "having signed" from this definition as it appears in existing Regulation B. The Board believes that this proposal does not constitute a substantive change and would underscore the point that the definition includes those situations in which the use of a credit card by a person pursuant to terms made known to the user imposes liability upon that person for all debts arising on the account, even though that person has not actually signed an agreement with the card-issuing creditor.

Section 202.2(j)—Definition of "Credit". Except for minor editorial changes, this definition is identical to that in existing Regulation B.

Section 202.2(k)—Definition of "Credit Card". This definition is identical to that in existing Regulation B.

Section 202.2(l)—Definition of "Creditor". The Board proposes to combine in this definition the definitions of "arrange for the extension of credit" (§ 202.3(e)) and "creditor" (§ 202.3(j)) as they appear in existing Regulation B by defining a creditor as anyone who regularly participates in the decision of whether or not to extend credit. Thus, any person who regularly provides or extends credit and participates in the credit decision is a creditor, unless that person's participation is limited to honoring a credit card. The Board also proposes to add the phrase "in the ordinary course of business" before the word "regularly." The Board believes that this effectuates the intent of the Congress to exclude from the class of covered creditors those persons who only occasionally extend credit. As in existing Regulation B, assignee, transferees or subrogees who participate in the credit decision are creditors, but under the proposal, such persons would not be liable for a violation of the amended Act or the regulation by their assignor, transferor or subrogor if they did not know or have reasonable notice of the violation.

Section 202.3(m)—Definition of "Credit Transaction". The Board proposes to add the phrase "in connection with a prospective or existing extension of credit" to the definition of credit transaction as it appears in existing Regula-

tion B to emphasize the subsequent language in both the existing and proposed definition: "including * * * solicitation of prospective applications by advertising or other means * * *" The Board also proposes to add the phrase "revocation, alteration or termination of credit" to enumerate further the aspects of a credit transaction that are covered. The Board does not believe that these additions effect any substantive change from the definition in existing Regulation B.

Section 202.2(n)—Definition of "Discriminate Against An Applicant". This definition is substantially similar to the definition in existing Regulation B. The Board proposes to delete the phrase "on the basis of sex or marital status" because, under the amended Act, a creditor may not discriminate on other bases besides sex and marital status.

Section 202.2(o)—Definition of "Empirically Derived Credit System". Under section 701(b)(3) of the amended Act, a creditor may consider age in an empirically derived credit system, if such system is demonstrably and statistically sound as determined in accordance with standards prescribed by the Board. The proposed definition represents the Board's interpretation of the statutory language and its understanding of the steps necessary to insure the statistical validity and predictive ability of such a system.

The proposal first defines what constitutes an empirically derived credit system. Such a system is one that predicts, on the basis of a numerical score, an applicant's probable willingness and financial ability to repay the requested credit. The score is derived from the points assigned to the applicant's answers to key questions on the application. The key questions are determined and weighted in accordance with a creditor's experience with past applicants, including those who repaid as agreed, or repaid slowly, or did not repay at all. The experience used must be appropriate, that is, not outdated, and may be "borrowed" from a similarly situated creditor if a creditor does not have sufficient appropriate experience. In addition, the system may include a creditor's individual judgment of applicants as long as it is primarily controlled by the empirically derived aspect of the system, and the system may include other information beyond the application, such as a credit report which is also scored.

The proposed definition prescribes the Board's standards for what constitutes a "demonstrably and statistically sound" system. First, if the entire applicant experience of the creditor is not used in developing the system, the sample of applicants must be obtained in accordance with generally accepted sampling principles and procedures, some of which are enumerated. Second, the key questions and related scores must be appropriately linked to determining creditworthiness under accepted standards of analysis. Third, the system must be validated either against a holdout sample of past applicants if the remainder of the creditor's past applicants were used in developing the system or against a sample of past applicants not used in developing the system, and must be revalidated against subsequent applicants of the creditor at appropriate intervals. The Board has not defined what constitutes an appropriate interval. A creditor should revalidate whenever any significant change occurs that leads that creditor to believe that its system is significantly less predictive. Finally, a creditor must adjust its system based upon the validation or revalidation results. Note, however, that a creditor may, as a matter of business judgment, set the acceptance score high or low depending upon whether it desires to minimize bad debt losses or increase credit volume.

Section 202.2(p)—Definitions of "Extend Credit" and "Extension of Credit." This definition is substantially the same as § 202.3(m) of existing Regulation B with a few editorial changes. For example, the phrase "granted in the form of a credit card" has been replaced by "pursuant to an open end credit plan."

Section 202.2(q)—Definition of "Good Faith." This definition is new, being derived from section 1-201(19) of the Uniform Commercial Code. The amended Act prohibits discriminating against those who exercise rights under the Consumer Credit Protection Act believing that their complaint is valid.

Section 202.2(r)—Definition of "Inadvertent Error". This is a new definition. It is drawn from § 202.11(a) of existing Regulation B.

Section 202.2(s)—Definition of "Judgmental System of Evaluating Applicants". This is a new definition. The purpose of the proposal is to create one definition to include all systems for predicting creditworthiness other than "demonstrably and statistically sound empirically derived credit systems." The term is used in § 202.6(b)(1)(ii).

Section 202.2(t)—Definition of "Marital Status". This definition is identical to that contained in § 202.3(n) of existing Regulation B.

Section 202.2(u)—Definition of Negative Factor or Value". Section 701(b)(3) of the amended Act forbirds assigning a negative factor or value to an elderly applicant's age in the operation of a demonstrably and statistically sound empirically derived credit system. Under this definition, a creditor could not assign a factor or value to the age of an elderly applicant that is less favorable than the value or factor assigned to the class of applicants most favored by the creditor on the basis of age. Thus, for example, if a creditor's system assigned the highest weight to the 60–69 age class, then a 70-year-old (or older) applicant could not be assigned a lesser weight. A greater weight could be assigned, however, if appropriate under the creditor's experience.

Section 202.2(v)—Definition of "Open End Credit". This definition is identical to that in § 202.3(o) of existing Regulation B.

Section 202.2(w)—Definition of "Person". This definition is identical to that in § 202.3(p) of existing Regulation B.

Section 202.2(x)—Definition of "Pertinent Element of Creditworthiness". This definition is new. Under section 701(b)(2) of the amended Act, a creditor may make inquiry concerning an applicant's age or whether the applicant's income derives from a public assistance program if such inquiry is for the purpose of determining a pertinent element of creditworthiness. The Board proposes to define pertinent element of creditworthiness as that information that has a manifest relationship to creditworthiness.

Section 701(b)(2) of the amended Act might be interpreted as prohibiting any inquiry about age except in limited circumstances but there are serious practical problems associated with such an approach. The Board is of the opinion that the statutory language also may be interpreted as permitting inquiries about age in all cases, while restricting the manner in which creditors may use the information thus obtained. The Board believes that the intent of the Congress was to prohibit creditors from arbitrarily cutting off credit on the basis of a person's age.

Section 202.2(y)—Definition of "Prohibited Basis". This definition is new. It incorporates the characteristics that a creditor may not use in any aspect of a credit transaction, except as otherwise provided in the amended Act and regulation.

Section 202.2(z)—Definition of "Public Assistance Program". This is a new definition. The phrase is defined in order to provide some examples of types of income supplements which may not form a basis for discrimination by a creditor under section 701(a)(2) of the amended Act.

Section 202.2(aa)—Definition of "State". This definition is identical to that in existing Regulation B.

Section 202.2(bb)—Captions and Catchlines. This section is new. Its purpose is to indicate the nonsubstantive nature of the captions and catchlines used in the regulation, and it is derived from § 226.2(11) of Regulation Z.

SECTION 202.3—CLASSES OF TRANSACTIONS EXEMPTED FROM PROVISIONS OF THIS PART

This section has been reserved for the inclusion at some future date of provisions exempting certain classes of transactions from one or more provisions of the amended Act and regulation.

Section 703(a) of the amended Act provides that the Board may exempt from one or more provisions of the amended Act any class of credit transactions "not primarily for personal, family or household purposes." In order to exempt such transactions, however, the Board must make an express finding that "the applictaion of such provision or provisions would not contribute substantially to carrying out the purposes of this title."

The Board invites comment regarding which classes of transactions (if any) should be exempted from one or more provisions of the amended Act and Regulation B. If exemptions are to be granted, a number of questions about criteria arise: Should an exemption be related to the amount of a borrower's assets? Or to the amount of the transaction (for example, one involving an amount of $200,000 or more or $500,000 or more)? Or to the creditor's volume of business (comparable to the exemption from the requirement of written notification and reasons for adverse action provided in section 701(d)(5) of the amended Act for creditors who act on 150 or fewer applications a year)? The Board invites interested members of the public to address the question of what other factors may be relevant in distinguishing between those classes of transactions that should remain subject to the amended Act and those which may be exempted in whole or in part. For example, should non-consumer transactions be treated differently regarding retention of records, notification of action taken, reasons for adverse action, and other procedural requirements?

Section 202.10 of existing Regulation B provides for specialized treatment for business credit and for incidental, securities and utilities credit. The continuation of the specialized treatment for such credit is dependent upon the Board's making an express finding that the application of certain provisions of the amended Act or Regulation B would not contribute substantially to carrying out the purposes of the Act. Therefore, the Board also invites the public to address the question of how securities, incidental and utilities credit should be addressed in the amended Regulation B.

SECTION 202.4—GENERAL RULE CONCERNING DISCRIMINATION

Section 202.4 incorporates the general prohibition against discrimination which is contained in section 701(a) of the amended Act. This general rule parallels the rule in § 202.2 of existing Regulation B, but reflects the amendments to the Act. In addition to sex and marital status discrimination, the general rule prohibits discrimination on the basis of race, color, religion, national origin, or age (provided that the applicant has contractual capacity), because all or part of an applicant's income derives from a public assistance program, or because an applicant in good faith has exercised any right under the Consumer Credit Protection Act.

SECTION 202.5—SPECIFIC RULES CONCERNING APPLICATIONS

Section 202.5(a)—Discouraging Applications. This section is substantially the same as § 202.4(a) of existing Regulation B. The words "on a prohibited basis" have been substituted for the words "on the basis of sex or marital status" to indicate the broadened coverage of the amended Act.

Section 202.5(b)—General Rule Concerning Requests for Information. Section 202.5(b)(1) replaces § 202.5(a) of existing Regulation B. The proposal makes clear that a creditor's access to information is not limited to determining the probable continuity of income.

Section 202.5(b)(2) provides that a creditor is not required to request any particular information regarding an applicant. The proposal sets forth two exceptions to this general rule. A creditor is required to request the race and sex of an applicant under proposed § 202.13 (information collection for monitoring purposes). A creditor may also be required to request certain information from applicants to comply with an order of, or enforcement agreement with, an enforcement agency or court. Such agreement or order could arise in connection with the monitoring of compliance with the amended Act or some other law, such as the Fair Housing Act.

Section 202.5(c)—Information About a Spouse or Former Spouse. This section and § 202.5(d) are specific limitations to the general rule stated in § 202.5(b) of the proposed regulation. Section 202.5(c) is substantially the same as § 202.5(b) of existing Regulation B, except that the words "and consider" have been deleted because, in the scheme of the proposed regulation, § 202.5 deals only with requests for information, while § 202.6 treats consideration of information received.

Section 202.5(d)—Information a Creditor Cannot Request. Section 202.5(d)(1) restates the provisions of § 202.4(c)(1) and (2) of existing Regulation B.

The Board proposes to delete the phrase "or as required to comply with State law governing permissible finance charges or loan ceilings." The Board believes that this language is unnecessary because the amended Act preempts any such State laws insofar as they require inquiries into marital status. If an applicant who has received joint credit from a particular creditor subsequently applies for a separate loan from the same creditor, the creditor may be required to aggregate the accounts to determine permissible finance charges. However, such aggregation must be done without regard to marital status. In a State with loan ceilings, the proposed regulation requires that the ceilings be applicable to the amount of credit which may be extended to an individual, without regard to that person's marital status. Thus, to comply with this type of State law, the creditor needs to know only whether the applicant is already obligated to that creditor. The fact that a spouse is a co-obligor is not relevant.

Proposed § 202.5(d)(2) dealing with alimony, child support and maintenance payments replaces § 202.4(c)(3) and § 202.5(d)(1) of existing Regulation B. The rewording does not represent any substantive change. It merely clarifies the fact that an applicant has the option of not disclosing the receipt of such income if the applicant chooses not to have the creditor utilize that income in determining the applicant's creditworthiness.

Proposed § 202.5(d)(3) deals with inquiries about an applicant's sex. Section 202.4(c)(4) of existing regulation B prohibits such inquiries implicitly; proposed § 202.5(d)(3) expressly prohibits them except as required by § 202.13 (information collection for monitoring purposes). The proposal also incorporates language from § 202.4(c)(4) of existing Regulation B regarding courtesy titles and the use of sex-neutral terms on application forms.

Proposed § 202.5(d)(4) is substantially the same as the first sentence of § 202.5(h) of existing Regulation B regarding questions relating to the bearing and rearing of children. (The second sentence of existing § 202.5(h) would become § 202.6(b)(2) of this proposal). The words "or rearing" have been added to make the coverage of this section parallel to § 202.6(b)(2) of this proposal in recognition of the fact that inquiries regarding the rearing of children may constitute an indirect inquiry into plans or intentions regarding childbearing. This section does not preclude a creditor from inquiring about an applicant's dependent-related financial obligations, so long as the inquiries are made of all applicants and are not directed at a group or groups of applicants on the basis of sex, marital status or some other prohibited basis.

Except to the extent required by § 202.13, proposed § 202.5(d)(5) prohibits inquiries into the race, color, religion or national origin not only of the applicant but also of other persons indirectly involved in the credit transaction.

Since applicants are protected against discrimination on the basis of having exercised in good faith any right under the Consumer Credit Protection Act, proposed § 202.5(d)(6) precludes a creditor from routinely inquiring into the exercise of such rights. However, where the creditor learns of a disputed account from a credit report, for example, this section does not prevent the creditor from requesting information relating to the circumstances of the dispute from the applicant or the creditor with whom the dispute arose.

Section 202.5(e)—Application Forms. Many creditors have experienced difficulty in designing application forms that comply with the requirements of existing Regulation B, and creditors have incurred substantial expense in procuring proper forms. The Board has included two sample forms in the proposed regulation to facilitate compliance by creditors, one for open end, unsecured credit and one for closed end, secured credit. Additional sample forms may be included in the final version of the revised regulation. If these sample forms are adopted in the regulation, creditors would not be required to use them. If a creditor elected not to use the sample forms and decided to design its own forms, the creditor would bear responsibility for insuring that its forms were in compliance with the information restrictions of the regulation.

SECTION 202.6—SPECIFIC RULES CONCERNING EVALUATION OF APPLICATIONS

Proposed § 202.6 deals with the use of information in evaluating credit applications. Many of the provisions are drawn from § 202.5 of existing Regulation B. The purpose of this restructuring is to group together material dealing with the evaluation stage of the credit-granting process. The proposal both incorporates and elaborates upon the substantive provisions contained in section 701 (a) and (b) of the amended Act and represents what the Board believes are appropriate interpretations of the statutory language.

Section 202.6(a)—General Rule Concerning Use of Information. The Board proposes this section as a continuation of the general rule concerning the use of information stated in § 202.5(a) of existing Regulation B, with some changes to reflect the amendments to the Act. The basic provision of the section is that, in evaluating an application, a creditor may consider any information that it obtains. This general rule is subject to two qualifications. First, a creditor may not use any information for the purpose of discriminating against an applicant on a prohibited basis, except as provided in § 202.8 regarding special purpose credit programs. Second, a creditor's used of information is also curtailed by certain specific prohibitions contained in §§ 202.5 and 202.6 of the proposed regulation. As proposed, this section would subsume the first sentence of § 202.5(k) of existing Regulation B. The Board also proposes to delete the phrase "concerning the probable continuity of an applicant's ability to repay" found in § 202.5(a) of existing Regulation B as unnecessary in the proposal.

The amended Act proscribes intentional discrimination and also may be interpreted as prohibiting actions that have the effect of discriminating against applicants on any prohibited basis. Language similar to that contained in section 701(a) of the amended Act is found in Title VII of the Civil Rights Act of 1964 relating to prohibitions of discrimination in employment, and has been interpreted as prohibiting the use of requirements for employment or promotion that are discriminatory in effect even though neutral in purpose, unless such requirements are demonstrated to have a manifest relationship to the job in question.

As explained in footnote 6 to proposed § 202.6(a), the legislative history of the amended Act shows that Congress intended certain judicial decisions enunciating this "effects test" from the employment area to be applied in the credit area. The Board interprets the application of an "effects test" to the credit area to mean that the use of certain information in determining creditworthiness, even though such information is not specifically proscribed by proposed § 202.6(b), may violate the amended Act if the use of that information has the effect of denying credit to a class of persons protected by the amended Act at a substantially higher rate than persons not of that class, unless the creditor is able to establish that the information has a manifest relationship to creditworthiness. Even then, if an aggrieved applicant could show that a creditor could have used a less discriminatory method which would serve the creditor's need to evaluate creditworthiness as well as the challenged method, a violation may be found to exist.

The Board proposes to delete § 202.5 (b), (c) and (d) of existing Regulation B as unnecessary, since the Board believes that those provisions are subsumed into the general rule of proposed § 202.6 (a).

Section 202.6(b)—Specific Rules Concerning Use of Information. Proposed § 202.6(b) in part embodies the limitations on the use of information found in § 202.5 of existing Regulation B. Proposed § 202.6(b)(1) is a broadened and refined version of existing § 202.5(f). It prohibits a creditor from taking any prohibited basis, not just sex or marital status, into account in evaluating creditworthiness. In accordance with section 701(b) (2) and (3) of the amended Act, however, it expressly allows consideration of age and receipt of income from a public assistance program. Footnote 8 contains several examples in this respect to illustrate the scope of this exception to the proposed rule. Footnote 7 points out that the section does not preclude consideration of age when utilized to favor an elderly applicant, or consideration of marital status or source of income for the purpose of ascertaining a creditor's rights and remedies in accordance with § 701(b)(1) and (4) of the amended Act.

Proposed § 202.6(b)(2) incorporates the prohibition in § 202.5(h) of existing Regulation B regarding a creditor's considering assumptions or aggregate statistics on childbearing and related matters.

Proposed § 202.6(b)(3) incorporates, with a few changes, § 202.5(g) of existing Regulation B. The Board proposes to delete the phrase "in a credit scoring system or other method of evaluating applications" as unnecessary. Another proposed change would permit creditors to consider the existence of a telephone at the business of applicants for nonconsumer credit.

Proposed § 202.6(b)(4) continues and broadens the prohibitions contained in § 202.5(e) of existing Regulation B and incorporates existing § 202.5(d)(2).

Proposed § 202.6(b)(5) incorporates § 202.5(j) of existing Regulation B with little substantive change. It also incorporates § 202.11(a) of existing Regulation B concerning mechanical, electronic or clearical errors as applicable to this section. The Board proposes to add the phrase "when available" in (i) to reflect the fact that such credit history may not always be available, and to substitute the word "creditworthiness" in (ii) and (iii) for "willingness or ability to repay" because creditworthiness more completely expresses what a credit history is intended to reflect. Finally, the Board proposes in (ii) to allow an applicant to present information to explain a lack of or a bad credit history because a credit history or its absence may not accurately reflect on applicant's creditworthiness.

SECTION 202.7—SPECIFIC RULES CONCERNING EXTENSIONS OF CREDIT

This section contains provisions drawn from §§ 202.4, 202.5 and 202.7 of existing Regulation B. The final provision, § 202.7(e), is new.

Section 202.7(a)—Separate Accounts. This section is substantially the same as § 202.4(b) of existing Regulation B. The Board proposes to add a footnote to make clear that a creditor may not refuse to grant a separate account on any basis prohibited by the amended Act, the section being intended to highlight a common past discriminatory practice.

Section 202.7(b)—Designation of Name. Proposed § 202.7(b)(1) is identical to § 202.4(e) of existing Regulation B. The Board proposes to add a new section indicating that a creditor may ask whether the applicant has applied for or received credit in another name. The purpose of this new language is to allow creditors to gain access to an applicant's full credit history.

Section 202.7(c)—Action Concerning Open End Accounts. This section is derived from § 202.5(i) of existing Regulation B. The Board proposes to add language to this section to protect persons reaching a certain age or retiring. If adopted, this provision would prohibit creditors from requiring a reapplication, changing the terms of an account or terminating an account because a person has reached a certain age or has retired. This prohibition would protect only those persons who are contractually liable on an account and who have not demonstrated an unwillingness or inability to repay. A creditor could require a reapplication when credit was granted to an applicant based upon the income of the applicant's spouse.

The Board also proposes to add a footnote explaining that a creditor may conduct a "reevaluation" at any time. During a reevaluation, the creditor may request information concerning the continued creditworthiness of the applicant but may not terminate the account unless information in the applicant's file or obtained in the reevaluation demonstrates an inability or unwillingness to repay.

Section 202.7(d)—Signatures of Spouse or Other Person. The language contained in § 202.7(d)(1) is substantially similar to § 202.7(a) of existing Regulation B, except that all prohibited bases are covered and the bar against requiring the signature of nonapplicant persons has been extended to cover guarantors. For example, a married guarantor could not be required to supply the signature of a spouse where no similar requirement is imposed on unmarried guarantors.

Proposed § 202.7(d)(2)(i) is substantially the same as §§ 202.7(b) (1) and (ii) of existing Regulation B. Likewise, proposed § 202.7(d)(2)(ii) is substan-

tially the same as § 202.7(c) of existing Regulation B. Section 202.7(d) (3) is new. As proposed, it permits a creditor to obtain the signature of a nonapplicant spouse or other person on an instrument which would facilitate access to an asset used to establish creditworthiness but which is not pledged. A signature could not be required on an instrument imposing personal liability unless the applicable State law required it in order to evidence valid consideration. If adopted, this provision would permit a creditor to obtain the signature of a nonapplicant spouse on a note without violating the general prohibition against requiring a nonapplicant spouse to assume personal liability for a financial obligation incurred by the applicant spouse. The Board proposes to adopt this provision because in some States both spouses must sign the note evidencing the debt if the creditor is to have access to an unpledged asset in the event of default.

Section 202.7(e)—Conditions to Extensions of Credit. This provision is new. It illustrates the operation of the general rule against discrimination on a prohibited basis and is intended to highlight certain discriminatory practices.

SECTION 202.8—SPECIAL PURPOSE CREDIT PROGRAMS

Section 202.8(a)—General Rule and Standards for Programs. Section 202.8 incorporates the provisions of section 701 (c) of the amended Act, which allows a creditor offering certain special credit assistance programs to refuse to extend credit on a prohibited basis without violating the amended Act. In such circumstances, a creditor need not provide a notice of action taken, a statement of reasons for denial, or the ECOA notice if an applicant does not qualify under the special requirements of the particular program.

The first exemption relates to "any credit assistance program expressly authorized by law for an economically disadvantaged class of persons" (Section 701(c) (1) of the amended Act and § 202.8(a) (1) of the proposed regulation). In this situation, the class of persons to be benefited will be defined by the applicable law.

The second category encompasses credit assistance programs offered by nonprofit organizations for the benefit of their members, or for the benefit of economically disadvantaged persons (§ 701(c) (2) of the amended Act and § 202.8(a) (2) of the proposed regulation). This category was designed to permit the establishment and operation of three types of credit-granting programs that might otherwise be found to be impermissibly discriminatory. First, this section allows credit unions to refuse to extend credit to non-members. Second, and more broadly, the membership exception permits any nonprofit organization (such as a cooperative association or a religious body) to limit extensions of credit to its members. Third, if an economically disadvantaged group is served, then this category authorizes nonprofit organizations to establish "affirmative action" programs similar to those available under government auspices.

The third category (section 701(c) (3) of the amended Act and § 202.8(a) (3) of the proposed regulation) covers "any special purpose credit program offered by a profit-making organization to meet special social needs." The legislative history of the amended Act indicates that the Congress did not want to preclude profit-making creditors from establishing special programs that would prefer applicants in certain categories, provided that such programs were designed and operated to increase the availability of credit for persons who previously had little or no access to the credit market. Such efforts might include, for example, the provision of credit to young persons without previous credit experience or the extension of credit to public assistance recipients or elderly applicants whose income might not otherwise qualify them for credit.

Proposed § 202.8(a) (3) provides standards to insure that a program utilizes discriminatory characteristics only for the purpose of benefiting specified classes of persons and not as a vehicle to circumvent the requirements of the amended Act and proposed regulation. Thus, the section requires that the programs be established and administered pursuant to a written plan that identifies the beneficiaries of the program and that sets forth the basic procedures and standards for extending credit pursuant to the program. In addition, the program must extend credit to persons who otherwise might not be able to obtain such credit or might not obtain it on as favorable terms. This latter qualification is met if the program organization determines from its own experience or otherwise that the beneficiaries of the program generally (but not necessarily conclusively) would not meet its customary standards of creditworthiness.

Section 202.8(b)—Special Rule Concerning Requests and use of Information. Proposed § 202.8(b) would permit a creditor to ask for and consider information, which the creditor otherwise would not be permitted to obtain, relating to the prohibited bases of discrimination in order to determine eligibility for a special purpose credit program.

The Board solicits comment on a broader issue related to this section and to proposed § 202.13, namely, whether revised Regulation B should forbid creditors from requesting certain information from applicants. If creditors are required to obtain certain information (for example, the applicant's sex) for monitoring purposes in real estate credit, should they be barred from requesting that information in other transactions? As explained above, proposed § 202.8(b) allows a creditor to request otherwise prohibited information to determine eligibility for a special purpose credit program. However, unless a profit-making organization is permitted to obtain information relating to the prohibited bases about all its applicants and not only for eligibility purposes, it may not be able to determine the need for an affirmative action program for a protected group or to ascertain the best design for an affirmative action program. For example, evidence presented to the Board suggests that if creditors were permitted to ask about the sex of applicants, certain creditors could construct separate scoring systems for women and men which would increase substantially credit availability for women without reducing credit availability for men.

Section 202.8(c)—Special Rule in Case of Financial Need. If eligibility for a special purpose program is based on need, proposed § 202.2(b) would allow a creditor to request and consider the applicant's marital status and information about the spouse's financial resources which otherwise could not be asked under the regulation.

SECTION 202.9—NOTIFICATIONS

This section encompasses all of the requirements for the notices that creditors must provide to applicants. These requirements appear in §§ 202.4(d), 202.5(m) and 202.6(b) of existing Regulation B. The notice contained in § 202.6(b) (1) of existing Regulation B does not appear in proposed § 202.9 because that notice must be mailed by February 1, 1977, which is prior to the effective date of the proposed amendments to the regulation. In addition, the requirements of §§ 202.4 (d) and 202.5(m) of existing Regulation B have been combined in proposed § 202.9 with other changes required by the amended Act.

Section 202.9(a)—Notification of Action Taken, ECOA Notice, and Statement of Reasons. This section sets forth the requirements for the content and timing of notices and explains to whom and by whom notices are to be given. Proposed § 202.9(a) (1) requires that the notice of action taken be given within a reasonable time not exceeding 30 days after a creditor receives a completed application or within a similar period after taking adverse action. The 30-day deadline is specified in section 701(d) (1) of the amended Act. The amended Act authorizes the Board to specify some period longer than 30 days. However, since a completed application has been defined (§ 202.2(f)) to include only an application concerning which a creditor has obtained all necessary information, the Board has not proposed a longer period for notification for any class of transactions.

Proposed § 202.9(a) (1) (i) allows the notice of action taken upon approval to be given by implication, as by the sending of a credit card. The Board believes that this approach is practical and reasonable.

Proposed § 202.9(a) (2) specifies the content of the notification when adverse action is taken. The notification must contain the statement of action taken required by existing § 202.5(m) (1), the ECOA notice required by existing § 202.4(d) and the statement of specific reasons for adverse action (or disclosure of the right to such statement) similar to the statement required by present § 202.5(m) (2). The Board proposes to require

these notices to be given together because the Board believes that public understanding of the notices would be thereby enhanced. An important point to note about the proposal is that it requires the ECOA notice to be given only when adverse action is taken. A creditor, of course, may continue to provide the ECOA notice at the application stage, as long as the notice is also given when adverse action is taken.

Proposed § 202.9(a)(3) provides that, if more than one applicant is involved in a credit transaction, the notification need be given to only one applicant. Similarly, proposed § 202.9(a)(4) provides that, if more than one creditor is involved in a credit transaction, the required notification need be given by only the creditor that extends credit acceptable to the applicant. If no credit is granted, or if credit is offered which is not acceptable to the applicant, then each creditor must give the required notification. For example, if an auto dealer "shops" an application to several banks and one bank extends credit, the proposal requires only that bank to provide the notice of action taken. However, if none of the banks grants credit or if the credit offered is not acceptable to the applicant, then all the banks must give the required notices. In addition, if the dealer is a creditor in the transaction under the definition of that term as used in this regulation (§ 202.2(l)), the dealer would also be obligated to give the notices in the total rejection situation.

Creditors may arrange, however, for all required notices to be provided through one party if each creditor is identified. This procedure is sanctioned by section 701(d)(4) of the amended Act. The last sentence of § 202.9(a)(4) would insulate a creditor from liability for acts or omissions of a third party in those cases where the third party supplies the notice, provided that the creditor follows reasonable procedures to insure compliance. The Board has proposed this arrangement to avoid a situation in which an applicant would receive the desired credit from one source, while also receiving several notices of adverse action from other sources with which the applicant had not dealt.

Section 202.9(b)—Form of ECOA Notice and Statement of Specific Reasons. This section is drawn from existing §§ 202.4(d) and 202.5(m)(2) and (3). Proposed § 202.9(b)(1) includes a sample ECOA notice, but unlike existing § 202.4(d), which requires creditors to use the sample verbatim, the proposal provides that substantial adherence to the sample form constitutes compliance. In addition, the section permits inclusion in the notice of a reference to a similar State statute or regulation and State enforcement agency.

The text of the proposed notice is identical to that contained in existing § 202.4(d), except that the additional bases of prohibited discrimination have been added and, in the last sentence, only the word "creditor" is used, rather than a blank requiring a description of the particular type of creditor. The latter change would facilitate the giving of notices by third parties on behalf of several different types of creditors.

Proposed § 202.9(b)(2) provides a suggested form for the statement of specific reasons for adverse action. Use of the form, properly completed, would constitute compliance with the requirement of the section. However, if a creditor does not use this form, it must design its own form in accordance with the requirements of § 701(d)(3) of the amended Act.

The text of the proposed statement of specific reasons is identical to that in existing § 202.5(m)(3), except for a change in the title reflecting the fact that the statement is required in all instances of adverse action and not just in cases of denial or termination of credit. The footnote is not an addition to the form itself; rather, it limits the permissible use of the category "unemployed" as a reason for adverse action.

Proposed § 202.9(b)(3) provides that the notices required by this section may be combined with other information or disclosures, including disclosures under the Truth in Lending Act, the Fair Credit Reporting Act, and other portions of the Consumer Credit Protection Act.

Section 202.9(c)—Oral Notifications. As authorized by section 701(d)(5) of the amended Act, proposed § 202.9(c) allows the notices required by proposed § 202.9 to be given orally by any creditor which received 150 or fewer credit applications in the preceding calendar year. The legislative history indicates that the Congress intended to relieve small creditors of the burden of preparing formal written notices.

Section 202.9(d)—Withdrawn Applications. This section permits creditors to treat applications as withdrawn in certain circumstances. For example, after all steps have been taken to complete an application, an applicant may decide not to go through with the transaction. In that situation, a creditor would be permitted to consider the application as withdrawn and would not need to provide the required notices.

Section 202.9(e)—Failure of Compliance. This section corresponds to existing § 202.11(a) as it applies to notice requirements. The term "inadvertent error" is defined in proposed § 202.2(r).

SECTION 202.10—FURNISHING OF CREDIT INFORMATION

Except for the minor exceptions discussed below, the provisions of proposed § 202.10 parallel those contained in § 202.6 of existing Regulation B. The final version of proposed § 202.10 will reflect the Board's decision on its proposed amendments to existing § 202.6, which were published in the FEDERAL REGISTER on June 4, 1976 (41 FR 22592).

Since the requirements of existing § 202.6(b)(1) must be complied with by February 1, 1977, which is prior to the effective date of the proposed regulation, the provisions of that section are not included in the proposed regulation. Section 202.6(b)(2) of existing Regulation B has ben redesignated § 202.10(b), and existing § 202.6(b)(3) has been incorporated into § 202.10(b). Proposed § 202.10(c) incorporates the substance of existing § 202.11(a).

SECTION 202.11—RELATION TO STATE LAW

Proposed § 202.11 implements §§ 705(c), (d), (f) and (g) of the Act.

Section 202.11(a)—Separate Extensions of Consumer Credit. Proposed § 202.11(a) is substantially the same as § 202.8(a) of existing Regulation B, except for the addition of the phrase "imposes liability upon a nonapplicant spouse." That language has been added to underscore the Board's interpretation that section 705(c) of the amended Act preempts State necessaries laws and family support statutes when such laws impede the separate extension of consumer credit to individually creditworthy applicants.

Section 202.11(b)—Finance Charges and Loan Ceilings. Proposed § 202.11(b) is identical to § 202.8(b) of existing Regulation B.

Section 202.11(c)—Inconsistent State Laws. Proposed § 202.11(c) deals with two categories of State laws which may be inconsistent in whole or in part with the amended Act or the regulation. The first category includes State laws not dealing with credit discrimination and State laws dealing with credit discrimination but not includng any of the prohibited bases covered by the amended Act. An example is a State law prohibiting credit discrimination against handicapped persons. Under proposed § 202.11(c)(1), such a State law is preempted only to the extent that a creditor is not able to comply with it without violating the federal law. This is the approach taken in § 202.11(b) of the existing regulation.

The other category of State law are those dealing with credit discrimination on any prohibited basis covered by the amended Act. An example is a State law prohibiting discrimination on the basis of sex or marital status. Under proposed § 202.11(c)(2), which incorporates the provisions of section 705(f) of the amended Act, such laws are not preempted except to the extent of any inconsistency with the Act. The Board is authorized under section 705(f) of the amended Act to determine whether such inconsistencies exist, except that the Board may not determine that an inconsistency is present if the State law gives greater protection to the applicant.

The varied nature of such State laws tends to negate the helpfulness of general regulatory guidelines on the subject of what constitutes inconsistency. The Board, therefore, is reluctant to make general determinations as to inconsistency without the advice of the State officials familiar with the laws. Accordingly, proposed § 202.11(c)(2)(i) reflects the Board's exercise of its authority to determine inconsistency by providing that all State laws regarding credit discrimination on any prohibited basis which are similar in nature, purpose,

scope, intent, effect, or requisites to the provisions of sections 701 or 702, or both, of the amended Act and the implementing provisions in the regulation are deemed to be inconsistent with federal law until any such law is demonstrated not to be inconsistent. Proposed § 202.11 (c) (2) (ii) outlines the procedure by which State officials may seek Board review. Supplement I, which will be prepared before March 23, 1977, the effective date of the amended Act, will set forth the criteria by which the Board would make the necessary determination.

Section 202.11(d)—Exemption for State Regulated Transactions. Section 705(g) of the amended Act grants to the Board authority to exempt from the requirements of sections 701 and 702 of the amended Act and their implementing provisions in the regulation any class of credit transactions within any State if the Board determines that, under the law of that State, that class of transactions is subject to requirements substantially similar to those imposed by the federal law or that State law provides protection to the applicant, and that there is adequate provisions for enforcement. Proposed § 202.11(d) of the regulation implements this provision of the statute. In order to maintain concurrent federal and State court jurisdiction and continue federal enforcement agency involvement, this section provides, in accordance with section 705(g) of the amended Act, that any violation of an exempted State law is also a violation of the amended Act and the regulation. The procedure and criteria for applying for an exemption will be detailed in Supplement I. This approach parallels that taken in Regulation Z (12 CFR 226.12).

SECTION 202.12—RECORD RETENTION

Section 202.12(a)—Retention of Prohibited Information. Proposed § 202.12 (a) is based upon § 202.5(k) of existing Regulation B. It protects creditors that receive and retain information which they are forbidden to request under § 202.5 if such information was obtained from certain listed sources.

Section 202.12(b)—Preservation of Records. Proposed § 202.12(b) parallels § 202.9(a) of the existing regulation. Since the Amendments to the Act extend the statute of limitation for 1 year to 2 years, the Board proposes to extend the period for which creditors must retain records from 15 to 25 months. This will include the limitations period plus an appropriate period to effect service of process. In addition, the Board proposes to expand the scope of record retention to include information that the creditor may be required to obtain by agencies monitoring compliance with the amended Act or the regulation. The final clause in proposed § 202.12(b) (1) (i), "and not returned to an applicant at the applicant's request," indicates that a creditor may return material to the applicant and need not copy the material before doing so.

Proposed § 202.12(b) (2) is drawn from existing § 202.9(b) (1). Proposed § 202.12(b) (3) incorporates existing § 202.9 (c). Proposed § 202.9(b) (4) is new. It relates to recordkeeping in transactions involving multiple creditors and should be read in conjunction with proposed § 202.9(a) (4). In a multiple creditor transaction, the proposal would require those creditors that do not have to provide the notifications specified in proposed § 202.9(a) nevertheless to retain for 25 months any written or recorded information about the applicant that the creditor has in its possession. Such creditors, however, would not have to obtain any material that they did not otherwise have in their possession.

Proposed § 202.12(b) (5) provides that, in a transaction involving non-consumer credit, a creditor must retain information relating to an application for three months unless during that time the creditor receives a written request from the applicant to retain the information beyond that period. If such a request is received, the creditor would be required to retain the information for 25 months. This proposal incorporates in part the different treatment accorded business credit in § 202.10(c) of existing Regulation B.

SECTION 202.13—INFORMATION FOR MONITORING PURPOSES

Section 202.13 is new. It appears in the proposal for the sole purpose of focusing comment on what data should be obtained and how it should be obtained if the Board ultimately decides that data regarding the prohibited bases of discrimination should be gathered.

Testimony at the Board's April 27 hearing, recent Congressional hearings and comments from public groups have raised the question of whether real estate creditors should be required to note the characteristics of applicants to facilitate enforcement of the Equal Credit Opportunity Act.

Various government agencies share authority and responsibility for enforcing the ECOA. While the Board possesses authority for enforcing the ECOA only as to state-chartered member banks, the regulations adopted by the Board under the ECOA apply to all creditors and all forms of credit. Thus, there is a potential for a uniform notation requirement, if adopted by the Board in Regulation B. In view of the overlapping jurisdiction of other agencies, public comment is invited on whether the Board should prescribe a notation requirement in Regulation B.

Assuming the Board decides that a notation requirement should be adopted under Regulation B, the Board invites comment on the following additional issues:

(1) Should such a requirement be limited to credit extended for the purchase of residential real estate and secured thereby?

(2) Should such a requirement be limited to notation of race and/or sex or should data regarding other prohibited bases of discrimination such as religion also be noted?

(3) What classifications should be used to describe applicants as to race? One approach would be to use the categories "White" and "Non-white." A second approach would be to leave a blank space after the question of race to enable applicants to supply the answer which corresponds to their own perception. (Sample: Race _____.) Another approach would be to use a classification scheme developed in the employment field (American Indian or Alaskan Native, Asian or Pacific Islander, Black, Hispanic and White).

(4) Should the required inquiries be incorporated within creditors' application forms or should a separate special form be used?

(5) How should creditors make the inquiries? Should applicants be required to answer the questions? If applicants decline to answer the questions, should the creditor then be required to fill in the information based upon observation? Should a personal interview be required as part of the application? Are there other mechanisms that could be used to insure a response rate adequate to make the data meaningful?

(6) Should economic data be obtained along with any demographic data? If economic data about the applicant and any property to be financed is deemed relevant, what specific data should be obtained? What is the principal economic data ordinarily obtained and relied upon by creditors? For example, should creditors be required to obtain such information as income, number of dependents, etc.?

It is proposed to amend 12 CFR Part 202 to read as follows:

PART 202—EQUAL CREDIT OPPORTUNITY

Sec.

202.1 Authority, scope, enforcement, penalties and liabilities.
202.2 Definitions and rules of construction.
202.4 General rule prohibiting discrimination.
202.5 Specific rules concerning applications.
202.6 Specific rules concerning evaluation of applications.
202.7 Specific rules concerning extensions of credit.
202.8 Special purpose credit programs.
202.9 Notifications.
202.10 Furnishing of credit information.
202.11 Relation to State law.
202.12 Record retention.
202.13 Information for monitoring purposes.
Appendix A—Federal Enforcement Agencies.
Appendix B.
Supplement I (to be prepared).

AUTHORITY: Sec. 703 of the Equal Credit Opportunity Act, U.S.C., Title 15, sec. 1691 *et seq.*

§ 202.1 Authority, scope, enforcement, penalties and liabilities.

(a) *Authority and scope.* This Part[1] comprises the regulations issued by the Board of Governors of the Federal Re-

[1] As used herein, the words "this Part" mean Regulation B.

serve System pursuant to Title VII (Equal Credit Opportunity Act) of the Consumer Credit Protection Act, as amended (15 U.S.C. 1601 et seq.). Except as otherwise provided herein, this Part applies to all persons who are creditors, as defined in § 202.2(l).

(b) *Administrative enforcement.* (1) As set forth more fully in section 704 of the Act, administrative enforcement of the Act and this Part with respect to certain creditors is assigned to the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), Administrator of the National Credit Union Administration, Interstate Commerce Commission, Civil Aeronautics Board, Secretary of Agriculture, Farm Credit Administration, Securities and Exchange Commission and Small Business Administration.

(2) Except to the extent that administrative enforcement is specifically committed to other authorities, compliance with the requirements imposed under the Act and this Part will be enforced by the Federal Trade Commission.

(c) *Penalties and liabilities.* (1) Section 706 of the Act provides that any creditor to comply with any requirement imposed under the Act or, pursuant to section 702(g), this Part, is subject to civil liability for damages in individual or class actions, and states that an aggrieved applicant may seek, in addition, equitable and declaratory relief. Pursuant to section 704 of the Act, violations of the Act or, pursuant to section 702(g), this Part, constitute violations of other federal laws which may provide further penalties.

(2) Section 706 further provides that, if the agencies responsible for administrative enforcement are unable to obtain compliance with the Act or, pursuant to section 702(g), this Part, they may refer the matter to the Attorney General. On such referral, or whenever the Attorney General has reason to believe that one or more creditors are engaged in a pattern or practice in violation of the Act or this Part, the Attorney General may bring a civil action for appropriate relief.

(3) Section 706(e) relieves a creditor from civil liability resulting from any act done or omitted in good faith in conformity with any rule, regulation or interpretation by the Board of Governors of the Federal Reserve System, or with any interpretation or approval issued by a duly authorized official or employee of the Federal Reserve System, notwithstanding that after such act or omission has occurred, such rule, regulation or interpretation is amended, rescinded or otherwise determined to be invalid for any reason.

(4) (i) Any request for formal Board interpretation or official staff interpretation of this Part must be addressed to the Director of the Office of Saver and Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Each request for interpretation must contain a complete statement, signed by the person making the request or a duly authorized agent, of all relevant facts of the transaction or credit arrangement relating to the request. True copies of all pertinent documents must be submitted with the request. The relevance of such documents must, however, be set forth in the request and the documents must not merely be incorporated by reference. The request must contain an analysis of the bearing of the facts on the issues and specifying the pertinent provisions of the statute and regulation. Within 15 business days of receipt of the request, a substantive response will be sent to the person making the request or an acknowledgement will be sent which sets a reasonable time within which a substantive response will be given.

(ii) Any request for reconsideration of an official staff interpretation of this Part must be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, within 30 days of the publication of such interpretation in the FEDERAL REGISTER. Each request for reconsideration must contain a statement setting forth in full the reasons why the person making the request believes reconsideration would be appropriate, and must specify and discuss the applicability of the relevant facts, statute and regulations. Within 15 business days of receipt of such request for reconsideration, a response granting or denying the request will be sent to the person making the request, or an acknowledgement will be sent which sets a reasonable time within which such response will be given.

(5) Pursuant to section 706(e) of the Act, the Board has designated the Director and other officials of the Office of Saver and Consumer Affairs as officials "duty authorized" to issue, at their discretion, official stay interpretations of this Part. This designation shall not be interpreted to include authority to approve particular creditors' forms in any manner.

(6) The type of interpretation issued will be determined by the Board and the designated officials by the following criteria:

(i) Official Board interpretations will be issued upon those requests which involve potentially controversial issues of general applicability dealing with substantial ambiguities in this Part and which raise significant policy questions.

(ii) Official staff interpretations will be issued upon those requests which, in the opinion of the designated officials, require clarification of technical ambiguities in this Part or which have no significant policy implications.

(iii) Unofficial staff interpretations will be issued where the protection of section 706(e) of the Act is neither requested nor required, or where time strictures require a rapid response.[1a]

[1a] Subsection (c)(3) through (6) reflect the action of the Board taken on June 28, 1976, amending section 202.13 of Regulation B effective July 30, 1976, which is reported in 41 FR 28252.

§ 202.2 Definitions and rules of construction.

For the purposes of this Part, unless the context indicates otherwise, the following definitions[2] and rules of construction apply:

(a) *"Account"* means an extension of credit. The word *"use"*, when employed in relation to an account, refers only to open end credit.

(b) *"Act"* means the Equal Credit Opportunity Act (Title VII of the Consumer Credit Protection Act).

(c) *"Adverse action."* (1) For the purpose of notification of action taken, statement of reasons for denial, and record retention, the term means:

(i) A refusal to grant credit in an amount and on terms acceptable to an applicant; or

(ii) A termination of an account or an unfavorable change in the terms of an account which does not affect all or a substantial portion of a class of the creditor's accounts; or

(iii) A refusal to increase the amount of credit available to an applicant when an applicant requests an increase in a way that informs the creditor that the applicant is intentionally seeking an increase.

(2) The term does not include:

(i) A change agreed to by the applicant; or

(ii) Any action taken as a result of inactivity, default or delinquency; or

(iii) A refusal to extend credit when the extension would exceed a previously established credit limit and the creditor has not been informed that the applicant is intentionally seeking an increase.

(d) *"Age"* refers only to natural persons and, in relation to such persons, means the number of fully-elapsed years from the date of the applicant's birth.

(e) *"Applicant"* means any person who requests or who has received an extension of credit from a creditor and includes any person who is or may be contractually liable with respect to an extension of credit.

(f) *"Application"* means an oral or written request for an extension of credit which is made in accordance with procedures established by a creditor for the type of credit requested; the term does not include the use of an account to obtain an amount of credit which does not exceed a previously established credit limit. A *"completed application for credit"* means one in connection with which a creditor has received all of the information the creditor regularly obtains and employs in evaluating applications for the amount and type of credit requested, including credit reports, any additional information requested from the applicant, and any necessary approvals by governmental agencies, provided the creditor has exercised such diligence as the circumstances require.

(g) *"Board"* refers to the Board of Governors of the Federal Reserve System.

[2] Note that some of the definitions in this Part are not identical with those in 12 CFR 226 (Regulation Z).

(h) *"Consumer credit"* means credit extended to a natural person in which the money, property or service which is the subject of the transaction is primarily for personal, family or household purposes.

(i) *"Contractually liable"* means expressly obligated to repay all debts arising on an account by reason of an agreement to that effect.

(j) *"Credit"* means the right granted by a creditor to an applicant to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment therefor.

(k) *"Credit card"* means any card, plate, coupon book or other single credit device existing for the purpose of being used from time to time upon presentation to obtain money, property or services on credit.

(l) *"Creditor"* means a person who in the ordinary course of business regularly participates in the decision of whether or not to extend credit. The term includes an assignee, transferee or subrogee of an original creditor, but an assignee, transferee or subrogee is not a creditor with regard to any violation of the Act or this Part committed by the original creditor unless the assignee, transferee or subrogee knew or had reasonable notice of the violation. The term does not include a person whose only participation in a credit transaction is to honor a credit card.

(m) *"Credit transaction"* means every aspect of an applicant's dealings with a creditor in connection with a prospective or existing extension of credit, including, but not limited to, solicitation of prospective applicants by advertising or other means; information requirements; investigatory procedures; standards of creditworthiness; terms of credit; furnishing of credit information; revocation, alteration or termination of credit; and collection procedures.

(n) *"Discriminate against an applicant"* means to treat an applicant less favorably than other applicants.

(o) *"Empirically derived credit system."* (1) The term means a credit system that predicts creditworthiness primarily by an allocation of points (or comparable basis for assigning weights) to information obtained about applicants in relation to the predictive variables that are finally included in the system, the total number of points for an applicant (or comparable basis for assigning weights)

(i) Depending upon how the applicant, with respect to such predictive variables, compares with a probability sample or a complete census of previous applicants of a creditor who applied for credit within the immediately preceding appropriate period of time; and

(ii) Determining, alone or in conjunction with additional information about the applicant, whether an applicant is deemed creditworthy.

(2) A *"demonstrably and statistically sound" empirically derived credit system* is a system:

(i) In which, if a complete census is not used, the sample is obtained by the application of and in accordance with generally accepted sampling principles and procedures, including, as appropriate, pure or stratified random selection from the applicant file, inclusion of rejected as well as accepted applicants in the sampling frame, and weighting of sample subgroups of applicants in relation to the total universe of applicants during the period chosen as the basis for system development; and

(ii) In which the predictive variables finally included in the system are developed from the statistical sample or census of applicants, and the points to be given (or comparable basis for assigning weights) to such predictive variables are determined to have a statistically significant relation to credit risk under accepted standards of analysis; and

(iii) Which is developed for the purpose of predicting the creditworthiness of applicants in relation to legitimate business interests of the creditor utilizing the system, as in minimizing bad debt losses and operating expenses in accordance with the creditor's business judgment; and

(iv) Which is validated as to its predictive ability by statistical tests applied to an independent sample drawn from the applicant file in developing the system, or, in the case of a system developed utilizing a complete census, to a sampled subset of the complete census which was held out and not used in the hypothesis testing and statistical estimation required in the empirical development of the system, and with respect to subsequent applicants of the creditor is revalidated at appropriate periods, and is adjusted as appropriate, if necessary, as a result of such revalidation tests.

(p) *"Extend credit"* and *"extension of credit"* mean the granting of credit in any form and include, but are not limited to, credit granted in addition to any existing credit or credit limit; credit granted pursuant to an open credit plan; the refinancing or other renewal of any credit, including the issuance of a new credit card in place of an expiring credit card or in substitution for an existing credit card; the consolidation of two or more obligations; and the deferral of existing credit, the continuing in force of a previously issued credit card, or the continuance of existing credit without any special effort to collect at or after maturity.

(q) *"Good faith"* means honesty in fact in the conduct or transactions concerned.

(r) *"Inadvertent error"* means a mechanical, electronic or clerical error that a creditor shows by a preponderance of the evidence was not intentional and occurred notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(s) *"Judgmental system of evaluating applicants"* means any system for predicting the creditworthiness of an applicant other than a demonstrably and statistically sound empirically derived credit system.

(t) *"Marital status"* means the state of being unmarried, married or separated, as defined by applicable State law. For the purposes of this Part, the term "unmarried" includes a person who is divorced or widowed.

(u) *"Negative factor or value"* in relation to the age of an elderly applicant means utilizing a factor, value or weight that is less favorable regarding elderly applicants than it is regarding the class of applicants most favored by a creditor on the basis of age.

(v) *"Open end credit"* means credit extended pursuant to a plan under which the creditor may permit the applicant to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide. The term does not include negotiated advances under an open end real estate mortgage or a letter of credit.

(w) *"Person"* means a natural person, corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative or association.

(x) *"Pertinent element of creditworthiness"* in relation to a system of evaluating applicants means any information about applicants that a creditor obtains and considers and which has a manifest relationship to a determination of creditworthiness.

(y) *"Prohibited basis"* means race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to contract as defined by applicable State law); or the fact that all or part of the applicant's income derives from any public assistance program; or the fact that the applicant has in good faith exercised any right under the Consumer Credit Protection Act.[3]

(z) *"Public assistance program"* means any Federal, State or local governmental assistance program that provides a direct continuing periodic income supplement, whether premised on entitlement or neeed. The term includes, but is not limited to, Aid to Families with Dependent Children, food stamps, Medicare and Medicaid, rent and mortgage supplement or assistance programs, Social

[3] Note the distinction between the first clause of the definition, which is not limited to applicants with those characteristics, and the last two clauses, which are so limited. This distinction means, for example, that it is impermissible to consider in the decision concerning the extension of credit not only the applicant's race or the race of partners or officers of the applicant, but also the race of individuals with whom the applicant deals in business or socially, the race of individuals who are or may be associated with the applicant in connection with the purpose of the extension of credit (for example, the tenants in an apartment complex to be constructed with the loan proceeds), or the race of individuals residing in the neighborhood in which the property that will be collateral for the extension of credit is located. A creditor may take into account in making a credit decision, however, any applicable law, regulation or executive order restricting dealings with citizens or governments of other countries or imposing limitations with respect to credit extended for their use.

Security and Supplemental Security Income, and unemployment compensation.

(aa) *"State"* means any State, the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States.

(bb) Captions and catchlines are intended solely as aids to convenient reference, and no inference as to the intent of any provision of this Part may be drawn from them.

§ 202.4 General rule prohibiting discrimination.

A creditor shall not discriminate against an applicant on a prohibited basis with respect to any aspect of a credit transaction.

§ 202.5 Specific rules concerning applications.

(a) *Discouraging applications.* A creditor shall not make any oral or written statement, in advertising or otherwise, to applicants or prospective applicants which would discourage on a prohibited basis a reasonable person from making or pursuing an application.

(b) *General rule concerning requests for information.* (1) Except as otherwise provided in this section, a creditor may request any information in connection with an application.[4]

(2) A creditor need not request any particular item or type of information concerning an applicant, except as provided in § 202.13 (information for monitoring purposes) or unless ordered to do so by, or required pursuant to an enforcement agreement with, an enforcement agency acting within its statutory authority or by a court, in order to monitor compliance with the Act, this Part, or other law, in which case a creditor does not violate this section by requesting such information.

(c) *Information about a spouse or former spouse.* (1) Except as permitted in this subsection, a creditor may not request any information concerning the spouse or former spouse of an applicant.

(2) A creditor may request any information concerning an applicant's spouse (or former spouse under paragraph (c)(2)(iv) of this section which may be requested about the applicant if:

(i) The spouse will be permitted to use the account; or

(ii) The spouse will be contractually liable upon the account; or

(iii) The applicant is relying on community property or the spouse's income as a basis for repayment of the credit requested; or

(iv) The applicant is relying on alimony, child support or maintenance payments from a spouse or former spouse as a basis for repayment of the credit requested.

(3) A creditor may request the name and address in which an account is carried if the applicant discloses the existence of that account in applying for credit.

(d) *Information a creditor cannot request.* (1) A creditor shall not request, if an applicant applies for an unsecured separate account, the marital status of the applicant, except in a community property State.[5] Whenever a creditor is permitted to request an applicant's marital status under this Part, only the terms "married," "unmarried" and "separated" shall be used.

(2) A creditor shall not inquire whether any income stated in an application is derived from alimony, child support or maintenance payments, unless the creditor first discloses to the applicant that such income need not be revealed if the applicant does not choose for the creditor to utilize such income in determining the creditworthiness of the applicant.

(3) Except as provided in § 202.13, a creditor shall not request the sex of an applicant. An applicant may be requested to designate a title on an application form (such as Mr., Mrs., Ms. or Miss) if the form discloses that the designation of such title is optional; an application form shall otherwise use only terms that are neutral as to sex.

(4) A creditor shall not request information about birth control practices, intentions concerning the bearing or rearing of children, or capability to bear children.

(5) Except as provided in § 203.13, a creditor shall not request the race, color, religion or national origin of an applicant or other persons directly or indirectly identified with the applicant or the credit transaction.

(6) A creditor shall not request information concerning the exercise by the applicant of any right under the Consumer Credit Protection Act.

(e) *Applicant forms.* A creditor may design its own application forms in conformity with the requirements of this section. Alternatively, if a creditor wishes, it may utilize the application forms contained in Appendix B.[6] A creditor who utilizes a form that conforms to one contained in Appendix B is in compliance with all the requirements of paragraphs (c) and (d), of the section provided that the creditor does not otherwise request information prohibited by paragraphs (c) or (d) and complies with any further infromation requirements of paragraph (b) of this section.

§ 202.6 Specific rules concerning evaluation of applications.

(a) *General rule concerning use of information.* Except as otherwise provided in the Act and this Part and as long as the information is not used for the purpose of discriminating against an applicant on a prohibited basis, in evaluating an application a creditor may utilize any information the creditor obtains.[7]

(b) *Specific rules concerning use of information.* (1) A creditor shall not take a prohibited basis into account in any system of evaluating the creditworthi-

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[4] This paragraph is not intended to abrogate any federal or State law regarding privacy or privilege of information credit reporting limitations, or similar restrictions on obtainable information. Nor should permission to request information be confused with how it may be utilized. How information a creditor obtains may be used in connection with a determination of creditworthiness is governed by section 202.6.

[5] This provision does not preclude requesting relevant information which may indirectly disclose marital status, such as asking about liability to pay alimony, child support or maintenance; the source of income to be used as a basis for the repayment of the credit requested, which may disclose that it is a spouse's income; whether any obligation disclosed by the applicant has a co-obligor, which may disclose that co-obligor is a spouse or former spouse; or the ownership of assets, which may disclose the interest of a spouse, when such assets are relied upon in extending the credit. Such inquiries are allowed by the general rule of subsection (b).

[6] Appendix B presently contains two forms—one for open end, unsecured credit and one for closed end, secured credit. Additional sample forms, including a real estate credit form, will be included in the final version of the Appendix.

[7] Information concerning race, color, religion, national origin, sex or marital status, and the good faith exercise of any right under the Consumer Credit Protection Act may not be considered in determining creditworthiness except in accordance with section 202.8. Information concerning age and income derived from a public assistance program may be considered in determining creditworthiness. Within these guidelines, this subsection permits a creditor to use any information obtained (such as information permitted to be requested or which is otherwise obtained, including, but not limited to, the recognition of State property laws directly or indirectly affecting creditworthiness) in accordance with the requirements of the Act and this Part. In this regard, subsection (b) specifically proscribes in several instances (for example, discounting of income and telephone listing) the use of insufficiently refined general information which is accordingly not causally related to a determination of creditworthiness where the effect of using such information would be to discriminate against an applicant on a prohibited basis, even though the creditor may have no intent to discriminate. The legislative history of the Act indicates that Congress intended this concept, as enunciated in the cases of *Griggs* v. *Duke Power Co.*, 401 U.S. 424 and *Albemarle Paper Co.* v. *Moody*, 422 U.S. 405, to be applicable in connection with a creditor's evaluation of applications. See Senate Report to accompany H.R. 6516, No. 94-589, pp. 4-5; House Report to accompany H.R. 6516, No. 94-210, p. 5. However, it should be recognized that the use of other information not specifically proscribed by subsection (b) in determining the creditworthiness of applicants may deny credit to a class of persons protected by the Act and this Part at a substantially higher rate than persons not of that class. In accordance with the Board's understanding of the *Griggs* decision, such use may be a violation of this subsection unless the creditor establishes that the information has a manifest relationship to creditworthiness. In accordance with the *Albemarle* decision, as the Board understands it, an applicant might then be able to show that other information which a creditor could use, with a lesser discriminatory effect, would serve the creditor's purpose equally well in predicting creditworthiness. Such a showing, unrebutted by the creditor, would be evidence the creditor was employing the information used merely as a "pretext" for discrimination, e.g., with the intent of discriminating against applicants on a prohibited basis.

ness of applicants,[8] except a creditor may:

(i) Take age into account as a predictive variable actually used in a demonstrably and statistically sound empirically derived credit system if in the operation of that system the age of an elderly applicant is not assigned a negative factor or value; and

(ii) Take age or whether all or any part of an applicant's income derives from any public assistance program into account in determining a pertinent element of creditworthiness for use in a judgmental system of evaluating applicants.[9]

(2) A creditor shall not use, in evaluating the creditworthiness of an applicant, assumptions or aggregate statistics relating to the likelihood of any group of persons bearing or rearing children, or for that reason receiving diminished or interrupted income in the future.

(3) A creditor shall not take into account the existence of a telephone listing in the name of the applicant. A creditor may take into account the existence of a telephone in the residence of an applicant for consumer credit, or at the business of an applicant for other than consumer credit.

(4) A creditor shall not exclude from consideration a portion of the income of an applicant or the spouse of the applicant because of a prohibited basis, but a creditor may consider the amount and probable continuance of income levels of any income in evaluating the creditworthiness of an applicant.

(5) To the extent the creditor considers credit history in evaluating applicants of similar qualifications for a similar type and amount of credit, a creditor shall not fail to consider in evaluating credit-worthiness, unless such failure results from an inadvertent error:

(i) When available, the credit history of accounts designated under the requirements of section 202.10 as accounts which the applicant and a spouse are permitted to use or for which both are contractually liable;

(ii) On the applicant's request, any information the applicant may present tending to indicate that the available credit history does not accurately reflect the applicant's creditworthiness;[10] and

(iii) On the applicant's request, the credit history, when available, of any account reported in the name of the applicant's spouse or former spouse which an applicant can demonstrate reflects accurately the applicant's creditworthiness.

§ 202.7 Specific rules concerning extentions of credit.

(a) *Separate accounts.* A creditor shall not refuse to grant a separate account to a creditworthy applicant on the basis of sex or marital status.[11]

(b) *Designation of name.* (1) A creditor shall not prohibit an applicant from opening or maintaining an account in a birth-given first name and surname or a birth-given first name and a combined surname.

(2) Paragraph (b)(1) if this section does not preclude a creditor's asking or taking other action to determine whether credit has been applied for or received by an applicant in a name other than that in which the applicant is presently applying.

(c) *Action concerning open end accounts.* (1) In the absence of evidence of inability or unwillingness to repay, a creditor shall not take any of the following actions with respect to a person who is contractually liable on an existing open end account on the basis of that person's reaching a certain age or retiring, or on the basis of a change of name or marital status:

(i) Require a reapplication;[12] or

(ii) Require a change in the terms of the account; or

(iii) Terminate the account.

(2) A creditor may require a reapplication on the basis of a change in marital status where open end credit has been granted to an applicant based on income which is earned solely by the applicant's spouse.

(d) *Signatures of spouse or other persons.* (1) Except as provided in paragraph (d)(2) of this section, a creditor shall not require the signature of another person, other than a co-applicant, on a credit instrument (including, without limitation, a guaranty agreement) unless such a requirement is imposed without regard to a prohibited basis on all similarly qualified applicants who apply for a similar type and amount of credit.

(2) A creditor may require the signature of:

(i) A non-applicant spouse where a married applicant applies for unsecured credit in a community property State, if the applicable State law denies the applicant power to manage or control sufficient community property to qualify for the amount of credit requested under the creditor's standards of creditworthiness and the applicant does not have sufficient separate property to qualify for the amount of credit requested without regard to any commimity property; or

(ii) A non-applicant spouse or other person where an applicant applies for secured credit, on such instruments as are necessary or are reasonably believed by the creditor to be necessary, under the facts and the applicable statutory or decisional law of the State to create a valid lien, pass clear title, waive or release inchoate rights or present interests in property or assign earnings.

(3) Where an applicant applies for unsecured credit and the creditor in extending the credit relies on assets in which a non-applicant spouse or other person has or may obtain an interest, the creditor may require the signature of such non-applicant for the purpose of obtaining access to the asset in the event of default, as long as the signature does not impose personal liability except as may be required under applicable State law to meet requirements as to consideration.

(e) *Conditions to extensions of credit.* A creditor shall not impose on an applicant because of a prohibited basis conditions to the approval of an extension of credit which are not customarily imposed by the creditor on other applicants.

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[8] This provision does not prevent a creditor from using the age of an elderly applicant when age is used to favor that applicant, or from considering the marital status of an applicant or a source of the applicant's income for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and not to discriminate in a determination of creditworthiness.

[9] In relation to income derived from a public assistance program, a creditor may consider, for example, the length of time an applicant has been receiving unemployment compensation; whether the applicant intends to continue to reside in the jurisdiction in relation to residency requirements for benefits; and the status of any dependents to ascertain whether benefits the applicant is presently receiving will continue.

In relation to age, a creditor may consider, for example, the occupation and length of time to retirement of an applicant to judge whether the applicant's income (including retirement income, as applicable) will continue at a sufficient level to support the extension of credit until its maturity; and the adequacy of any security offered by the applicant to determine credit risk if the duration of the extension of credit will exceed the life expectancy of the applicant. In this latter regard, an elderly applicant might not qualify for a 5 percent down condominium loan because the duration of the loan exceeds the applicant's life expectancy and the cost of realizing on the collateral exceeds the amount of the downpayment. The same applicant may be creditworthy with a larger downpayment and a shorter loan maturity. A creditor may also consider an applicant's age, for example, to assess the meaning of the applicant's length of employment or residence (a young applicant may have just entered the job market, an elderly applicant may recently have retired and moved from a long-time residence).

[10] For example, a lack of recent credit history may be explicable because the applicant is young or has chosen not to use credit for some time prior to retirement. An unfavorable credit history may be explicable because the creditor extending the past credit customarily resorted to legal action or because the subject of the extension of credit was shoddy or defective merchandise.

[11] A refusal to grant a separate account to a creditworthy applicant on any prohibited basis would be a violation of the Act and this Part. This provision is intended to highlight certain common past instances of discrimination now prohibited by the Act and this Part.

[12] The term reapplication where used in this provision does not include a "reevaluation" of creditworthiness, which may then lead to the need for a reapplication if the information developed indicates a lack of continuing creditworthiness. Additional information may be requested in connection with a "reevaluation." However, the requirements of section 202.5 must be observed in relation to any "reevaluation."

§ 202.8 Special purpose credit programs.

(a) *General rule and standards for programs.* The Act and this Part are not violated and adverse action is not taken if, pursuant to any of the following types of special purpose credit programs, a creditor refuses to extend credit to an applicant solely because the applicant does not qualify for credit under the special requirements of the particular program:

(1) Any credit assistance program expressly authorized by Federal or State law for the benefit of an economically disadvantaged class of persons; or

(2) Any credit assistance program administered by a non-profit organization, as defined under section 501(c) of the Internal Revenue Code of 1954, as amended, for the benefit of its members or for the benefit of an economically disadvantaged class of persons; or

(3) Any special purpose credit program offered by a profit-making organization to meet special social needs, provided that:

(i) The program is established and administered pursuant to a written plan that (A) identifies the class or classes of persons that the program is designed to benefit and (B) sets forth the procedures and standards for extending credit pursuant to the program;

(ii) The program is established and administered to extend credit to a class of persons who, pursuant to the customary standards of creditworthiness used by the program organization, either probably would not receive such credit or probably would receive it on less favorable terms than are ordinarily available to other applicants applying to the organization for a similar type and amount of credit; and

(iii) The program is administered so as not to discriminate against an applicant on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to contract), income (if any) derived from a public assistance program, or good faith exercise of any right under the Consumer Credit Protection Act, except that all program participants may be required to share one or more of those characteristics if the program was not established and is not administered with the purpose of evading the requirements of the Act or this Part.

(b) *Special rule concerning requests and use of information.* If all participants in any of the three types of special purpose credit programs described in paragraph (a) of this section are required to possess one or more common characteristics relating to race, color, religion, national origin, sex, marital status, age, or receipt of income from a public assistance program and if the special purpose credit program otherwise satisfies the requirements of paragraph (a), then, notwithstanding the prohibitions of §§ 202.5 and 202.6, the creditor may request of an applicant and may consider in determining eligibility for such program information regarding those common characteristics that all applicants are required to possess. In such circumstances, the solicitation and consideration of that information shall not constitute a violation of the Act or this Part.

(c) *Special rule in the case of financial need.* If one of the criteria for the extension of credit under any of the three types of special purpose credit programs described in paragraph (a) of this section is financial need, then, notwithstanding the prohibitions of §§ 202.5 and 202.6, the creditor may request of an applicant and may consider in determining eligibility for such program information regarding an applicant's marital status and spouse's financial resources. In such circumstances, the solicitation and consideration of that information shall not constitute a violation of the Act or this Part.

§ 202.9 Notifications.

(a) *Notification of action taken, ECOA notice, and statement of reasons.*

(1) *Notification of action taken.* A creditor shall notify an applicant within a reasonable time not to exceed 30 days:

(i) After receiving a completed application, of the creditor's action approving the application or taking adverse action with respect to the applictaion (notification of approval may be express or by implication, where, for example, the applicant receives a credit card, money, property or services in accordance with the application); and

(ii) After taking adverse action with respect to an existing account, of the creditor's adverse action.

(2) *Content of Notification.* Any notification given to an applicant against whom adverse action is taken shall be in writing and shall contain a statement of the action taken and the provisions of section 701(a) of the Act, the name and address of the federal agency which administers compliance concerning the creditor giving the notification, and either:

(i) A statement of specific reasons for the action taken; or

(ii) As the creditor may elect, either a disclosure of the right of the applicant to receive a written statement of specific reasons, or of the right to receive an oral statement of specific reasons, within 30 days after the receipt by the creditor of an oral or written request for a statement of reasons made by an applicant within 60 days after the notification of adverse action. The creditor shall also specify the name, address and telephone number of the person or office from which the statement of reasons can be obtained. If a creditor elects to disclose only the right to receive an oral statement of specific reasons, it shall further disclose the right of the applicant to have the statement of specific reasons confirmed in writing within a reasonable time not exceeding 30 days after a written request for such confirmation is received by the creditor.

(3) *Multiple applicants.* If there is more than one applicant, the notification need only be given to any one of them.

(4) *Multiple creditors.* If a transaction involves more than one creditor and the applicant accepts credit offered, only the creditor extending the credit need comply with this section. If a transaction involves more than one creditor and no credit acceptable to the applicant is offered, then each creditor must comply with this section. The required notifications may be made directly by the creditor(s) or indirectly through a third party, provided in either case that the identity of each creditor is disclosed. Whenever the notification is made through a third party, a creditor is not liable for any disclosure, act or omission of the third party which constitutes a violation of this section if the creditor accurately and timely provided the third party with the information necessary for the notification and was maintaining procedures reasonably adapted to avoid any such violation.

(b) *Form of ECOA notice and statement of specific reasons.* (1) *ECOA notice.* A statement of the provisions of section 701(a) of the Act and the name and address of the federal agency in substantially the following form satisfies the requirement of subsection (a)(2):

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex or marital status, or age (provided the applicant has the capacity to contract in accordance with applicable State law); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is (name and address as specified by the appropriate agency listed in Appendix A).

The sample statement printed above may be modified immediately following the required references to the federal act and enforcement agency, to include references to any similar State statute, rule or regulation and to a State enforcement agency.

(2) *Statement of specific reasons.* A statement of reasons for adverse action shall be sufficient if it is specific and indicates the primary reason(s) for the adverse action. A creditor may formulate its own statement of reasons in checklist or letter form, or may use the sample form printed below, which, if properly completed, constitutes compliance with the requirements of subsection (a)(2)(i). Statements that an applicant does not meet membership requirements or that the adverse action was based on the creditor's internal standards or policies, without further specification, or that the applicant failed to achieve the qualifying score on the creditor's credit scoring system are insufficient.

STATEMENT OF PRIMARY REASON(S) FOR ADVERSE ACTION

1. ------ Credit Application:
   ---- not completed
   ---- lack of credit references
   ---- credit reference too new to check.
2. ------ Information furnished by: XYZ Credit Bureau, 10 Main Street, Anytown, Anystate 00000, Phone No: 000 000-0000.

3. _____ Employment:
____ unemployed[1]
____ temporary or irregular
____ unable to verify
____ length of employment.
4. _____ Income:
____ insufficient
____ unable to confirm
____ information refused.
5. _____ Residence:
____ too short a period
____ temporary.
6. _____ We do not customarily grant credit to any applicant on the terms and conditions you requested.
7. _____ Other (Specify)_____

[1] This reason does not refer to unemployment due to retirement, and does not suffice as a reason for adverse action in the case of an applicant who has income from a public assistance program.

(3) *Other information.* The notification required by subsection (a) (1) may include other information so long as it does not detract from the required content of the notification. This notification also may be combined with any disclosures required under other titles of the Consumer Credit Protection Act, provided all requirements such as clarity, conspicuousness and placement are satisfied, and may appear on either or both sides of the paper if there is a clear reference on the front to any information on the back.

(c) *Oral notifications.* The applicable requirements of this section may be satisfied by oral notifications (including statements of specific reasons) in the case of any creditor that did not receive more than 150 applications during the calendar year immediately preceding the calendar year in which the notification of adverse action to a particular applicant is to be given.

(d) *Withdrawn applications.* If an application is approved by a creditor and the applicant, within a reasonable time not exceeding 30 days, does not consummate the transaction, a creditor may treat the application as withdrawn for the purpose of the notification required by subsection (a) (1).

(e) *Failure of compliance.* A failure to comply with this section is not a violation if caused by an inadvertent error.

§ 202.10 Furnishing of credit information.[13]

(a) *Accounts established on or after November 1, 1976.* (1) For every account established on or after November 1, 1976 a creditor shall:

(i) Determine whether the account is one which an applicant's spouse will be permitted to use or upon which both spouses will be contractually liable, if such accounts are offered by the creditor; and

(ii) Designate any such account to reflect the fact of participation of both spouses.

(2) When furnishing information to consumer reporting agencies or others concerning an account designated under this section or designated prior to the effective date of this Part, a creditor shall report the designation and furnish any information concerning the account:

(i) To consumer reporting agencies, in a manner which will enable the agencies to provide access to information about the account in the name of each spouse; and

(ii) To recipients other than such agencies, in the name of each spouse about whom such information is requested.

(b) *Requests to change manner in which information is reported.* Within 90 days of receipt of a request to change the manner in which information is reported to consumer reporting agencies and others, a creditor, when furnishing information concerning any such account, shall designate the account to reflect the fact of participation of both spouses. The creditor shall report the designation and furnish any information concerning the account to any recipient other than a consumer reporting agency in the name of each spouse about whom such information is requested and, when reporting to consumer reporting agencies, in a manner which will enable such agencies to provide access to information about the account in the name of each spouse. A spouse's signature on a request to change the manner in which information concerning an account is furnished shall not change the legal liability of either spouse upon the account.

(c) *Inadvertent errors.* A failure to comply with this section is not a violation if caused by an inadvertent error if as soon as possible after the discovery of the error the creditor corrects the erors and commences compliance with the requirements of this section, as then applicable.

§ 202.11 Relation to State law.

(a) *Separate extensions of consumer credit.* If application is made for a separate extension of consumer credit, any provision of State law which either proscribes the separate extension of consumer credit to each spouse or imposes liability upon a nonapplicant spouse is preempted if the applicant establishes independent creditworthiness.

(b) *Finance charges and loan ceilings.* If each spouse separately and voluntarily applies for and obtains a separate account with the same creditor, the accounts shall not be aggregated or otherwise combined for purposes of determining permissible finance charges[14] or permissible loan ceilings under the laws of any State or of the United States. Permissible loan ceiling laws shall be construed to permit each spouse to be separately and individually liable up to the amount of the loan ceilings, less the amount for which both spouses are jointly liable.[15]

(c) *Inconsistent State laws.* (1) Except as provided in paragraphs (a) and (b) of this section, the Act and this Part preempt only those State laws, other than State laws with respect to credit discrimination on any prohibited basis, which are inconsistent with the Act or this Part, and then only to the extent of the inconsistency. Such a State law is not inconsistent with the Act or this Part if the creditor can comply with the State law without violating the Act or this Part.

(2) (i) The Act and this Part do not preempt any State laws with respect to credit discrimination on any prohibited basis, except to the extent that those laws are inconsistent with any provision of the Act or this Part, and then only to the extent of the inconsistency. For this purpose, a State law with respect to credit discrimination on any prohibited basis, which is similar in nature, purpose, scope, intent, effect or requisites to the provisions of sections 701 or 702, or both, of the Act and their implementing provisions in this Part, is declared inconsistent with the Act and this Part within the meaning of section 705(f) of the Act, unless and until a contrary determination is made by the Board pursuant to the procedures provided in this subsection.

(ii) A State, through its Governor, Attorney General, or other appropriate official having primary enforcement or interpretive responsibility for its credit discrimination law, may apply to the Board in accordance with Supplement I to this Part for a determination that the State law with respect to credit discrimination on any prohibited basis offers greater protection to applicants than a comparable provision of the Act and its implementing provision(s) in this Part or is otherwise not inconsistent with the Act and this Part, or for a determination with respect to any issues not clearly dealt with or covered by this subsection as to the consistency or lack of consistency of a State law with respect to credit discrimination on any prohibited basis with the Act or its implementing provisions in this Part.

(d) *Exemption for State regulated transactions.* (1) In accordance with the provisions of Supplement I to this Part, any State may make application to the Board for exemption of any class of credit transactions within the State from the requirements of sections 701 and 702 of the Act and the corresponding provisions of this Part. The Board will grant such an exemption only if:

(i) The Board determines that under the law of that State, that class of credit transactions is subject to requirements substantially similar to those imposed

[13] This section does not change § 202.6 of present Regulation B, except to reflect the effective date of the amendments to the Act, and will ultimately include any action taken on the June 4, 1976 proposal to amend § 202.6 of Regulation B, which is reported in 41 FR 22592.

[14] For example, when the highest finance charge rate may be imposed on credit extensions up to $300 and a married couple is jointly liable for unpaid debt in the amount of $250, a creditor may charge the highest rate on $50 of credit extended on an individual basis to husband or wife.

[15] For example, in a State with a permissible loan ceiling of $1000, if a married couple were jointly liable for unpaid debt in the amount of $250, each spouse could subsequently become individually liable for $750.

under sections 701 and 702 of the Act and the corresponding provisions of this Part, or that applicants are afforded greater protection than is afforded under sections 701 and 702 of the Act and the corresponding provisions of this Part; and

(ii) There is adequate provision for enforcement.

(2) The procedures and criteria under which any State may apply for the determination provided for in paragraph (d)(1) are set forth in Supplement I to this Part.

(3) In order to assure that the concurrent jurisdiction of Federal and State courts created in section 706(f) of the Act shall continue to have substantive provisions to which such jurisdiction shall apply, and generally to aid in implementing the Act and to allow federal enforcement agencies to retain their authority with respect to any class of credit transactions exempted pursuant to paragraph (d)(1) and Supplement I:

(i) No such exemptions shall be deemed to extend to the civil liability provisions of section 706; and

(ii) After an exemption has been granted, the requirements of the applicable State law shall constitute the requirements of the Act and this Part, except to the extent that such State law imposes requirements not imposed by the Act and this Part.

(4) Exemptions granted by the Board to particular classes of credit transactions within specified States are set forth in Supplement II to this Part.

§ 202.12 Record Retention.

(a) *Retention of prohibited information.* Retention in a creditor's files of any information prohibited by the Act or this Part in evaluating applications does not violate the Act or this Part where such information was obtained:

(1) From any source prior to March 23, 1977;[16] or

(2) At any time from credit reporting agencies; or

(3) At any time from the applicant or others, without the specific request of the creditor; or

(4) At any time as required to monitor compliance with the Act and this Part or other law.

(b) *Preservation of records.* (1) For a period ending 25 months after the date a creditor notifies an applicant of action on an application, the creditor shall retain as to an applicant, in original form or a copy thereof:[17]

(i) Any application form, any information required to be obtained concerning characteristics of an applicant to monitor compliance with the Act and this Part or other law, and any other written or recorded information used in evaluating an application and not returned to an applicant at the applicant's request;

(ii) A copy of the following documents if furnished to the applicant in written form (or, if furnished orally, any notation or memorandum with respect thereto made by the creditor):

(A) The notification of action taken;

(B) The statement of specific reasons for adverse action given to an applicant in accordance with section 202.9; and

(iii) Any written statement submitted by the applicant alleging a violation of the Act or this Part.

(2) For a period ending 25 months after the date a creditor notifies an applicant of adverse action taken with respect to an account other than in connection with an application, the creditor shall retain as to the account, in original form or a copy thereof:[18]

(i) Any written or recorded information concerning such adverse action, and

(ii) Any written statement submitted by the applicant alleging a violation of the Act or this Part.

(3) In addition to the requirements of subsection (b) (1) and (2), any creditor which has actual notice that it is under investigation or is subject to an enforcement proceeding for an alleged violation of the Act or this Part by an enforcement agency charged with monitoring that creditor's compliance with the Act and this Part, or which has been served with notice of an action filed pursuant to section 706 of the Act and § 202.1(c) of this section shall retain the information required in paragraphs (b)(1) and (2) until final disposition of the matter, unless an earlier time is allowed by order of the agency or court.

(4) In any transaction involving more than one creditor, any creditor which does not have to comply with § 202.9 because of credit accepted by the applicant shall retain for the time period specified in paragraph (b) of this section all written or recorded information concerning the applicant, including a notation of action taken in connection with any adverse action.

5. Information required to be retained in accordance with paragraphs (b)(1) and (2) of this section in a transaction involving an application for credit other than consumer credit need only be retained for 3 months after the date the creditor notifies an applicant of action on an application or of adverse action taken other than in connection with an application, unless during that period the creditor receives a written request from the applicant to retain such information, and need thereafter only be retained in accordance with this subsection.

§ 202.13 Information for monitoring purposes.[19]

(a) *Scope and information requested.* (1) For the purpose of the enforcement

[16] Pursuant to present Regulation B, the date for sex and marital status information is June 30, 1976.

[17] A creditor who uses a computerized system need not keep a written copy of a document if it can regenerate the precise text of the document in relation to an applicant upon request.

[18] See footnote 17.

[19] This section constitutes an example of how information for monitoring purposes might be required to be obtained if the Board ultimately decides that such data should be gathered. It does not constitute a specific proposal of the Board on the merits of the question or as to format.

agencies' monitoring compliance with the provisions of the Act and this Part, any creditor that receives an application for consumer credit for the purpose of the purchase of residential real property where the extension of credit is to be secured by a lien on such property shall request as part of any written application for such credit the following information regarding the applicant:

(i) Name;

(ii) Sex and marital status (married, unmarried, separated);

(iii) Race;

(iv) Age;

(v) Periodic income, including, if disclosed by the applicant in accordance with this Part, alimony, child support, and maintenance income;

(vi) Mailing address of the real property proposed as collateral; and

(vii) The amount of credit for which application is made.

(2) "Residential real property" means any structure or portion thereof that is occupied as, or is designed or intended for occupancy as, a residence for one to four families.

(b) *Method of obtaining information.* The information obtained pursuant to the provisions of paragraph (a) of this section may be listed, at the creditor's option, either on the application form or on a separate form that refers to the application.

(c) *Disclosure to applicant.* Regarding information requested about the applicant's race and sex, the applicant shall be informed that the information is being requested by the federal government for the purpose of monitoring compliance with federal anti-discrimination statutes and that those statutes prohibit creditors from discriminating against applicants on the basis of race and sex. The applicant shall be asked but not required to supply the requested information. If the applicant chooses not to provide that information or any part of it, it shall be supplied, to the extent reasonably feasible, by the creditor based upon observation; and such fact shall be noted on the form on which the information is obtained.

APPENDIX A—FEDERAL ENFORCEMENT AGENCIES

The following list indicates which federal agency enforces Regulation B for particular classes of creditors. Any questions concerning a particular creditor should be directed to its enforcement agency.

National Banks—Comptroller of the Currency, Washington, D.C. 20219.

State Member Banks—Federal Reserve Bank serving the area in which the State member bank is located.

Nonmember Insured Banks—Federal Deposit Insurance Corporation Regional Director for the Region in which the nonmember insured bank is located.

Savings Institutions Insured by the FSLIC and Members of the FHLB System (except for Savings Banks insured by FDIC)—The FHLBB's Supervisory Agent in the Federal Home Loan Bank District in which the institution is located.

Federal Credit Unions—Regional Office of the National Credit Union Administration serving the area in which the Federal Credit Union is located.

Creditors Subject to Civil Aeronautics Board—Director, Bureau of Enforcement, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

Creditors Subject to Interstate Commerce Commission—Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20523.

Creditors Subject to Packers and Stockyards Act—Nearest Packers and Stockyards Administration area supervisor.

Retail, Department Stores, Consumer Finance Companies, All other Creditors, and All Nonbank Credit Card Issuers (Lenders operating on a local or regional basis should use the address of the F.T.C. Regional Office in which they operate)—Federal Trade Commission, Washington, D.C. 20580.

Small Business Investment Companies—U.S. Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Brokers and Dealers—Securities and Exchange Commission, Washington, D.C. 20549.

Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks and Production Credit Associations—Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578.

APPENDIX B

NOTE.—There are two sample forms contained in this Appendix—one for open end, unsecured credit and one for closed end, secured credit. If a creditor offering an open end account wishes to relate the sample open end form to secured credit, then it should delete the note in the marital status block "Complete Only if Joint Account" and add after the Co-Applicant section a section relating to a description of the collateral offered. Conversely, if a creditor offering closed end credit wishes to relate the sample closed end form to unsecured credit, then it should insert in the marital status block (as indicated on the open end, unsecured credit form) the note "Complete Only if Joint Account" and delete the section relating to a description of the collateral offered.

If an applicant voluntarily discloses on an application the receipt of alimony, child support, or separate maintenance and a creditor wishes to inquire further about that income and the spouse or former spouse who pays it, the creditor may insert at the end of the "Note" in the instructions relating to alimony, child support, and separate maintenance the following sentences: "If you choose to disclose such income, complete the Co-Applicant section to the extent that you can regarding your spouse or former spouse who makes those payments. If you need to complete the Co-Applicant section for any other reason stated above, list the requested information about your spouse or former spouse on a separate page." In addition, the creditor may insert in the "Alimony and similar Income" block, after the disclosure notice, the following: "Received Under: Court Order [ ] Written Agreement [ ] Verbal Understanding [ ]".

If a creditor is operating in a community property State, then it should modify the second instruction, inserting after the words "relying on the income of a spouse or another person", the phrase "or community property". Similarly, the creditor should change the last designation of the type of account or credit extension on the upper, left-hand side of the form to read: "[ ] Individual Account [or, Credit] Relying on Income of Spouse or Another Person or Community Property". Finally, such a creditor should delete any reference in the marital status block to the note "Complete Only if Joint Account".

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APPLICATION FOR OPEN END, UNSECURED CREDIT

APPLICANT

(Please Check Each Applicable Box)

- ☐ Individual Account
- ☐ Joint Account
- ☐ Authorized User Account
- ☐ Individual Account, Relying on Income of Spouse or Another Person

IMPORTANT: READ THESE DIRECTIONS BEFORE COMPLETING APPLICATION

If this is an application for an individual account and you are relying on your own income and not the income of a spouse or another person as a basis for the extension and repayment of the credit requested, complete only the Applicant section and sign the application.

If this is an application for a joint account or an account that another person will also be authorized to use, or if this is an application for an individual account but you are relying on the income of a spouse or another person as a basis for the extension and repayment of the credit requested, both the Applicant and Co-Applicant sections should be completed. If this is an application for a joint account, both parties should sign the application.

NOTE: Any income you receive from alimony, child support, or separate maintenance is your own income and not the income of a spouse or another person for purposes of this application. Disclosure of such income is voluntary, as stated below.

(Title is Optional) MS. ☐ MISS ☐ MR. ☐ MRS. ☐ OTHER .....

Last Name ..... First ..... M.I. .....

HOME ADDRESS

Time There ..... Yrs. ..... Mos.

City ..... State ..... Zip .....

PHONE NOS.

Home Phone ..... Business Phone .....

AGE

No. of Dependents .....

Rent ☐ Own Individually ☐ Jointly ☐

Board ☐ Live With Parents ☐

NAME OF LANDLORD OR MORTGAGE HOLDER .....

MONTHLY RENT OR MORTGAGE PAYMENT

Est. Value of Home ..... Mtg. Balance .....

$ ..... $ ..... $ .....

PREVIOUS HOME ADDRESS

Time There ..... Yrs. ..... Mos.

City ..... State ..... Zip .....

EMPLOYER'S NAME

Time There ..... Yrs. ..... Mos.

EMPLOYER'S ADDRESS

Dept./Employee No. .....

MONTHLY SALARY

$ ..... Position .....

FORMER EMPLOYER

Name ..... Time There ..... Yrs. ..... Mos.

Address .....

ALIMONY AND SIMILAR INCOME

Alimony, child support, or separate maintenance income need not be listed unless you choose to have such income considered regarding extension and repayment of the credit requested.

Monthly Amount $ .....

OTHER SOURCES OF INCOME

Monthly Amount ..... Source .....

$ .....

SOCIAL SECURITY NUMBER (OPTIONAL) .....

MARITAL STATUS

Complete ONLY if Joint Account

Married ☐ Separated ☐ Unmarried (Inc. Divorced and Widowed) ☐

CHECKING ACCT.

Institution ..... No. .....

SAVINGS ACCT.

Institution ..... No. .....

DEBTS (Inc. Auto, Bank, Finance Co., Retail, Etc.)

Creditor's Name	Address	Acct. No.	Mo. Pymt.	Bal.

OTHER OBLIGATIONS (E.g., Liability to Pay Alimony, Child Support, Maintenance, Legal Judgments)

Attach Additional Page If You Need More Space

Have You Gone Through Bankruptcy In Past 7 Years?

Yes ☐ No ☐ When .....

NAME AND ADDRESS OF NEAREST RELATIVE (NOT LIVING WITH YOU)

Name .....

Address .....

CO-APPLICANT

Relationship ..... Age .....

NAME .....

ADDRESS .....

EMPLOYER

Time There ..... Yrs. ..... Mos.

MONTHLY SALARY

$ .....

Social Security No. (OPTIONAL) .....

I/WE CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND ACCURATE AND IS PROVIDED FOR THE PURPOSE OF OBTAINING CREDIT. I/WE AUTHORIZE A CREDIT INVESTIGATION.

APPLICANT'S SIGNATURE ..... DATE .....

CO-APPLICANT'S SIGNATURE ..... DATE .....

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APPLICATION FOR CLOSED END, SECURED CREDIT

APPLICANT

(Please Check One)
☐ Individual Credit
☐ Joint Credit
☐ Individual Credit Relying on Income of Spouse or Another Person

IMPORTANT: READ THESE DIRECTIONS BEFORE COMPLETING APPLICATION.

If this is an application for individual credit and you are relying on your own income and not the income of a spouse or another person as a basis for the extension and repayment of the credit requested, complete only the Applicant section and sign the application.

If this is an application for joint credit or if this is an application for individual credit but you are relying on the income of a spouse or another person as a basis for the extension and repayment of the credit requested, both the Applicant and Co-Applicant sections should be completed. If this is an application for joint credit, both parties should sign the application.

NOTE: Any income you receive from alimony, child support, or separate maintenance is your own income and not the income of a spouse or another person for purposes of this application. Disclosure of such income is voluntary, as stated below.

(Title is Optional)
MS. ☐ MISS ☐
MR. ☐ MRS. ☐
OTHER .....

Last Name ..... First ..... M.I. .....

HOME ADDRESS

Time There ..... Yrs. ..... Mos.

City ..... State ..... Zip .....

PHONE NOS.

Home Phone ..... Business Phone .....

AGE

No. of Dependents ....

Rent ☐ Own Individually ☐ Jointly ☐
Board ☐ Live With Parents ☐

NAME OF LANDLORD OR MORTGAGE HOLDER

MONTHLY RENT OR MORTGAGE PAYMENT

Est. Value of Home ..... Mtg. Balance .....

$ ..... $ ..... $ .....

PREVIOUS HOME ADDRESS

Time There ..... Yrs. ..... Mos.

City ..... State ..... Zip .....

EMPLOYER'S NAME

Time There ..... Yrs. ..... Mos.

EMPLOYER'S ADDRESS

Dept./Employee No. ....

MONTHLY SALARY

$ ..... Position .....

FORMER EMPLOYER

Name ..... Time There ..... Yrs. ..... Mos.

Address .....

ALIMONY AND SIMILAR INCOME

Alimony, child support, or separate maintenance income need not be listed unless you choose to have such income considered regarding extension and repayment of the credit requested.

Monthly Amount $ .....

OTHER SOURCES OF INCOME

Monthly Amount ..... Source .....

$ .....

SOCIAL SECURITY NUMBER (OPTIONAL)

MARITAL STATUS

Married ☐ Separated ☐ Unmarried (Inc. Divorced and Widowed) ☐

CHECKING ACCT.

Institution ..... No. .....

SAVINGS ACCT.

Institution ..... No. .....

DEBTS (Inc. Auto, Bank, Finance Co., Retail, Etc.)

Creditor's Name	Address	Acct. No.	Mo. Pymt.	Bal.

OTHER OBLIGATIONS (E.g., Liability to Pay Alimony, Child Support, Maintenance, Legal Judgments)

Attach Additional Page If You Need More Space

Have You Gone Through Bankruptcy In Past 7 Years?
Yes ☐ No ☐ When .....

NAME AND ADDRESS OF NEAREST RELATIVE (NOT LIVING WITH YOU)

Name .....

Address .....

CO-APPLICANT

Relationship ..... Age .....

NAME .....

ADDRESS .....

EMPLOYER

Time There ..... Yrs. ..... Mos.

MONTHLY SALARY

$ ..... Social Security No. (OPTIONAL) .....

DESCRIPTION OF PROPERTY SECURING CREDIT

Is or will property be co-owned? Yes ☐ No ☐

If yes, name of co-owner: .....

I/WE CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND ACCURATE AND IS PROVIDED FOR THE PURPOSE OF OBTAINING CREDIT. I/WE AUTHORIZE A CREDIT INVESTIGATION.

APPLICANT'S SIGNATURE ..... DATE .....

CO-APPLICANT'S SIGNATURE ..... DATE .....

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data or comments. Members of the public are urged to comment not only on provisions they believe should be changed or added, but also on proposed provisions they believe should remain in the regulation. All comments should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 1, 1976. Written comments will be made available for public inspection and copying upon request except as provided in section 261.6(a) of the Board's rules regarding availability of information (12 CFR 261). All material submitted should include the docket number R–0031.

A hearing will be held before available members of the Board on the terrace floor of the Board's building on 20th and C Streets, NW., Washington, D.C. on August 12, 1976 beginning at 9 a.m. The hearing will be continued on the afternoon of August 13 if necessary.

The proceeding will consist of presentation of statements in oral or written form. Interested persons need not participate in the hearing in order to have their views considered.

Any person wishing to testify at the hearing should file with the Secretary of the Board at the address set forth above on or before August 6, 1976, a written request containing a statement of the nature of the petitioner's interest in the proceedings, a summary of the matters concerning which the petitioner wishes to give testimony and the name and identity of witnesses who propose to appear. All requests to appear at the hearing also should include the docket number R–0031.

This notice of proposed rulemaking is published pursuant to the Board's authority under section 703(a) of the Equal Credit Opportunity Act (15 U.S.C. 1691b).

By order of the Board of Governors, July 14, 1976.

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

[FR Doc.76–20918 Filed 7–19–76;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Lauris L. Ackerman

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Ackerman, Lauris L., 2291 184th Street, Lansing, Illinois, convicted on May 17, 1955, in the Monroe County Court, Rochester, New York; and December 12, 1957, in the Superior Court of Hartford County, Hartford, Connecticut.

Alder, Leonard D., 3411 Thannisch, Fort Worth, Texas, convicted on June 20, 1967, in the Criminal District Court No. 3, Tarrant County, Texas.

Arbogast, Glenn J., 1501 E. Canterbury, Muskegon, Michigan, convicted on May 17, 1965, in the Circuit Court of Greene County, Arkansas.

Athas, Roger D., 421 Westover Street, Oconomowoc, Wisconsin, convicted on or about March 30, 1954, in the Eastern District Municipal Court of Waukesha County, Wisconsin; and August 7, 1958, in the United States District Court, Northern District of Oklahoma.

Bates, Richard J., 1842 Whitecliff, Ducanville, Texas, convicted on November 6, 1970, in the 195th Judicial District Court of Dallas County, Texas.

Bays, John W., 808 Webster Avenue, Grayson, Kentucky, convicted on December 7, 1960, in the United States District Court, Eastern District of Kentucky, Catlettsburg, Kentucky.

Bennett, Darby V., 221 Ben Street, Chesapeake, Ohio, convicted on September 24, 1927, and January 8, 1934, in the Common Pleas Court, Lawrence County, Ohio.

Bingham, Don B., Route 2, Box 228, Idaho Falls, Idaho, convicted on August 14, 1967, District Court of the Seventh Judicial Circuit, Bingham County, Blackfoot, Idaho.

Blackburn, Jessie L., Route 1, Box 230, Roaring River, North Carolina, convicted on April 21, 1969, and June 16, 1969, United States District Court, Middle District of North Carolina.

Boxley, William Alan, Son Rise Farm, Reva, Virginia, convicted on January 26, 1971, in the Culpeper County Circuit Court, Culpeper, Virginia.

Burns, James E., 12450 N.W. Barnes Road #6L, Portland, Oregon, convicted on January 22, 1960, in the United States District Court, Cheyenne, Wyoming; March 19, 1964, in the Circuit Court of Mobile County, Mobile, Alabama; and May 2, 1966, United States District Court, Phoenix, Arizona.

Bushorr, Terry Donald, 613 Catherine Street, Syracuse, New York, convicted on November 21, 1972, in the County Court of Onondaga County, New York.

Cundiff, David, H., 3727 Manola Avenue, Pine Lawn, Missouri, convicted on February 16, 1960, in the Circuit Court, St. Charles County, Missouri; and on or about April 15, 1966, and January 26, 1968, in the Circuit Court, St. Louis, Missouri.

Czura, Roman P., 3781 Washington Street, Lincoln, Nebraska, convicted on January 7, 1957, Superior Court, Lake County, Indiana.

Decker, Roland K., 76 Day Avenue, Newark, Ohio, convicted on May 27, 1955, in the Court of Common Pleas, Perry County, Ohio.

Dobbé, Paul Roger, Route 1, Box 252, Wittenberg, Wisconsin, convicted on January 17, 1973, in the Shawano-Menomine County Court, Shawano County Division, Branch 2, Wisconsin.

Dubay, Lawrence A., 472 Foothill Drive, Fillmore, California, convicted on March 29, 1954, in the Circuit Court, Saginaw County, Michigan; and November 1, 1954, in the Circuit Court, Clare County, Michigan.

Eastman, Roger E., Harbor Road, Fryeburg, Maine, convicted on or about October 8, 1965, in the Oxford County Superior Court, Paris, Maine.

Farris, Alvin O., Route 1, Box 5, Denham Springs, Louisiana, convicted on December 7, 1973, in the District Court, Seventeenth Judicial District Parish of LaFourche, Louisiana.

Fitzgerald, Michael James, 1143 North Dodge, Tucson, Arizona, convicted on March 8, 1973, in the United States District Court, Western Judicial District, Oklahoma.

Ford, Joe L., 711 Davidson Road, Nashville, Tennessee, convicted on January 20, 1972, in the Circuit Court for Williamson County, Tennessee.

Gardner, Albert M., 4637 Garfield Street, Gary, Indiana, convicted on June 11, 1962, Sebastian County Circuit Court, Fort Smith, Arkansas.

Gaskin, Marion J., 4307 12th Avenue, Apt. 1D, Brooklyn, New York, convicted on April 19, 1950, in the United States District Court, District of Columbia, Washington, D.C.

Gray, Julian, 1401 Race Street, Cincinnati, Ohio, convicted on November 5, 1932, in the United States District Court, Indianapolis, Indiana; and April 15, 1935, in the United States District Court, New Albany, Indiana.

Grinnell, James L., Route 2, Lawrenceburg, Tennessee, convicted on December 6, 1948, March 5, 1958, and May 17, 1972, in the United States District Court, Middle Judicial District of Tennessee, Columbia Division.

Hamilton, Frederick R., 2612 Del Paso Boulevard, Sacramento, California, convicted on December 4, 1925, in the Fifth Judicial District Court, Minidoka County, Idaho.

Hansen, Mark R., 3255 Holly Drive, Decatur, Illinois, convicted on April 17, 1970, in the Circuit Court, Macon County, Illinois.

Hodge, Jack R., 1413 South 10th Avenue, Yakima, Washington, convicted on April 10, 1954, in the Superior Court of the State of Washington, In and For Yakima County.

Johnson, John James, III, 302 E. Main, Winnfield, Louisiana, convicted on December 21, 1964, in the Twenty-Sixth District Court, Bossier Parish, Louisiana; and May 24, 1968, in the First District Court, Caddo Parish, Louisiana.

Johnson, Johnnie R., 20032 Westbrook, Detroit, Michigan, convicted on June 24, 1942, in the Recorders Court, Detroit, Michigan.

Kenton, Larry W., 3848 Elmcroft Road, Randallstown, Maryland, convicted on September 1, 1971, in the Circuit Court for Baltimore County, Maryland.

Lopez, Dennis Ramirez, 1402 11th Street, Apt. #2, Modesto, California, convicted on August 15, 1973, in the Superior Court of the State of California, In and For County of Stanislaus, Modesto, California.

Martin, Otis R., 2125A Salisbury Street, St. Louis, Missouri, convicted on March 15, 1960, in the Corporation Court of the City of Norfolk, Virginia.

Monroe, William C., 3844 Rockville Avenue, Indianapolis, Indiana, convicted on July 20, 1962, in the Criminal Court of Marion County, Indianapolis, Indiana.

Mosley, Joe M., 3001 Cedar Hill, Houston, Texas, convicted on October 24, 1957, in the Twenty-Fourth Judicial District Court of Goliad County, Texas; and July 15, 1958, in the Criminal District Court of Harris County, Texas.

Nelson, Gary S., 1050B Magnolia Lane North, Minneapolis, Minnesota, convicted on October 2, 1973, in the Hennepin County District Court, Fourth District, Minnesota.

Norton, Norman E., Sr., 462 Montclair Street, Corpus Christi, Texas, convicted on January 6, 1955, in the Criminal District Court No. 2, Dallas County, Texas.

Palm, David A., Sr., 1122 North 9th Street, Reading, Pennsylvania, convicted on May 5, 1960, in the Berks County Court of Common Pleas, Reading, Pennsylvania.

Payne, Chester W., 8809 Rixlew Lane, Manassas, Virginia, convicted on June 12, 1972, in the United States District Court, Southern District of West Virginia, Bluefield, West Virginia.

Polimeni, Joseph, Jr., 451 Manchester Road, Schenectady, New York, convicted on or about December 17, 1957, in the Schenectady County Court, New York.

Porter, LeRoy R., 4701-46 Avenue South, Seattle, Washington, convicted on or about May 6, 1952, in the Superior Court of the State of Washington In and For the County of Snohomish.

Quinn, Raymond Dawson, Route 2, Box 764, Aiken, South Carolina, convicted on April 25, 1958, in the United States District Court, Middle District of Georgia, Macon, Georgia.

Roper, John Lonsdale, III, 8005 Blanford Road, Norfolk, Virginia, convicted on March 29, 1974, in the United States District Court, Norfolk, Virgina.

Scammahorn, Larry B., Route 1, Cashmere, Washington, convicted on February 17, 1949, in the Circuit Court, Morrow County, Oregon; and February 13, 1970, in the Superior Court, Chelan County, Washington.

Senoracki, Bernard L., 107-1st Street, Birnamwood, Wisconsin, convicted on February 28, 1974, in the United States District Court for the Western District of Wisconsin.
Severance, Lorenzo Arthur, Box 91, Stillwater, Maine, convicted on October 2, 1973, in the Penobscot County Superior Court, Bangor, Maine.
Shelton, Garland, Jr., RFD 1, Hodgenville, Kentucky, convicted on October 18, 1963, in the United States District Court for the Western District of Kentucky at Louisville.
Terry, Lloyd, Jr., 1549 Harvest Lane, Ypsilanti, Michigan, convicted on March 4, 1966; in the United States District Court, Northern District of Ohio, Eastern Division, Cleveland, Ohio.
Trujillo, Joseph Andy, 532 W. 10th Street, McMinnville, Oregon, convicted on or about December 10, 1971, in the Superior Court, Butte County, California.
Welker, Clarence J., 702 South 13th Avenue, Yakima, Washington, convicted on August 9, 1954, and September 14, 1966, in the Superior Court, Yakima County, Washington; and on or about August 21, 1957, in the Circuit Court, County of Umatilla, Oregon.
White Prentice F., 407 Berkley Street, Molalla, Oregon, convicted on January 11, 1955, in the Circuit Court, Multnomah County, Oregon.
Wilson, Gerald L., 6209 Island Lake Drive, Brighton, Michigan, convicted on January 6, 1962, in the Superior Court, Doughtery County, Georgia.

Signed at Washington, DC, this 1st day of July 1976.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-20955 Filed 7-19-76;8:45 am]

Customs Service

[TMK-2-R:E:R]

OFFSPRING FASHIONS, INC.

Notice of Application for Recordation of Trade Name

Application has been filed pursuant to section 133.21, Customs Regulations (19 CFR 133.12), for recordation under section 12 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name OFFSPRING FASHIONS, INC. used by Offspring Fashions, Inc., a corporation organized under the laws of the State of New York, located at 27 Bruckner Boulevard, Bronx, New York 10454.

The application states that the trade name is applied to women's apparel, manufactured in Hong Kong. The application states further that no foreign person, partnership, association or corporation is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than August 19, 1976.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

DONALD W. LEWIS,
Assistant Commissioner, Regulations and Rulings.

JULY 14, 1976.

[FR Doc.76-20935 Filed 7-19-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

Final 1976 Revised Aggregate Production Quota; 2-5 Dimethoxyamphetamine

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On May 24, 1976, a notice of the proposed revised aggregate production quota for 1976 for 2-5 Dimethoxyamphetamine was published in the FEDERAL REGISTER (41 FR 21208-09). All interested parties were invited to comment or object to the proposed aggregate production quota on or before June 25, 1976. No comments or objections were received.

Therefore, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the revised aggregate production quota for 2-5 Dimethoxyamphetamine listed below, expressed in grams in terms of anhydrous base, be established as follows:

Basic class:	*1976 quota*
2-5 dimethoxyamphetamine	45,000,000

This order is effective on July 20, 1976.

Dated: July 13, 1976.

PETER B. BENSINGER,
Administrator.

[FR Doc.76-20978 Filed 7-19-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Permit Avigation, Hazard Easement and Right-of-Way

JULY 13, 1976.

Notice is hereby given that on February 12, 1976, the Federal Aviation Administration, Alaskan Region, pursuant to section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 219; 49 U.S.C. 1701, et seq.), requested that land be conveyed to the State of Alaska, Division of Aviation, Department of Public Works, for the purpose of operating a public airport, a permit, avigation and hazard easement and right-of-way, serial No. AA-11189, over and upon the following described land:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 8 N., R. 72 W.
Metes and bounds description, lying within sections 13 and 14.

This tract has an area of 13.20 acres, more or less.

This notice is for the purpose of allowing all persons having bona fide objections to the proposed conveyance or claiming an interest in the land an opportunity to file a protest with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, together with evidence that a copy of the protest has been served on the State of Alaska, Division of Aviation, within 30 days from the date of first publication.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-20947 Filed 7-19-76;8:45 am]

ALASKA

Permit Avigation, Hazard Easement and Right-of-Way

JULY 13, 1976.

Notice is hereby given that on September 22, 1975, the Federal Aviation Administration, Alaskan Region, pursuant to section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 219; 49 U.S.C. 1701, et seq.), requested that land be conveyed to the State of Alaska, Division of Aviation, Department of Public Works, for the purpose of operating a public airport, a permit, aviation and hazard easement and right-of-way, serial No. AA-11190, over and upon the following described land:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 12 S., R. 73 W.
Metes and bounds description, lying within the NW¼SW¼, SW¼SW¼ section 22.

This tract is approximately 12.6 acres in area.

This notice is for the purpose of allowing all persons having bona fide objections to the proposed conveyance or claiming an interest in the land an opportunity to file a protest with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, together with evidence that a copy of the protest has been served on the State of Alaska, Division of Aviation, within 30 days from the date of first publication.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-20948 Filed 7-19-76;8:45 am]

ALASKA

Segregation of Lands, Correction

JULY 13, 1976.

In F.R. Documents 76-19052 and 19060 appearing at page 27096 in the issue for Thursday, July 1, 1976, Notices of Segregation of Lands for a permit, avigation and hazard easement and right-of-way for serial Nos. AA-11189 and AA-11190 were erroneously published and those notices are hereby canceled.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-20946 Filed 7-19-76;8:45 am]

OUTER CONTINENTAL SHELF (OCS) ENVIRONMENTAL STUDIES ADVISORY COMMITTEE

Meeting

This Notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The Outer Continental Shelf Environmental Studies Advisory Committee will meet 9:30 a.m. to 4:00 p.m., August 26 and 9:30 a.m. to 4:00 p.m. (or completion of business) August 27, in Rooms 7000 A and B, Department of the Interior, 18th and E Streets, NW., Washington, D.C.

The meeting will deal with the following principal subjects:

Status of OCS leasing program.
Review of OCS environmental program mix and priorities.
Basic questions concerning the study of biological effects.
Techniques for assessing adequacy, reliability and utility of OCS environmental data.
Role of modeling in OCS oil and gas development.
Merit of controlled spills in OCS environmental assessment.
Status of overall OCS environmental program.
Delta front sediment stability project.
Nearshore and coastal data needs.
OCS oil and gas resource evaluation.
Conservation Foundation study of ecological impacts.
Characterization of coastal ecosystems.

The meeting of this Committee is open to the public. Approximately 75 visitors can be accommodated on a first come-first served basis. Written statements concerning the subjects of discussion are welcome.

Visitors who expect to attend should make this known, not later than August 19, to the Committee Chairman:

Frank E. Clarke, Senior Scientist, U.S. Geological Survey, Room 4443, Interior Building, Washington, D.C. 20240, Phone: 202/343-3888.

Dated: July 13, 1976.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

Dated: July 13, 1976.

JACK O. HORTON,
Assistant Secretary
of the Interior.

[FR Doc.76-20945 Filed 7-19-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 9, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by July 30, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

DELAWARE

New Castle County

Wilmington, *Wilmington "Amtrak" Station,* Front and French Sts.

GEORGIA

Lincoln County

Danburg vicinity, *Chennault House,* NE of Danburg at jct. of GA 44 and GA 79.
Danburg vicinity, *Matthews House,* NE of Danburg on GA 79.

Wilkes County

Danburg, *Anderson House,* GA 44.
Danburg vicinity, *Willis-Sale-Stennett House,* N of Danburg off GA 79.

ILLINOIS

Macon County

Decatur, *Decatur Historic District,* roughly bounded by Eldorado, Church, Haworth, and the Sangamon River.

MARYLAND

Talbot County

St. Michaels vicinity, *Sherwood Manor,* 4 mi. N of St. Michaels on MD 451.

Washington County

Hagerstown, *Maryland Theatre,* 21-23 S. Potomac St.

MASSACHUSETTS

Essex County

Haverhill, *Washington Street Shoe District,* Washington, Wingate, and Emerson Sts., Railroad and Washington Sqs.

Hampshire County

Northampton, *The Manse,* 54 Prospect St.

Middlesex County

Lexington, *Simonds Tavern,* 331 Bedford St.

Worcester County

Lancaster, *South Lancaster Engine House,* 283 S. Main St.

NEW YORK

Genesee County

Stafford, *Stafford Village Four Corners Historic District,* jct of U.S. 5 and U.S. 237.

St. Lawrence County

Massena vicinity, *Robinson Bay Archeological District,* NE of Massena at Robinson Bay.

Westchester County

White Plains, *Mapleton,* 52 N. Broadway.

PENNSYLVANIA

Allegheny County

Pittsburgh, *South Side Market Building,* 12th and Bingham Sts.

Potter County

Coudersport, *Coudersport and Port Allegany Railroad Station,* 201 S. West St.

WYOMING

Johnson County

Buffalo, *Methodist Episcopal Church,* Fort and N. Adams Sts.

[FR Doc.76-20435 Filed 7-19-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-216]

CANADA COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Canada Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, Pikeville, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows: Petitioner feels that the installation of canopies on this

equipment is creating a hazard to the equipment operator.

Petitioner's haulage equipment consists of four 6-L Galis Shuttle Cars, two Lee Norse 265 Miners, three 300 Galis Roof Bolters, two Lee Norse TD-31 Roof Bolters, two Kersey P-242-H.D. Tractors, and two Kersey PAST-16S Scoops.

The No. 2 Mine is located in the lower Elkhorn seam and ranges from 42 to 47 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Also, the canopies only allow a 32-inch vertical operating compartment thus limiting the vision of the equipment operators and creating a hazard to them as well as the other employees in the mine. The employees operating the equipment have stated that the canopies create a greater hazard to them.

We feel that since the equipment operators' vision is obstructed and the position required in order to be seated in the decks is awkward, the installation of canopies could be contributing factors in any accident which may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JULY 12, 1976.

[FR Doc.76-20949 Filed 7-19-76;8:45 am]

[Docket No. M 76-7]

GRUNDY MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Grundy Mining Company has filed a petition to modify the application of 30 CFR 75.805 to its Mines 21, 24 and 28, Jasper, Tennessee.

30 CFR 77.805 provides:

Couplers that are used with medium-voltage or high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, no less effective couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

The alternate method proposed by Petitioner and the reasons such method will at all times guarantee no less than the same measure of protection afforded by the mandatory standard are as follows:

The type coupler presently being used at all the mines listed above, the "dry box" coupler, is substantially constructed of 16 gauge galvanized metal with the top bolted on. The bolts are placed on 6-inch centers. A micro switch is installed in series with the pilot wire. In the event the top is removed, the micro switch breaks the pilot circuit and causes the circuit breaker to open. The 4160V, 5 KV cable enters and leaves the box through a type CGB tapered rubber bushing that is water and dust-proof. The connections are mare inside the box on 5 KVA insulators spaced 6 inches apart. The box is grounded to the ground conductors as shown on the attached drawing.[1] This type coupler has been used since 1968 and offers at least the same protection as the permanent type splices and mechanical couplers presently on the market. The coupler has performed in the manner planned, and to date has performed without causing injury or accident to personnel.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JULY 12, 1976.

[FR Doc.76-20951 Filed 7-19-76;8:45 am]

[Docket No. M 76-208]

OAK LEAF COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Oak Leaf Coal Company has filed a petition to modify the application of 30 CFR 75.1710-1 to its No. 2 Mine, Hatfield, Kentucky.

30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The subject coal mine is located in the Thacker seam which varies in height up to 44 inches. In its mine, Petitioner operates a 14-7 loader which is 38 inches in height, two shuttle cars, 36 inches high, and a 12 RB cutting machine.

2. Petitioner believes that the installation of canopies will result in a diminution of safety by creating the risk of damage to roof supports and obstructing the vision of the equipment operators.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JULY 12, 1976.

[FR Doc.76-20952 Filed 7-19-76;8:45 am]

[Docket No. M 76-248]

D. C. WELLMAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861 (c) (1970), D. C. Wellman Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its LA No. 3 Mine, Elkhorn City, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

[1] The drawing depicting the design of the coupler is available for inspection at the address contained in the last paragraph of the notice.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

* * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installation of canopies on this equipment is creating a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of the following: one Epling 3 wheel permissible tractor, one Epling 4 wheel tractor, two 4 wheel mescher tractors, one 14 BTU Joy Loading Machine, and one Paul's Roof Bolter. The No. LA 3 mine is located in the lower Elkhorn Seam and ranges from 37 to 42 inches in height. Petitioner's Joy loading machine is 35 inches in height, leaving only 2 inches of clearance in some places.

3. The coal seam has consistent ascending and descending grades, creating dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from hitting against the roof, and possibly destroying roof support. Also, the canopies allow a 22-inch vertical operating compartment, thus limiting vision of the equipment operators, and creating a hazard not only for them, but for the other employees in the mine as well.

4. Petitioner feels that since the equipment operator's vision is obstructed, and the position required in order to be seated in the decks is awkward, the installation of a canopy could be a contributing factor in any accidents which may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JULY 12, 1976.

[FR Doc.76–20950 Filed 7–19–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A358]

ILLINOIS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Calhoun County, Illinois, as a result of freeze damage April 12 and April 26, 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 Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dan Walker that such designation be made.

Applications for emergency loans must be received by this Department no later than September 7, 1976, for physical losses and April 8, 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, DC, this 13th day of July, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76–20864 Filed 7–19–76;8:45 am]

[Notice of Designation Number A357]

NEW YORK

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Ulster County, New York, as a result of freezing temperatures, cool wet weather, and hailstorms March 16, 1976, through June 1, 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 Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Hugh L. Carey that such designation be made.

Applications for emergency loans must be received by this Department no later than September 7, 1976, for physical losses and April 8, 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, DC, this 13th day of July, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76–20863 Filed 7–19–76;8:45 am]

Food and Nutrition Service

NATIONAL SCHOOL LUNCH PROGRAM AND CHILD CARE FOOD PROGRAM

Adjustment of National Average Minimum Value of Donated Foods for the Period July 1, 1976–September 30, 1977

Notice is hereby given of the national average minimum value of donated foods, or cash in lieu thereof, per lunch, to be made available under the National School Lunch Program (7 CFR Part 210) and the Child Care Food Program (7 CFR Part 226) for the period July 1, 1976–September 30, 1977. This national average minimum value will be 11.75 cents. This value was derived by applying the percentage increase in the series for food away from home of the Consumer Price Index during the period June 1975–May 1976 (from 172.8 in May 1975 to 184.8 in May 1976) to the national average minimum value prescribed for fiscal year 1976, adjusted to the nearest one-fourth cent.

(Public Law 93–326, 42 U.S.C. 1755)

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Service)

Effective Date: This notice shall become effective as of July 1, 1976.

Dated: July 14, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76–20829 Filed 7–19–76;8:45 am]

SCHOOL BREAKFAST PROGRAM

National Average Payments for the Period July 1–December 31, 1976

Pursuant to § 220.4 and § 220.9 of the regulations governing the School Breakfast Program (7 CFR Part 220), notice is hereby given that the national average breakfast factors for breakfasts served during the six-month period July 1–December 31, 1976, to children participating in the School Breakfast Program shall be: (a) 10.50 cents for all breakfasts; (b) an additional 19.50 cents for each reduced price breakfast; and (c) an additional 26.00 cents for each free breakfast. The total amount of breakfast assistance payments to be made to each State agency from the sums appropriated therefor, shall be based

upon such national average factors: *Provided, however,* That additional payments shall be made in such amounts as are needed to finance reimbursement rates assigned for especially needy schools under § 220.9.

The above factors represent a 3.125 percent increase in the factors prescribed for the period January 1–June 30, 1976. This represents the percent of increase during the six-month period December 1975–May 1976 (from 179.2 in November 1975 to 184.8 in May 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

For nonespecially needy schools, the maximum rates of reimbursement for paid breakfasts, for reduced price breakfasts and for free breakfasts shall be equal to the respective factors set out above.

For especially needy schools, the maximum rate of reimbursement for paid breakfasts shall be equal to the national average factor for all breakfasts: the maximum rate of reimbursement for reduced price and free breakfasts shall be 40 cents and 45 cents, respectively.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the School Breakfast Program (7 CFR Part 220) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services)

Effective date: This notice shall be effective as of July 1, 1976.

Dated: July 14, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-20830 Filed 7-19-76;8:45 am]

SPECIAL MILK PROGRAM

Rate of Reimbursement for the Period July 1, 1976–September 30, 1977

Pursuant to Section 3 of the Child Nutrition Act of 1966 and § 215.8 of the regulations governing the Special Milk Program (7 CFR Part 215), notice is hereby given that the rate of reimbursement per half pint of milk purchased and served to children in nonpricing programs and purchased and served to children other than needy children in pricing programs for the period July 1, 1976–September 30, 1977 shall be 6.00 cents. Section 205 (25) of Public Law 94-274, enacted April 21, 1976, requires that July 1, 1976 be treated as the beginning of fiscal year 1977 for the purposes of this adjustment. This rate of reimbursement represents a 6.944 percent increase, adjusted to the nearest one-fourth cent, in the rate prescribed for fiscal year 1976. This represents the percent of increase during the twelve month period June 1975–May 197[6] (from 172.8 in May, 1975 to 184.8 in May, 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services)

Effective date: This notice shall become effective as of July 1, 1976.

Dated: July 14, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-20831 Filed 7-19-76;8:45 am]

NATIONAL SCHOOL LUNCH PROGRAM

National Average Payments for the Period July 1–December 31, 1976

Pursuant to § 210.4 and § 210.11 of the regulations governing the National School Lunch Program (7 CFR Part 210), notice is hereby given of adjustments in the national average factors for payment for lunches and the maximum rates of reimbursement. The national average factors for payment for lunches served during the six-month period July 1–December 31, 1976, to children participating in the National School Lunch Program are as follows: (a) 13.00 cents from general cash-for-food assistance funds for each lunch; (b) an additional 48.50 cents from special cash assistance funds for each reduced price lunch and (c) an additional 58.50 cents from special cash assistance funds for each free lunch.

The total amount of general cash-for-food assistance payments and special cash assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors.

The above factors represent a 3.125 percent increase in the factors prescribed for the period January–June 1976. This represents the percent of increase during the six-month period December 1975–May 1976 (from 179.2 in November 1975 to 184.8 in May 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

For the six-month period July 1–December 31, 1976, (a) the maximum rate of reimbursement from general cash-for-food assistance funds shall be 19.00 cents per lunch served; (b) the maximum per lunch reimbursement (from a combination of general cash-for-food assistance and special cash assistance funds) shall be 86.50 cents for a free lunch and 76.50 cents for a reduced price lunch.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services)

Effective date: This notice shall be effective as of July 1, 1976.

Dated: July 14, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-20832 Filed 7-19-76;8:45 am]

CHILD CARE FOOD PROGRAM

National Average Payments for the Period July 1–December 31, 1976

Pursuant to § 226.4 of the regulations governing the Child Care Food Program (7 CFR Part 226), notice is hereby given that the national average payment factors for meals served to children attending institutions which participate in the Child Care Food Program during the period July 1–December 31, 1976, shall be as follows:

For breakfasts served in the program: (a) 10.50 cents for all breakfasts served; (b) an additional 19.50 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for reduced price school meals, and (c) an additional 26.00 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for free school meals.

For lunches and suppers served in the program: (a) 13.00 cents for all lunches and suppers served; (b) an additional 48.50 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 58.50 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for free school meals.

For supplements served in the program: (a) 5.25 cents for all supplements served; (b) an additional 10.75 cents for each supplement served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 16.00 cents for each supplement served to children from families whose incomes meet the eligibility criteria for free school meals.

The total amount of payments to be made to each State agency from the sums appropriated for the program shall be based upon these national average payment factors and the number of meals of each type served.

The above factors for breakfasts are identical to those prescribed for breakfasts served under the School Breakfast Program; the factors prescribed for lunches and suppers are identical to those factors prescribed for lunches served under the National School Lunch Program. National average payment factors for supplements are unique to the Child Care Food Program. These factors are adjusted semi-annually to reflect changes in the Consumer Price Index series for food away from home. The above factors represent a 3.125 percent increase in the factors prescribed for the period ending June 30, 1976. This represents the percent of increase during the six-month period December 1975–

May 1976 (from 179.2 in November 1975 to 184.8 in May 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the Child Care Food Program (7 CFR Part 226).

Effective date: This notice shall become effective as of Juy 1, 1976.

Dated: Juy 14, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-20833 Filed 7-19-76;8:45 am]

Forest Service

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The Deschutes National Forest Advisory Committee will meet at 8:00 a.m., August 31, 1976, at the Forest headquarters, 211 N.E. Revere, Bend, Oregon 97701, for a field trip.

The purpose of the field trip is to review the results of the following activities: pine plantations; areas that have been thinned; a grazing permittee operation; National Guard construction projects; and prescribed burn areas.

The field trip will be open to the public. Persons who wish to accompany the Committee should notify the Forest Supervisor or Sandy Fergerson at 211 N.E. Revere, Oregon 97701, telephone: (503) 382-6922. It will be necessary for the general public to provide their own transportation and lunches.

Written statements may be filed with the Committee before or after the meeting.

EARL E. NICHOLAS,
Forest Supervisor.

JULY 13, 1976.

[FR Doc.76-20942 Filed 7-19-76;8:45 am]

LAND USE PLAN OPHIR-DOG-MACDONALD PASS PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan—Ophir-Dog-MacDonald Pass Planning Unit, Forest Service Report Number USDA-FS-R1(12)-DES-Adm-76-18.

The environmental statement concerns the proposed preparation and implementation of an intensive Multiple Use Plan for the Ophir-Dog-MacDonald Pass Planning Unit, Helena Ranger District, Helena National Forest, Powell and Lewis and Clark Counties, State of Montana. About 50,600 acres of National Forest land are affected. The planning unit is divided into four management units. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was transmitted to CEQ on July 12, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59801.
USDA, Forest Service, Helena National Forest, 616 Helena Avenue, Helena, Montana 59601.
USDA, Forest Service, Helena Ranger District, 2003 Popular, Helena, Montana 59601.

A limited number of single copies are available upon request to:

USDA, Forest Service, Helena National Forest, 616 Helena Avenue, Helena, Montana 59601.
USDA, Forest Service, Helena Ranger District, 2003 Poplar, Helena, Montana 59601.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor James R. Jordan, Helena National Forest, 616 Helena Avenue, Helena, MT 59601. Comments must be received by September 10, 1976, in order to be considered in the preparation of the final environmental statement.

JOHN D. GROVE,
Acting Forest Supervisor,
Helena National Forest.

[FR Doc.76-20941 Filed 7-19-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

LORENZ COMPUTER GmbH, AND INSTITUT FUR RATIONALISIERUNG UND INFORMATION GmbH (IRI)

Petitions for Restoration to United States Export Privileges

In the matter of Peter Lorenz, Hans Jurgen Filter, Peter Hartmann, in behalf of Lorenz Computer GmbH, Horst Meder, in behalf of Institut fur Rationalisierung und Informatik GmbH (IRI), Respondents.

Mr. Filter, Mr. Hartmann, in behalf of Lorenz Computer GmbH and Mr. Meder, in behalf of Institut fur Rationalisierung und Informatik GmbH (IRI), petitioned for removal of names from the Table of Denial and Probation Orders and for restoration to United States export privileges.

Record data discloses that the West German Government instituted proceedings relative to the export operations of Peter Lorenz. It is proper to suspend any action which may influence the outcome of that proceeding and to maintain the status quo until the termination of that proceeding by final judgment or decision. Therefore, all motions, petitions or requests seeking amendment, modification or dismissal of existing orders in the above captions matters are suspended pending final determination in the present West German Government proceedings.

This Order is without prejudice. When the governmental proceedings involving Peter Lorenz are terminated, the parties may renew their petitions. Each will be required to show compliance with all United States export laws and regulations.

Dated: July 1, 1976.

BERTRAM FREEDMAN,
Hearing Commissioner.

[FR Doc.76-20850 Filed 7-19-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

SPECIAL COMMUNITY SERVICE AND CONTINUING EDUCATION PROJECTS

Fiscal Year 1976 Funding Priorities for Special Projects

On page 9908 of the FEDERAL REGISTER of March 8, 1976, there were published proposed priorities for Special Community Service and Continuing Education Projects. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed priorities.

No comments have been received. The proposed priorities are hereby adopted without change.

These priorities will govern the review of applications for new awards submitted by institutions of higher education (or combinations thereof) in Fiscal Year 1976 under section 106, Title I of the Higher Education Act of 1965, as amended. Section 106 authorizes grants for special programs and projects which are designed to seek solutions to national and regional problems relating to social and technological changes and environmental pollution.

FISCAL YEAR 1976 PRIORITIES

(a) *Fiscal Year 1976 Priorities.* Applications for new awards for Fiscal Year 1976 shall be directed to one of the following priorities (where appropriate, attention may be given within the scope of the priority to the special needs of such groups as women and older adults):

(1) Experimentation with inter-State programs of continuing education directed to the problems of regional or national energy conservation, transportation, and/or environmental pollution;

(2) Demonstration of State and/or local government cooperation with institutions of higher education in develop-

ing, operating, and evaluating innovative educational solutions to the national problem of citizen alienation from governmental processes;

(3) Demonstration of effective regional programs of continuing education which link higher education, labor, and management in solving problems of job security, productivity, and the quality of working life; or

(4) National and regional evaluations of multi-institutional programes of continuing education for adults that are directed to the problems of employment, career mobility, and/or job re-entry. (20 U.S.C. 1005a)

(b) *Review of applications.* All applications will be reviewed and evaluated in accordance with the regulations set forth in 45 C.F.R. Part 100a and Part 173, subparts A and C (Part 173 was published in the FEDERAL REGISTER on March 17, 1975, 40 F.R. 12084–12086).

Effective date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this notice has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. That section provides that rules subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjourment.

(Catalog of Federal Domestic Assistance Number 13.557; Higher Education University Community Service—Special Projects)

Dated: June 14, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: July 14, 1976.

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

[FR Doc.76–20946 Filed 7–19–76;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on August 6 and 7, 1976, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9:00 a.m. each day and will be open to the public, subject to the limitations of available space.

The agenda will include discussion of issues identified in the legislative mandate to the Commission under Public Laws 93–348 and 94–278, including the Commission's report and recommendations on the involvement of prisoners as subjects in biomedical and behavioral research, deliberations on research involving children, and deliberations on psychosurgery.

In accordance with the provisions of section 10(d) of Public Law 92–463, the meeting will be closed to the public from 4 p.m. to 5 p.m. on August 6, 1976 for the discussion of internal personnel matters the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Requests for information should be directed to Ms. Anne Ballard, (301–496–7776), Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

JULY 14, 1976.

[FR Doc.76–20937 Filed 7–19–76;8:45 am]

Food and Drug Administration

[Docket No. 76C–0033]

DENIAL OF PETITION FOR PERMANENT LISTING OF FD&C RED NO. 2

Notice of Hearing

The Food and Drug Administraiton (FDA) announces that a hearing will be held on September 13, 1976 on factual issues raised by objections to the order of the Commissioner of Food and Drugs denying a petition for "permanent" listing of the artificial coloring FD&C Red No. 2. The petition (CAP No. 36), published in the FEDERAL REGISTER of November 20, 1968 (33 FR 17205), sought the issuance of a regulation pursuant to section 706(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(b)) that would approve use of the color additive in foods, drugs, and cosmetics. It was denied by order published in the FEDERAL REGISTER on April 9, 1976 (41 FR 15053) on the grounds of lack of evidence that FD&C Red No. 2 is safe for any of its suggested uses.

The Certified Color Manufacturers Association (CCMA), by letter of May 10, 1976, filed timely objections to the April 9 order. The objector, whose predecessor had been one of the sponsors of the original petition, has adequately demonstrated that its members will be adversely affected by the order. Its request for a hearing has been granted as to the following stated objections:

1. CCMA objects to the Commissioner's finding that FD&C Red No. 2 has not been shown to be safe for use.

2. CCMA objects to the Commissioner's finding that additional testing is necessary to resolve the issue of FD&C Red No. 2's safety.

3. CCMA objects to the Commissioner's finding that serious questions of carcinogenicity are raised by FDA's recent feeding study, and to the Commissioner's use of data from that study.

4. CCMA objects to the Commissioner's finding based upon the Gaylor Report that there is a basis for concluding FD&C Red No. 2 may be a carcinogen.

5. CCMA objects to the Commissioner's reliance to any degree upon the Russian feeding studies as a basis for finding FD&C Red No. 2 not to have been shown to be safe.

These objections question the Commissioner's determination that the data before him do not establish that the proposed uses of FD&C Red No. 2 will be safe. The listing of these five objections as stated in the letter from CCMA and the granting of a hearing on the issues that they raise are not intended to imply that the Commissioner agrees to any extent with any portion of the objections.

The sixth objection of CCMA is stated as follows:

6. CCMA objects to the Commissioner's failure to consider the statutory requirements for determining whether the use of a color additive is safe.

The Commissioner does not agree that he failed to consider the statutory requirements in determining whether the suggested uses of FD&C Red No. 2 are safe. However, CCMA will be granted an opportunity to demonstrate, by the presentation of evidence, that the considerations set forth in section 706(b)(5)(A)(i)–(iv) of the act (21 U.S.C. 376(b)(5)(A)(i)–(iv)), support a determination that the color additive is safe for its intended uses.

The seventh objection of CCMA is as follows:

7. CCMA objects to the Commissioner's failure to permit the continued use of FD&C Red No. 2 pending disposition of the petition for permanent listing.

This is not a proper objection to the order denying the petition for permanent listing. Use of FD&C Red No. 2 before the promulgation of a regulating granting permanent listing of the color additive would be permissible only if FD&C Red No. 2 were previously listed pursuant to the provisions of section 203 of Pub L. 86–618 (21 U.S.C. 376 note). Provisional listing of FD&C Red No. 2 was terminated by order of the Commissioner, published in the FEDERAL REGISTER of February 10, 1976 (41 FR 5823), and implemented on February 12, 1976 (see the FEDERAL REGISTER of February 13, 1976 (41 FR 6774)). The merits of the Commissioner's decision to terminate provisional listing have been litigated, and a challenge to that decision has been rejected by the United States Court of Appeals for the District of Columbia Circuit, *Certified Color Manufacturers Assoc. v. Mathews*, Civ. Action 76–0153, (D.C. Cir. July 6, 1976).

The provisions for objection and request for a hearing applicable to an order denying a petition for permanent listing of a color additive under 21 U.S.C. 376 are not applicable to an order terminating provisional listing under section 203 of Pub. L. 86–618. The Certified Color Manufacturers Association may not, by nominally addressing its objection to the former order, attack in the administrative hearing the decision to terminate provisional listing of FD&C Red No. 2. It appears, at any rate, that the evidence which CCMA would introduce to support

this "objection" is the same as that which it would introduce to attempt to establish that FD&C Red No. 2 is safe for use. Objection number 7, therefore, does not independently state grounds for hearing, and evidence and arguments relevant to that "objection" will be received only to the extent that they are material to issues raised by other objections.

Other objections stated by CCMA are as follows:

8. The order is invalid because the Commissioner failed to provide the notice and comment required by 5 U.S.C. 553 and 21 U.S.C. 371(e).

9. The order fails to provide adequate notice of which studies he has accepted or rejected, and the basis for this, to enable CCMA to respond to the order.

10. The Commissioner's action in regulating both the permanent and provisional use of FD&C Red No. 2 are [sic] arbitrary and capricious.

The Certified Color Manufacturers Association does not request a hearing on these objections; it characterizes them as raising principally legal issues. The association does claim the right to present, at the hearing, legal arguments and authorities in support of these objections.

The function of a hearing, as CCMA recognizes, is to provide a forum for the reception of evidence on contested factual issues. Legal questions are decided at such hearings, but such decisions are properly limited to questions relevant to the reception of evidence. Exceptions to the tentative order acting on the objections after the hearing may be filed with the Commissioner. It is, therefore, most appropriate to have argument on the "legal" issues presented by objections 8 through 10, stated above, at the time argument before the Commissioner on exceptions to the tentative order is heard. These "legal" objections, therefore, will not be entertained at the hearing itself.

A timely objection to the April 9, 1976 order was also filed by the Cosmetic, Toiletry, and Fragrance Association (CTFA) by letter of May 10, 1976. It specifically objected "to that portion of the order which denies the listing of FD&C Red No. 2 for use in cosmetics that are applied topically, as contrasted with cosmetics that may be ingested." However, CTFA did not request a hearing on this objection. Instead, CTFA has stated that it intends to file a new petition for use of FD&C Red No. 2 in externally applied cosmetics, and that it expects to request a hearing if this new petition is denied.

The Certified Color Manufacturers Association, in objecting to the Commissioner's finding that FD&C Red No. 2 has not been shown to be safe and by requesting a hearing on that objection, has raised the issue of the colors' safety for all intended uses. The Commissioner, therefore, concludes that the issues raised by the objection of CTFA will necessarily be aired at the evidentiary hearing. Therefore, CTFA is invited to participate in this hearing and will not be granted a separate and repetitive hearing on the same issues should it file a separate petition.

Therefore, it is ordered, That a public hearing be held on the following issues related to the safety of FD&C Red No. 2:

1. Whether data submitted by petitioners, in addition to other data before FDA, establish to a reasonable certainty that FD&C Red No. 2 is not a carcinogen in man or animals.

2. Whether the considerations set forth in section 706(b)(5)(A) of the act (21 U.S.C. 376(b)(5)(A)) support a determination that FD&C Red No. 2 is safe for its intended uses.

3. Whether FD&C Red No. 2, if not approvable for all petitioned uses, may be approvable for certain limited uses.

The hearing will take place in the Hearing Room, Rm. 4A-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852. The presiding Administrative Law Judge will be Daniel Davidson. The hearing will convene on September 13, 1976. Written appearances must be filed with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852 not later than August 4, 1976.

Published elsewhere in this issue of the FEDERAL REGISTER is a notice of prehearing conference issued by Judge Davidson setting the prehearing conference for August 9, 1976 at 10 a.m.

The hearing will be open to the public. Any interested person may appear in person, or by or with counsel, or with other qualified representative, and may be heard with respect to matters relevant to the issues under consideration.

Dated: July 16, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-21170 Filed 7-19-76;10:09 am]

[Docket No. 76C-0033]

FD&C RED NO. 2

Prehearing Conference

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is ordering that a public hearing be held in the matter above (Docket No. 76C-0033).

Pursuant to § 2.74 (21 CFR 2.74) a prehearing conference for the purposes of simplification of the issues, the possibility of obtaining stipulations, admissions of facts and documents, the limitation of the number of expert witnesses, the scheduling of witnesses to be called, the advance submission of all documentary evidence, and such other matters as may aid in the disposition of this proceeding will be held in Rm. 4A-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852, beginning at 10 a.m. on August 9, 1976.

Dated: July 14, 1976.

DAVID J. DAVIDSON,
Administrative Law Judge.

[FR Doc.76-21171 Filed 7-19-76;10:09 am]

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW-100-76-0123]

TASK FORCE ON PRINCIPLES FOR AN INCOME SECURITY SYSTEM IN THE U.S.

Notice of Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (PL 93-644) 42 U.S.C. 2946, this agency announces the award of Contract No. HEW-100-76-0123 to National Conference on Social Welfare, 919 Eighteenth Street NW., Suite 110, Washington, D.C. 20006, for a project entitled, "Task Force on Principles for an Income Security System in the U.S." The purpose of this project is to enable the Contractor to convene a task force of from ten to twelve prominent individuals, representing diverse perspectives, to analyze and evaluate the major issues in this country's income security policy. Drawing on their collective expertise, the Task Force will prepare a report for consideration by HEW, Congress, and other interested groups. The Firm Fixed Price of this contract is $47,819.00 and the intended completion date is October 2, 1976.

Dated: July 13, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-20351 Filed 7-19-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 23424]

LEP TRANSPORT, LTD. (U.K.) d/b/a LEP TRANSPORT, INC. (U.S.A.)

Foreign Indirect Air Carrier Renewal (United Kingdom); Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 1, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before August 11, 1976.

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

Dated at Washington, D.C., July 15, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.7620360 Filed 7-19-76;8:45 am]

[Order 76-7-47; Docket 26550]

PAN AMERICAN WORLD AIRWAYS, INC.

Petition To Establish Subsidy Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of July 1976.

On April 3, 1974, a petition was filed by Pan American World Airways, Inc. (Pan Am), requesting the establishment of a final subsidy mail rate for its system operations pursuant to section 406 of the Federal Aviation Act of 1958, as amended. By Order 76–4–90, adopted April 19, 1976, the Board ordered Pan Am to show cause why its request for subsidy should not be denied. On May 19, 1976, Pan Am filed a timely Notice of Objection to Order 76–4–90 and, concurrently, a motion to defer the date established for the filing of its Answer and supporting documents from July 19, 1976 to January 31, 1977.[1]

In support of its motion to defer the answer date, Pan Am argues that the Board's tentative conclusion to deny subsidy was predicated largely upon its finding that "the carrier is now in a position to regain profitability and hence to maintain self-sufficiency," and that in a number of respects that finding was "premature." According to Pan Am, the requested delay of approximately seven and one-half months would permit the carrier to demonstrate the validity vel non of the Board's prognosis, and, in the event of a favorable financial performance, would permit the withdrawal of its Notice of Objection.

Upon careful consideration of Pan Am's pleadings, we have determined to deny its motion. However, we will extend the answer date by 30 days, until September 3, 1976, to compensate for any uncertainty which may have been caused by the instant filing.

Pan Am's argument is based upon a misconstruction of the statutory standards applied by the Board in Order 76–4–90, and a consequent oversimplification of the factual findings made pursuant thereto. Using Pan Am's term, the "key" to the Board's ultimate conclusion is not that the carrier will necessarily show a profit in 1976 or 1977, but that on the basis of all available information, Pan Am has not met, and cannot meet, the statutory burden of showing prima facie that its international air transportation services which serve the national interest are inherently unprofitable in the long run.

This judgment was reached on the basis of a number of factual determinations. The reasons for Pan Am's past losses were examined by the Board and found to be "the result of a combination of circumstances and causes which should not be underwritten by subsidy * * *." As for the present and future, it was found that, as a result of the measures already taken, Pan Am's operating efficiency, competitive posture, and financial performance have improved markedly, and that, when viewed in the industry context, these factors demonstrate "the inherent profit potential of its restructured route system." At the same time, however, the Board expressly recognized that Pan Am "may yet face the need for tough management decisions of the type implemented during 1975," because Pan Am, like all self-sufficient air carriers, must continue to bear the short-term and normal long-term risks of its business environment.

Viewed in this context, Pan Am has not shown that the Board's findings or conclusions were "premature." By focusing on its immediate financial prospects, and the consequent alleged need for actual 1976 data, Pan Am has ignored the essential, long-term nature of the statutory requirements for returning to a subsidized status. Moreover, the factual uncertainties which Pan Am seeks to resolve in seven months are primarily business risks of the type which self-sufficient carriers must confront without the prospect of subsidy. Both the abnormal, but short-term, skyrocketing of fuel prices during the 1973–1974 period, and the likelihood of long-term but moderate fuel price increases henceforth, fall into this category, and, contrary to Pan Am's assertion, the Board's findings take both circumstances into account. Finally, Pan Am has not provided a basis for believing that the requested extension of seven months would permit any significant resolution of the factual uncertainties alleged.

In short, we are not convinced that the Board's tentative conclusion in Order 76–4–90 is based on "premature" findings or that the delay requested by Pan Am will aid in the resolution of this proceeding. To the extent that Pan Am believes that the Board erred either in its conclusions of law or material findings of fact, we see no reason why the carrier cannot develop its case within the time frame permitted herein.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302,

It is ordered, That:

1. The motion of Pan American World Airways, Inc., to defer until January 31, 1977, the time within which Pan Am may answer the Board's Order to Show Cause, 76–4–90, which proposed to deny Pan Am's petition for a subsidy mail rate, be and hereby is denied;

2. The date for the submission of the Answer and supporting documents referred to in the first paragraph is hereby extended from July 19, 1976 to September 3, 1976; and

3. This order shall be served upon Pan American World Airways, Inc., and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–20961 Filed 7–19–76;8:45 am]

[1] Pursuant to the terms of the order, a Notice of Objection could be filed by May 5, 1976, and, if filed, a full answer was due by June 21, 1976. By a Notice dated April 29, 1976, the Chief Administrative Law Judge granted Pan Am's request for an extension of the procedural dates to May 19, 1976 and July 19, 1976, respectively.

[Docket 29014]

SERVICE TO TRI CITY CASE

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 17, 1976, at 9:30 a.m. (local time) in the Tennessee Room, Ramada Inn, 2005 La Mesa Drive, Kingsport, Tennessee, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served on June 2, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 14, 1976.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.76–20959 Filed 7–19–76;8:45 am]

[Docket No. 29141]

TRANSMERIDIAN AIR CARGO LTD. (U.K.)

Renewal and Amendment of Foreign Air Carrier Permit; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 23, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Ave., N.W., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., July 15, 1976.

ROBERT L. PARK,
Administrative Law Judge.

[FR Doc.76–20958 Filed 7–19–76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF CHINA

Import Levels for Certain Cotton and Man-Made Fiber Textile Products

JULY 19, 1976.

On December 24, 1975, there was published in the FEDERAL REGISTER (40 FR 59475) a letter dated December 19, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, which establish specific export limitations on certain cotton and man-made fiber textile products produced or manufactured in the Republic of China and exported to the United States during the twelve-month period which began on January 1, 1976. A correction of certain of the levels of restraint in the letter of December 19, 1975 was published in the

FEDERAL REGISTER on January 5, 1976 (41 FR 814).

As set forth in the letter of December 19, 1975, the levels of restraint are subject to adjustment pursuant to paragraphs 6 and 8(a)(i) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, which provide, respectively, that within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages and that shortfalls in certain categories from the previous agreement year may be carried over to the next agreement year.

Accordingly, at the request of the Government of the Republic of China and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of July 15, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, amending the levels of restraint applicable to cotton and man-made fiber textile products in Categories 9/10, 18/19, 22/23, 43/62(pt.), 45/46/47, 48, 49, 50/51, 60, 213, 219, 221, 222, 224 and 234/235 for the twelve-month period which began on January 1, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

JULY 15, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On December 19, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China and exported to the United States during the agreement year which began on January 1, 1975, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 6 and 8(a)(1) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Government of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on July 20, 1976, the levels of restraint established in the directive of December 19, 1975 for cotton textile products in Categories 9/10, 18/19, 22/23, 43/62(pt.), 45/46/47, 48, 49, 50/51, and 60 and man-made fiber textile products in Categories 213, 219, 221, 222, 224 and 234/235 to the following amounts:

Category:		*Amended 12-month level of restraint*[2]
9/10	square yards	40,185,368
18/19	do	2,391,524
22/23	do	4,312,007
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, 382.0605, and 382.0610)		[3]932,846
45/46/47		[3]14,376,651
48	dozen	27,582
49	do	40,240
50/51		[4]736,639
60	dozen	45,475
213	pounds	9,523,146
219	dozen	5,302,684
221	do	3,841,943
222	do	4,203,409
224		[5]10,709,391
234/235		[3]77,813,502

[1] The levels of restraint have not been adjusted to reflect any entries made after December 31, 1975.

[2] Square yards equivalent.

[3] Square yards equivalent (of which not more than 39,558 dozen shall be in category 45).

[4] Dozen (of which not more than 379,377 doz shall be in category 50 and not more than 609,487 doz shall be in category 51).

[5] Pounds (of which not more than 212,375 pounds shall be in T.S.U.S.A. Nos. 380.0420 and 380.8143 and not more than 752,250 pounds shall be in T.S.U.S.A. Nos. 380.0402 and 380.8103).

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-20957 Filed 7-19-76;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; 2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems.

DELAWARE RIVER BASIN COMMISSION

FLOOD PLAIN REGULATIONS; DELAWARE RIVER AND MAJOR TRIBUTARIES

Negative Declaration

Pursuant to Section 2-4.5 of the Rules of Practice and Procedure of the Delaware River Basin Commission, a Notice of Intent having been duly published on June 14, 1976, the Executive Director hereby finds and determines that action on the proposed regulations would not have a significant environmental impact and would not constitute a major action significantly affecting the quality of the human environment in the Delaware River Basin. This determination is based upon an environmental assessment dated June, 1976.

This Negative Declaration is issued pursuant to Article 4 of the Commission's Rules of Practice and Procedure this 9th day of July, 1976.

HERBERT A. HOWLETT,
Acting Executive Director.

[FR Doc.76-20344 Filed 7-19-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 585-8; OPP—180075]

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issuance of a Specific Exemption To Use Guthion To Control the Carrot Weevil

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the New Jersey Department of Environmental Protection (hereafter referred to as the "Applicant"). Azinphos methyl (Guthion) will be used on 600 acres of commercial processing carrots for the control of the carrot weevil in Burlington, Camden, Gloucester, and Salem counties in southern New Jersey. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, the Carrot Weevil (*Listronotus oregonensis*) damage to commercial carrots in southern New Jersey has been increasing in severity in recent years. Carrot weevil larve tunnel in the tap root of carrots, leaving rust-colored feeding trails. Larval feeding early in the season results in mortality of seedling carrots, reducing the row-density. Later injury reduces the quality of market carrots, rendering many unmarketable. Further losses occur when carrots are placed in cold storage due to increased incidence of storage rot disease organisms (fungi and bacteria) which enter the carrots through weevil larvae feeding tunnels.

There appear to be neither alternative registered pesticides nor non-chemical methods of control available to control

this insect. The Applicant proposed to apply azinphos methyl (Guthion) to commercial carrots grown for processing under contract to the Campbell Soup Company, Camden, New Jersey. The pesticide will be applied at the rate of one-half (½) pound of actual insecticide per acre, either as an emulsifiable concentrate, or a 50 percent wettable powder. Up to six (6) applications may be applied at ten day intervals during the growing season, with a thirty-five (35) day pre-harvest interval. The Campbell Soup Company has agreed to use their agricultural field force to instruct growers on appropriate use of azinphos methyl on carrots, to closely monitor applications to ensure that directions for use are followed, and to provide the State of New Jersey appropriate pesticide application records. The Applicant will monitor the azinphos methyl applications also, and will enforce any restrictions EPA requires. Farmers who would be involved with the use of azinphos methyl on carrots are all New Jersey-registered applicators and are familiar with the safe use of various pesticides, including azinphos methyl.

The combination of stand loss, yield loss, and storage loss is estimated to cost the New Jersey carrot farmers about $10.00 per ton on a crop valued at $44.00 per ton, or an economic loss of about 23 percent of the gross value of the carrot crop. Carrot crop losses can be as high as 73 percent if the carrot weevil is not controlled, according to the Applicant.

The Fish and Wildlife Service of the U.S. Department of the Interior has advised EPA that no significant effects on fish and wildlife populations are expected from this limited use of azinphos methyl.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of carrot weevils has or is about to occur; (b) there is no pesticide presently registered and available for use to control the carrot weevil in New Jersey; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the carrot weevils are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 31, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions.

1. Azinphos methyl applications are limited to commercial carrots grown under contract to the Campbell Soup Company and located in the four counties identified above;

2. The azinphos methyl (Guthion) will be applied by ground equipment;

3. The dosage rate may not exceed one-half (½) pound of actual azinphos methyl per acre per application;

4. The number of applications may not exceed six (6);

5. A thirty-five (35) day preharvest interval must be observed;

6. Carrot tops treated with azinphos methyl may not be used for feed, food, or forage;

7. A residue level not to exceed 0.5 ppm on carrot roots used for processing has been determined to be adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare, has been advised of this action; and

8. The Applicant is responsible for ensuring that the restrictions pursuant to this specific exemption are met.

Dated: July 14, 1976.

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

[FR Doc.76-20932 Filed 7-19-76;8:45 am]

[ERL 585-6;OPP-42023]

STATE OF MARYLAND

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Marvin Mandel, Governor of the State of Maryland, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending promulgation of implementing regulations pursuant to the Maryland Pesticide Applicators Law.

Notice is hereby given of the intention of the Regional Administrator, EPA Region III, to approve this plan on a contingency basis.

A summary of the plan follows. The entire plan, together with all attached appendices may be examined during normal business hours at the following locations:

Room 3323, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Pesticides Branch, Environmental Protection Agency, Region III, Phone: 215/597-9869.

Parole Plaza Office Building, Annapolis, Maryland 21401, Maryland Department of Agriculture, Phone: 301/267-1325.

Room 401, East Tower, 401 "M" Street, SW., Washington, D.C. 20460, Office of Pesticide Programs, Federal Register Section, Phone: 202/755-4854.

SUMMARY OF MARYLAND STATE PLAN

The Maryland Department of Agriculture (MDA) has been designated as the State lead agency for the administration of the pesticide certification program, including enforcement activities.

The Maryland Department of Agriculture is solely responsible for the administration of the plan. However, the certification program will be coordinated with the State Cooperative Extension Service (SCES) as it relates to training for certification of applicators. Advice is also provided by the Maryland Pesticide Advisory Board and the Maryland Agricultural Commission.

Legal authority for the program is contained in the Maryland Pesticide Applicators Law and the Maryland Pesticide Registration and Labeling Law and the proposed Regulations to be promulgated thereunder.

The plan indicates that the State lead agency and cooperating agencies have sufficient qualified personnel and funds needed to carry out the proposed program. The funding in support of the program, available for FY 1976 through FY 1978, is anticipated to be $226,202. This amount does not include funds received from EPA.

The State estimates that 1,500 commercial applicators and 12,000 private applicators will need to be certified.

Identification permits similar to I.D. cards containing all necessary information will be furnished all applicators to present to the dealer at the time of restricted use pesticide purchase.

The State lead agency will submit an annual report by December 31 of each year. Other reports will be submitted as required by the EPA Administrator.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. Subcategories proposed in the State plan are as follows:

(1) Agricultural Pest Control.
(a) Plant.
(i) Fumigation.
(b) Animal.
(7) Industrial, Institutional, Structural and Health-Related Pest Control.
(a) General.
(b) Termite.
(c) Bird.
(d) Fumigation.
(e) Rodent.
(f) Industrial Weed.

To become certified as a commercial applicator, an individual will be required to pass written and practical examinations. The exams will cover general information and also specific information in each category of service in which the individual seeks certification. Standards of competency reflected in the examinations will be equal to or exceed those Federal standards outlined in 40 CFR 171.4(b) and (c) and 171.6.

Educational material will be provided by the Maryland Department of Agriculture and the State Cooperative Extension Service. Annual training courses are also conducted by these agencies for pesticide applicators.

Applicants for commercial certification will be notified when exams are to be given. Upon passing the examinations, the certifications will be mailed.

Private applicators (agricultural commodity producers) will have 2 options to follow for certification. Option "A" provides that the applicant take a written examination. Option "B" provides a training session for those who do not wish to take a written examination or for those who have failed the written exam under option "A". The training option for certification requires attendance and participation in the training session by

each individual. At the end of the session the instructor will discuss a series of review questions which have been worked on by each of the individual applicants. Upon successful completion of the training session, a certificate signed by the Extension Agent and the applicant will be sent to the Supervisor, Pesticide Applicators Law. Upon receipt, an I.D. card and a certificate will be sent to the applicant.

Also, an individual with reading difficulties can be granted a single product certification for restricted pesticides. In this case, an oral examination will be administered to the individual to determine his ability to use the pesticide in accordance with the standards set out in 40 CFR 171.5 and 171.6.

Certification to accommodate emergency situations is available to private applicators. To obtain this type of certification, which will authorize the applicant to make a single purchase for a single use of a restricted use product on a one time basis, the applicant must pass an examination which meets the standards of 40 CFR 171.5 and 171.6. This examination will be narrower in scope than the examination administered under option "A".

The Maryland Plan states that the standards of competency for the written examination (Option "A") and training session (Option "B") will meet the standards as stated in 40 CFR 171.5 and 171.6.

The role of the County Extension Agents will be especially important and they will be the principal source of contact with the private applicators. Special training materials for various agricultural commodity groups have been identified and are available to those persons interested in becoming certified private applicators. Distribution will be primarily through Extension Service channels.

A sample examination for commercial applicators and sample examination questions for private applicators are exhibited in the plan.

The Maryland State Plan describes the procedures and requirements for licensing commercial applicators which were in effect prior to the development of this plan. Samples of questions administered to those applicants under the previous licensing program are exhibited. EPA has reviewed the existing examinations and examination procedure used in the previous licensing program and is satisfied that they are in compliance with 40 CFR 171. Thus, the plan allows all persons who have passed written examinations under the previous program to be certified without re-examination.

The State plan also indicates that within 60 days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the State plan.

Conditions for granting reciprocal certifications to residents of other States are addressed in the plan. Also, all reciprocal agreements formed between Maryland and any other State will be submitted as an amendment to the Maryland Plan.

Other regulator activities listed in the State plan which will supplement the Maryland certification program are: requirements that all pesticides sold or transported in Maryland must be registered annually; provisions for specific pesticide labeling requirements; and authorization to analyze pesticide products in their original containers. Also, field inspectors will enforce the provisions of the Pesticide Applicators Law and the Pesticide Registration and Labeling Law.

Various restrictions are also placed on the application of pesticides to waters of the State.

With respect to the maintenance of the State plan, it is mentioned that MDA Inspectors check on the labeling, storage and sale of pesticides in the State. These activities are coordinated by the State Chemist and the Supervisor, Pesticide Applicators Law.

To assure that certified applicators maintain a continued level of competence, the State plan provides for mandatory attendance by commercial applicators (in lieu of re-examination) at annually sponsored Agricultural Pesticide Conferences. These annual conferences are supplemented with special training sessions.

Also, private applicators will be required to attend approved pesticide conferences or meetings in 3 of the 5 years prior to renewal of the certification.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Maryland to the Chief, Pesticides Branch, Region III, U.S. Environmental Protection Agency, 6th & Walnut Streets, Room 3323, Philadelphia, Pennsylvania 19106. The comments must be received on or before August 21, 1976, and should bear the identifying notation OPP-42023. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m. Monday through Friday.

Dated: July 2, 1976.

DANIEL J. SNYDER, III,
Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc.76-20980 Filed 7-19-76;8:45 am]

[FRL 585-7; OPP-180071A]

TEXAS STATE DEPARTMENT OF AGRICULTURE

To Use Sodium Chlorate To Desiccate Flax; Amendment Specific Exemption

The Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER of June-8, 1976 (41 FR 22980), which announced the issuance of a specific exemption to the Texas State Department of Agriculture (hereafter referred to as the "Applicant"). This exemption allowed the use of 24,000 pounds A.I. of sodium chlorate as a harvest aid to desiccate flax in nine (9) counties in southeastern Texas. The specific exemption was subject to several restrictions, two of which were that (1) treated acreage would not exceed 6,000 acres and (2) the specific exemption would expire on June 15, 1976. However, on June 8, 1976, the Applicant requested authority to expand the area of treatment to De Witt County, Texas, and to extend the expiration date to July 1, 1976. The Applicant stated that heavy rains in southern Texas had hampered flax harvesting operations; the Applicant also informed EPA that there would be no increase in the flax acreage to be treated with sodium chlorate.

After reviewing the request and other available information, the EPA has granted the temporal and spatial extension of the specific exemption; it had previously been determined that the application of sodium chlorate to flax did not constitute a hazard to the public health. Further, there would be no increase in the acreage to be treated. This extension is also subject to the other restrictions indicated in the original specific exemption.

Dated: July 15, 1976.

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

[FR Doc.76-20981 Filed 7-19-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20738 and 20739; File Nos. BR-4630, BP-19899]

WEST JERSEY BROADCASTING CO. (WJJZ) MT. HOLLY, NEW JERSEY, JOHN J. FARINA AND JOHN H. VIVIAN, D.B.A. MT. HOLLY RADIO CO., MT. HOLLY, NEW JERSEY

Construction Permit Application

By the Review Board: Board Member Zias not participating. 1. By Order, 41 FR 13997, published April 1, 1976, the Commission designated the above-captioned mutually exclusive applications for consolidated hearing. Now before the Review Board is a motion to enlarge issues, filed April 16, 1976 by West Jersey Broadcasting Company (WJJZ), which seeks addition of the following issues against John J. Farina and John H. Vivian, d.b.a. Mt. Holly Radio Company (Mt. Holly):[1]

(1) To determine whether Mt. Holly has reasonable assurance of the availability of its proposed transmitter site.

(2) To determine whether Mt. Holly made a willful misrepresentation to the Commission by proposing a site without having made adequate inquiries as to its availability; and, in the event that this issue is answered affirmatively, to determine the effect thereof upon Mt. Holly's

[1] Also before the Review Board are the following related pleadings: (a) opposition, filed April 29, 1976, by the Broadcast Bureau; and (b) reply, filed May 11, 1976, by WJJZ.

basic qualifications to be a Commission licensee.

(3) To determine the effect on the character qualifications of Mt. Holly of John J. Farina's prior misrepresentations to the Commission concerning his financial proposal for Mt. Holly-Burlington Broadcasting Co., Inc.

SITE AVAILABILITY AND SITE MISREPRESENTATION ISSUES

2. In support of the requested site availability and related misrepresentation issues, WJJZ points out that Mt. Holly's proposed transmitter site is specified in Exhibit V of the Mt. Holly application as the presently authorized transmitter site of WJJZ and that, in a letter accompanying the application, dated February 28, 1975, John Farina, one of the partners in Mt. Holly, stated that Mt. Holly is prepared to enter into a leasing agreement with WJJZ for its transmitter site or is prepared to duplicate such a facility. WJJZ contends however, that representatives of Mt. Holly have not contacted principals of WJJZ with regard to the future use of its site and, in its reply pleading, WJJZ attaches a letter from its secretary-treasurer which states that WJJZ "will not under any circumstances" make its transmitter site available to Mt. Holly. Therefore, WJJZ concludes that Mt. Holly has not provided the Commission with reasonable assurance that it will be able to utilize its proposed site and that Mt. Holly made willful misrepresentations by proposing to use a transmitter site without having made prior inquiries into its availability.

3. The Review Board will deny the requested misrepresentation issue regarding Mt. Holly's proposed site, but will add a site availability issue. Thus, first, with regard to alleged site misrepresentation, we agree with the Broadcast Bureau that the fact that Mt. Holly may not have contacted principals of WJJZ before specifying WJJZ's transmitter site for its own use does not warrant addition of an issue, in the absence of specific allegations showing that the site was specified in bad faith. In this regard, we note that Mt. Holly's proposed use of WJJZ's facilities falls within the purview of Commission precedent which holds that in a proceeding involving renewal and challenging applicants the latter may reasonably assume, in the absence of specific information to the contrary, that a licensee whose renewal application is denied will not object to future negotiations for the transfer of its facilities. See Belo Broadcasting Corp., 42 FCC 2d 1011, 28 RR 2d 732 (Rev. Bd. 1973). Notwithstanding the above, addition of a site availability issue is warranted. WJJZ has unequivocally stated in its reply pleading that it will not "under any circumstances" lease its transmitter site to Mt. Holly, thereby raising a substantial question as to whether Mt. Holly has reasonable assurance of the availability of its proposed site.[2] See Belo Broadcasting Corp., 44 FCC 2d 707, 29 RR 2d 323 (Rev. Bd. 1974).

MISREPRESENTATION ISSUE

4. WJJZ bases its request for a second misrepresentation issue on a 1964 Order of the United States Court of Appeals for the District of Columbia Circuit which remanded for further proceedings a 1963 Decision of the Commission which had granted a construction permit for a standard broadcast station in Mt. Holly to John J. Farina tr/as Mt. Holly-Burlington Broadcasting Co. (Mt. Holly-Burlington). See Halpern v. F.C.C., 331 F. 2d 774 (D.C. Cir. 1964). In its remand Order, the Court of Appeals found that further evidentiary hearing was necessary to inquire into, inter alia, possible misrepresentations made by Farina, a principal of Mt. Holly, with regard to the availability and control of $54,000 that Farina had contended was available to finance the Mt. Holly-Burlington, application. Movant further notes that subsequent to the appellate court's remand Order, the Commission, by Memorandum Opinion and Order, FCC 64-373, released May 1, 1964, reopened the record and remanded the proceeding to the Hearing Examiner on six issues, including an issue to determine whether Mt. Holly-Burlington or Farina made misrepresentations with regard to any "financial statement, affidavit, or presentation" to the Commission or the Court of Appeals; that Farina did not appear at the remanded proceeding on these issues; and that Mt. Holly-Burlington's application was dismissed for failure to prosecute. See Burlington Broadcasting Co., 7 FCC 2d 501, 9 RR 2d 1119 (1967). Consequently, WJJZ concludes that an issue must be added in the instant proceeding to resolve the question of whether misrepresentations were made by Farina in connection with the Mt. Holly-Burlington application.

5. In opposition, the Broadcast Bureau contends that on April 2, 1969 the Commission granted a construction permit for Station WMVI, Mechanicville, New York, to Mechanicville Broadcasting Co. (Mechanicville); that Farina is a thirty per cent owner of Mechanicville; and that the Commission at the time of the grant reviewed the facts and circumstances surrounding Farina's Mt. Holly-Burlington application and found them to present no obstacle to the grant of the Mechanicville application.[3] Therefore, the Bureau maintains that the Commission has already determined that the character qualifications issues added against Mt. Holly-Burlington and Farina in its 1964 Memorandum Opinion and Order do not present a bar to the grant of a construction permit, and concludes that the Commission's determination is binding upon the Review Board.

6. The Review Board will deny the requested issue. While staff recommendations do not substitute for Commission decisions,[4] nevertheless, it is clear from the information submitted by the Bureau that the Commission was specifically briefed on the Farina matter in 1969 and decided thereafter with full knowledge of the incident to grant a construction permit to an applicant in which Farina was a partner. The Bureau's attached Agenda Item sets forth in detail the history of the Farina matter and proposes a grant based upon the information submitted to it subsequent to Farina's default.[5] The Commission followed this recommendation, and based upon these circumstances, as well as the fact that the alleged misrepresentation took place over fourteen years ago,[6] and the fact that petitioner claims no personal knowledge on the incident in question, the Board believes addition of the requested issue is not warranted. Cf. Brown Radio and Television Co., FCC 65R-179, 5 RR 2d 288 (Rev. Bd. 1965), reversed on other grounds, FCC 65-622, 6 RR 2d 105; and KFPW Broadcasting Company, 57 FCC 2d 1034, 36 RR 2d 255 (Rev. Bd. 1976).

7. *Accordingly, it is ordered,* That the motion to enlarge issues, filed on April 16, 1976, by West Jersey Broadcasting Company (WJJZ) is granted to the extent indicated herein, and is denied in all other respects; and

8. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether John J. Farina and John H. Vivian, d.b.a. Mt. Holly Radio Company has reasonable assurance of the availability of the transmitter site specified in its application.

9. *It is further ordered,* That the burden of proceeding and the burden of proof under the issue added herein shall be on John J. Farina and John H. Vivian, d.b.a. Mt. Holly Radio Company.

Adopted: July 9, 1976.

Released: July 15, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-20914 Filed 7-19-76;8:45 am]

[Docket No. 20847, FCC 76-636]

WESTERN UNION TELEGRAPH CO.

Revisions to WU Tariffs F.C.C. No. 254 and 257, Transmittal No. 7176

By the Commission: Commissioner Hooks dissenting. 1. The Commission has

[2] Of course, since there is no indication that WJJZ's intentions were known prior to the filing of Mt. Holly's application, we affirm that no basis for the requested misrepresentation issue is apparent.

[3] In support, the Bureau attaches an Aural Agenda Item, adopted April 2, 1969, prepared by the staff of the Bureau in conjunction with the Mechanicville application. The item concludes that "pertinent information furnished in connection with the [Mechanicville] application satisfactorily resolves the questions raised in the earlier [Mt. Holly-Burlington] proceeding."

[4] See Cosmopolitan Broadcasting Corp., ---- FCC 2d ----, 35 RR 2d 1050 (1975).

[5] Among other things, the Bureau stated that this information indicated that there were no restrictions on the use of the funds in question, that there did not appear to be any undisclosed interest of other persons in the funds, and that in fact the entire amount was used to finance the station which was constructed prior to the remand by the Court of Appeals.

[6] See Burlington Broadcasting Co., 34 FCC 1135 (1963).

before it for consideration the following: (1) Western Union (WU) Transmittal No. 7176;[1] (2) a Petition to Suspend and Investigate filed on behalf of the Secretary of Defense and the Administrator of General Services; (3) a Petition to Suspend, Investigate, and Order an Accounting filed on behalf of the New York Stock Exchange, Inc. (NYSE) and the American Stock Exchange, Inc. (AMEX); (4) a Petition to Suspend, Investigate and Order an Accounting filed on behalf of Bank Wire;[2] and (5) a Reply filed by WU.[3] The American Telephone and Telegraph Company (AT&T) filed a Petition for Investigation and Consolidation on June 18, 1976. The AT&T petition will not be dealt with in this order because WU's opposition is due after the date on which the Commission must rule on the petitions for suspension.

2. The proposed tariff pages accompanying WU Transmittal No. 7176 contain revisions to WU Tariff F.C.C. No. 254, Private Line Service, and WU Tariff F.C.C. No. 257, Datacom Service. These changes are presently scheduled to become effective on July 1, 1976.[4] WU's transmittal letter states that the proposed tariff pages will: (1) increase the "monthly rates for first service terminals[5] for 75 baud or lower service [to] $30 and $33 for half-duplex and duplex, respectively;" (2) increase the monthly rates for first service terminals "for over 75 baud service [to] $33 and $36 for half-duplex and duplex, respectively;" (3) increase the monthly rates for additional 75 baud service terminals "to $30 and $33 for half-duplex and duplex, respectively;" (4) increase the monthly rates for "additional service terminals * * * for over 75 baud service * * * to $25 and $27.50 for half-duplex and duplex, respectively;"[6] (5) lower the channel mileage rates for two-point service by 25 percent; (6) establish a channel terminal charge of $20 per month which applies at both ends of a two-point channel;[7] (7) increase the installation charge for service terminals from $12.55 to $50.00; (8) increase the charges for most equipment used in conjunction with Private Wire Service approximately 3 percent; and (9) increase the service terminal and installation charges for Datacom Service in a manner that is consistent with the increases for Series 1000 Service.

3. WU Application No. 1649 dated April 29, 1976 explains that the proposed tariff changes were prompted by AT&T's rate increase for Series 1000 Private Line Telegraph Service (AT&T Tariff F.C.C. No. 260) which became effective on March 23, 1976 after a one day suspension by the Commission.[8] WU offers low speed private line telegraph service (Series 1000) in competition with AT&T. WU believes that it would not be a sound business practice to exceed AT&T's rates for this service. Thus, it contends that its Series 1000 Service has been unable to earn a satisfactory rate of return because of the need to match AT&T's rates which WU believes have been unlawfully low in the past. WU states that as a result of the AT&T rate increase it is now in a position to earn some additional revenue from this service. However, it believes that matching the new AT&T rates exactly would result in a substantial loss of business to competitors. Therefore, WU "proposes to revise its rates for Series 1000 services, but only to a level which it believes will * * * maximize [its] earnings level. * * *" WU predicts that "the combined effect of the proposed rate increases on the existing customer base and on the future growth projected for Series 1000 service [will] produce additional revenues of $1.9 million in 1976 (7 months partial year effect), $4.2 million in 1977, $5.0 million in 1978 and $5.5 million in 1979."

4. The petitioners raise numerous objections to the tariff revisions filed by WU. These objections relates to both the overall rate of return which will be produced by the proposed increases and the cost justification for the individual charges. The petitioners begin by arguing that the rates of return predicted without the proposed increases are clearly adequate. The Stock Exchanges argue that the rates of return predicted for 1977 and thereafter with the rate increase are clearly excessive. The Stock Exchanges also argue that WU is improperly allocating common costs to its Series 1000 Service. They argue that WU's rate of return for Series 1000 would be substantially higher without this improper allocation of costs. The petitioners also argue that WU should be required to "[provide] the Commission with studies showing the cost/revenue relationship it would experience under other rate alternatives. * * *" They suggest that a rate decrease might produce more revenue and growth. The DOD and GSA petition also alleges that the proposed rate increases are unlawfully discriminatory because "the projected 14.9 percent rate of return for low speed PWS circuitry is fully 3.5 times greater than the 4.3 percent projected rate of return for all other PWS."

5. WU responds to these arguments by pointing out that the rates of return shown in its Section 61.38 material are pre-tax rates of return. WU argues that when this fact is considered, its present rate of return on Series 1000 is clearly insufficient. To illustrate this point WU states that a 14.9 percent pre-tax rate of return on Private Wire Service for 1976 would have resulted in only a 10.0 percent return on investment after taxes. WU also points out that it does not expect the rate of return for Series 1000 Service to reach this level until 1979. It argues that this level of earnings is clearly reasonable in light of the Commission's recent decision authorizing a post-tax rate of return of 9.5 to 10.0 percent for AT&T.[9] WU also contends that its increased allocation of common costs to Series 1000 is entirely proper. It explains that the cost shifts reflect the increased utilization of spare capacity by Series 1000 Service. "The cost of common plant elements is allocated to all services on the basis of the relative use of such common plant for revenue-producing service. Therefore, as the relative utilization of these elements for Series 1000 private line service increases, more of the common costs are properly allocable to this category of service." WU also argues that basing the reallocation of common costs on mileage is appropriate because its calculations take the relationship between channel termination equipment costs and mileage into account. WU responds to the contention that it should be required to submit studies showing its cost/revenue position under various rate alternatives by arguing that such a study is not necessary and virtually impossible. WU also argues that it should not be prohibited from earning a rate of return on Series 1000 which is well in excess of its rate of return for all other Private Wire Service. It contends that the fact that it "has been unable to earn a reasonable rate of return on many of its services because of competitive considerations * * * does not mean * * * that it should" be prevented from earning "a fair rate of return for other services where market conditions permit."

6. The petitioners also raise numerous objections to the individual charges proposed in WU's tariff filing. Both the Stock Exchange and the DOD and GSA petitions object to the substantial increases in the cost of additional service terminals. DOD and GSA point out that the present monthly charge for additional service terminals is approximately one third of the charge for first service

[1] *See* note 4 *infra*.

[2] Bank Wire "is a data communications [company] providing telegraphic message switching and related services to commercial banks."

[3] The date for the filing of WU's reply to the DOD and GSA and Stock Exchange petitions was extended to June 14, 1976 in consideration of WU's agreement to extend the effective date of the proposed tariff pages to July 1, 1976.

[4] By Application No. 1649 WU sought permission to file the proposed rate increases on 30 rather than 60 days notice. This request was granted by Special Permission No. 7930 on the condition that WU would defer the effective date of the proposed tariff pages an additional 30 days if requested to do so by the Common Carrier Bureau. Pursuant to such a request, WU extended the effective date of the tariff revisions until June 30, 1976 by Transmittal No. 7179. By Transmittal No. 7183 WU extended the effective date of the proposed changes until July 1, 1976.

[5] One of the changes proposed by this tariff filing involves the substitution of term "station terminal" for the term "service terminal." The terms will be treated as interchangeable for the purposes of this decision.

[6] A monthly charge of $10 is also established for bridged service terminals.

[7] The channel terminal charges does not apply to multi-point service.

[8] AT&T Revision to Tariff F.C.C. No. 260, Docket No. 20736, FCC 76-249, 58 FCC 2d ____ (1976).

[9] AT&T Rate of Return, 57 F.C.C. 2d 960, 973 (1976).

terminals, while the charges for first and additional service terminals will be nearly equal under the proposed tariff pages. They argue that "[n]o justification for these astronomical increases is given other than the self-serving assertion * * * that the costs for additional service terminals in most cases are greater than the costs for first service terminals. * * *" DOD and GSA also argue that the proposed charge for first service terminals is not justified.

7. The petitioners allege that there is an unexplained discrepancy between WU's charges for telegraph and voice grade service terminals. They point out that AT&T's proposed increases for its Series 1000 Service were suspended and set for hearing because of a discrepancy between its reported costs for Series 1000 main station terminals and its claimed costs for Series 2000/3000 station terminals. The Stock Exchanges argue that "[a] precise analysis with respect to costs is not possible because Western Union did not submit *any* LRIC data with its present application or with its most recent application for changes in its Series 2000/3000 rates. * * *" However, they point out that WU's monthly charge for a Series 2000/3000 main station terminal is $25, compared to the proposed monthly charges for Series 1000 initial service terminals which range from $30 to $36. They also argue that there is a discrepancy between WU's charges for Series 1000 additional service terminals and its charge for additional Series 2000/3000 station terminals. The Stock Exchange Petition concludes that, "[i]f the Commission saw fit to inquire into AT&T's large proposed increases in the rates for Series 1000 terminals, surely such an inquiry is even more necessary in the case of Western Union, which has not supplied the Commission with any form or cost data for these rate elements."

8. In addition, the petitioners argue that the proposed increase in the installation charge for station terminals is unjustified and unreasonable. The DOD and GSA petition also objects to the proposed increases in the first service terminal, additional service terminal, and installation charges contained in WU's Datacom tariff, WU Tariff F.C.C. No. 257. The proposed increases for Datacom service terminals are essentially the same as those proposed for Series 1000 terminals. Under the proposed changes the mileage charge for two point service will be decreased by approximately 25 percent, but a $20 channel termination charge will apply at both ends of such a channel. The mileage rates for multipoint service will remain the same, and there will be no channel termination charge. The DOD and GSA petition questions the validity of this system of separate rate schedules for two point and multi-point service.

9. WU responds to the contentions concerning the proposed charges for additional service terminals by explaining that "a first terminal in a city will require a loop transmission unit located at the central office and a local loop to the subscriber's premises. Each additional station terminal located at a separate premise (which is normally the case) requires the exact same equipment as the first station." WU also states that "where the subscriber has more than one station within a particular municipality, [WU] must install a "hubbing arrangement" at the central office so that the signal can be split and sent to all of the subscriber's stations simultaneously." WU also argues that its $10 charge for bridged station terminals fully recognizes the savings which can be realized when service terminals located at the same premises are connected to the central office through a single local loop.[10]

10. In answer to the contention that there is a discrepancy between WU's charges for voice and telegraph grade service terminals, WU argues that the rates for its Series 2000/3000 (voice grade) station terminals are determined primarily by competitive considerations. WU also contends that there are significant differences in the costs of telegraph and voice grade local transmission. In support of this contention WU refers to a recent submission by AT&T in Docket No. 20736. This testimony states that AT&T's cost for telegraph grade main station terminals is $76.75 while its cost for voice grade main station terminals is $39.14.[11] WU argues that its costs are similar to AT&T's. It also points out that the Stock Exchanges' comparison of the monthly charges for telegraph and voice grade additional service terminals is not appropriate because the charge for additional Series 2000/3000 service terminals to which the Stock Exchanges refer applies only to bridged service terminals.

11. WU responds to the contention that the proposed charge for installation of service terminals is excessive by referring to its workpapers which show an installation cost of $112 and $145 for half-duplex and full duplex respectively.[12] WU also argues that its proposal to increase the charges for first service terminals, additional service terminals, and installation of such terminals under its Datacom tariff is appropriate because "[t]he equipment involved in providing station terminals and additional terminals for Datacom service is identical to [that] involved in providing station terminals and additional terminals for Series 1000 service." WU presents virtually no cost justification for its system of separate rate schedules for two point and multipoint service. The information which it does present relates primarily to the desirability of this system from a competitive point of view.

12. Upon a careful analysis of the various arguments presented by WU and the petitioners, it appears that substantial questions concerning the validity of the proposed changes remain. Therefore, the proposed tariff changes filed by WU under Transmittal No. 7176 will be set for hearing and investigation. We shall suspend the proposed tariff revisions for only one day. However, in order to protect the public we shall require that WU maintain an accounting, for possible refund, of the increased revenues which result from these changes. This should not be unduly burdensome because the number of customers is relatively limited.

13. Accordingly, *it is ordered*, That pursuant to the provisions of sections 4(i), 201–205, and 403 of the Communications Act of 1934, as amended, an investigation and hearing is hereby instituted into the lawfulness of the tariff changes filed by WU under Transmittal No. 7176.

14. *It is further ordered*, That a hearing be held in this proceeding at the Commission's Offices in Washington, D.C. at a time to be specified, before an Administrative Law Judge to be designated.

15. *It is further ordered*, That a separated Trial Staff of the Common Carrier Bureau will participate in the above-captioned proceeding. The Chief, Hearing Division and his staff will be separated from the Commission, the presiding ALJ, the Office of General Counsel, and the Chief, Deputy Chief and all Division Chiefs of the Common Carrier Bureau, but are unrestricted in their access to all other Commission personnel.

16. *It is further ordered*, That the Administrative Law Judge shall upon closing of the record prepare and issue an initial decision, which shall be subject to the submission of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules, after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules.

17. *It is further ordered*, That the issues with respect to the tariff changes shall include, but not be limited to, the following:

(a) Whether any of these charges, classifications, regulations or practices are or will be unjust or unreasonable within the meaning of section 201(b) of the Communications Act;

(b) Whether any of these revisions will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of section 202 (a) of the Communications Act;

(c) Whether the Commission should prescribe just and reasonable charges, classifications, regulations and practices to be hereafter followed with respect to the service governed by such tariff revisions and, if so, the charges, classifications, regulations and practices that shall be prescribed.

18. *It is further ordered*, That the Western Union Telegraph Company is made a party respondent hereto, and that any other carrier or interested per-

[10] WU points out that the lower charge for bridged service terminals is offset by certain service disadvantages.

[11] Testimony of Charles F. Usher, Jr., Bell Exhibit No. 1 in F.C.C. Docket No. 20736, filed June 7, 1976.

[12] Western Union Workpapers, Schedule E, p. 3, line 1.

son shall be given leave to intervene herein upon the filing of a notice of intent to appear and participation on or before August 9, 1976.

19. *It is further ordered,* That pursuant to section 204 of the Communications Act the tariff revisions are hereby suspended in their entirety until July 2, 1976, and that WU shall until further order of the Commission keep accurate account by individual customer of all amounts received as a result of these increases.

20. Our disposition of the issues raised by these petitions for suspension is without prejudice to our consideration of the arguments presented in AT&T's Petition for Investigation and Consolidation filed on June 18, 1976.

Adopted: June 30, 1976.

Released: July 16, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-20916 Filed 7-19-76;8:45 am]

RCC—TELEPHONE INTERCONNECTION

Meetings

JULY 15, 1976.

The Commission's Common Carrier Bureau has scheduled additional meetings concerning interconnection between the wireline telephone companies and the Radio Common Carriers (RCCs), which furnish two-way radiotelephone and one-way signaling service to the public.

The meetings will be held on July 22 and 23, 1976, in the offices of American Telephone and Telegraph Company, Room 725, 2000 L Street, N.W., Washington, D.C. The July 22nd meeting will begin at 9:30 a.m. The July 23rd meeting is scheduled to begin at 9:00 a.m.

Because of the possibility of last-minute room and time changes, participants should contact Mrs. Borthwick at 632-6400 on the morning of each meeting to verify the room location and time.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-21091 Filed 7-19-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

LP-GAS INDUSTRY ADVISORY COMMITTEE

Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given to advise of a revision in the Charter of the LP-Gas Industry Advisory Committee. The Charter was published in the August 21, 1974, issue of the FEDERAL REGISTER (39 FR 30197).

This amendment will revise the Charter to provide for the establishment of subcommittees to the Committee. Specifically, the Charter published August 21, 1974, is hereby amended by adding a new Section B(9), to read as follows:

9. Subcommittees—the LP-Gas Industry Advisory Committee shall have subcommittees as follows:

a. LP-Gas Supply & Demand Subcommittee

b. Government Policies & Regulations Subcommittee

c. LP-Gas Transportation & Storage Subcommittee

The objective of these subcommittees is to make recommendations to the parent Committee with respect to policy and implementation of programs that affect the LP-Gas industry.

The Subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittees shall be consistent with the provisions of B-1 through B-8.

The above amendment is effective immediately.

Issued at Washington, D.C. on July 14, 1976.

FRANK G. ZARB,
Administrator.

[FR Doc.76-20846 Filed 7-15-76;10:20 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Effectiveness to Schiller Generating Station; Public Hearing on Draft Environmental Impact Statement

The Federal Energy Administration (FEA) announced by Notice in the FEDERAL REGISTER of July 1, 1976, (41 FR 27127) the availability to the public of a draft environmental impact statement concerning the issuance of a Notice of Effectiveness to powerplants number 4 and 5 of the Schiller Generating Station, owned by the Public Service Company of New Hampshire and located in Portsmouth, New Hampshire. The Notice of Effectiveness would make effective a prohibition order issued to the powerplants on June 30, 1975 under the authority of section 2 of the Energy Supply and Environmental Coordination Act of 1974. The order would prohibit the burning of petroleum products or natural gas by the powerplants as their primary energy source.

The Notice stated that a public hearing on the draft environmental impact statement would be held and that the time and place of the hearing would be announced at a later date.

Pursuant to 10 CFR 303.173(d), FEA hereby announces that such public hearing to receive oral presentations from interested persons will be held beginning at 7:00 p.m. on August 10, 1976, in the Portsmouth City Council Conference Room, 126 Daniel Street, Portsmouth, New Hampshire 03801. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. That request must be received before 4:30 p.m. e.s.t., July 26, 1976 and should be delivered to:

Mr. Richard Meister, 150 Causeway Street, Boston, Massachusetts 02114,

between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The request should be signed by the person making the request; it should describe the person's interest in the issue(s) involved; if appropriate, it should state why the person is an appropriate spokesperson for the group or class of persons which has such an interest; and it should give a concise summary of the proposed oral presentation and a phone number where the person may be contacted through August 9, 1976. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., July 30, 1976, and must then submit 10 copies of the presentation to:

Mr. Richard Meister, 150 Causeway Street, Boston, Massachusetts 02114,

before 4:30 p.m. e.s.t., August 5, 1976.

That FEA reserves the right to limit the number of spokespersons of a particular group or class of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The FEA will prepare an agenda that shall provide, to the extent practicable, for the presentation of all relevant views by competent spokespersons.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and it, together with any written comments submitted in the course of the hearing, will be retained by the FEA and made available for inspection and copying at the public docket room located in Room B-120, 2000 M Street, NW., Washington, D.C., between the hours of 1 p.m. and 5 p.m., Monday through Friday, and FEA Region I, 150 Causeway Street, Boston, Massachusetts between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

After all testimony and comments including written data, views and arguments submitted pursuant to the July 1, 1976 Notice have been received and reviewed, a final environmental impact statement will be prepared and issued.

The July 1, 1976 Notice indicated incorrectly the room in FEA where single copies of the draft environmental impact

statement may be obtained. They may be obtained from the FEA, Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461 or FEA Region I, 150 Causeway Street, Boston, Massachusetts 02114.

Issued in Washington, D.C., July 15, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-20996 Filed 7-16-76;10:11 am]

FEDERAL MARITIME COMMISSION

CASTLE AND COOKE TERMINALS, LTD., ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 9, 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:

R. M. Torkildson, Esquire, Torkildson, Katz, Conahan, Jossem & Loden, 700 Bishop Street, Honolulu, Hawaii 96813.

Agreement No. T-2879-1, between Castle & Cooke Terminals, Ltd.; Hilo Transportation & Terminal Co., Inc.; Honolulu Terminals Co., Ltd.; Matson Terminals, Inc.; and McCabe, Hamilton & Renny Co., Ltd., (Employers) modifies the Employers' basic agreement providing for a formula and procedures for the continued allocation among themselves of the costs of certain fringe benefits payable to their employees. The purpose of the modification is to: (1) Change the duties of the agreement's administrator so as to provide for (a) allocation among the Employers of the industry cost for Schedule A Benefits and Pensions negotiated between the Employers and International Longshoremen's and Warehousemen's Association Local 142 each 12-month period ending June 30 on the basis of audited information and data and (b) for the tentative allocation of such costs each three-month period ending September 30, December 31 and March 31 on the basis of unaudited information and data; (2) extend the agreement's termination date to June 30, 1978; and (3) delete Seatrain Terminals of California and Theo H. Davies & Company, Limited, as parties to the agreement inasmuch as they no longer employ longshore or wharf clerk employees in the State of Hawaii.

By Order of the Federal Maritime Commission.

Dated: July 14, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-20939 Filed 7-19-76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and Section 311 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01059---	London & Overseas Freighters, Ltd.: *London Harmony.*
01061---	London & Overseas Tankers, Ltd.: *Overseas Ambassador.*
01064---	Reinauer Transportation Co's, Inc.: *R.T.C. 100.*
01330---	Shell Tankers (U.K.) Ltd.: *Daphnella, Melo.*
01608---	D'amico Societa Di Navigazione A.R.L.: *Linda Giovanna.*
01874---	A/S Sobral: *Nopal Branco.*
01878---	Messana-Societa Di Navigazione, Spa: *Angelo Scincariello.*
01942---	National Iranian Tanker Co. (Nederland) N.V.: *Reza Shah The Great.*
02194---	Compagnie Generale Transatlantique: *Chicago, Fort Crevecoeur.*
02218---	Christian Haaland: *Concordia Fjord.*
02234---	Gulf Mississippi Marine Corp.: *Gulf Giant 380.*
02340---	Esperide Societa Di Navigazione S.P.A.: *Gemini.*
02440---	John. Hansen's Rederi, AS.: *Ellen.*
02473---	Irish Shipping Ltd.: *Irish Plane.*
02522---	Sugar Line Ltd.: *Sugar Importer.*
02834---	Transportes Fruteros Del Mediterraneo, S.A.: *Glaciar Azul.*
02835---	Hongkong Shipping Agencies, Ltd.: *Betsy Cummins.*
02863---	Naviera Aznar, S.A.: *Monte Ulia.*
02917---	Sgherkate Sahami Keschtiriani Melli Arya: *Arya Chehr, Arya Pand.*
02958---	Kawasaki Kisen K.K.: *Yoshinogawa Maru, Terukawa Maru.*
03305---	Grand Bassa Tankers Inc.: *Liberty Bell.*
03315---	Afran Transport Co.: *Afran Energy.*
03531---	Yuyo Kaiun K.K.: *Yoyo Maru.*
03690---	The Harbor Tug and Barge Co.: *Barge H-32.*
03708---	Puget Sound Tug & Barge Co.: *Pac 336-1.*
03720---	Global Marine, Inc.: *Glomar Grand Banks, Hughes Glomar Explorer, Glomar Java Sea, Glomar Conception, Glomar Grand Isle, Glomar Challenger, Glomar Coral Sea.*
03864---	Neptune Shipping Co., Ltd.: *Frigora.*
04030---	First Delta Shipping, Inc.: *Tanjong.*
04051---	Amazon Shipping Corp.: *Moldova.*
04203---	Partrederiet for M.S. Citadel: *Citadel.*
04210---	Anderson Petroleum Transportation Co., Inc.: *Apt 301, Apt 300.*
04272---	Zodiac Shipping Co., N.V.: *Safocean Amsterdam.*
04356---	Pacific Far East Line, Inc.: *Westward Venture.*
04609---	Standard Dredging Corp.: *Vicksburg, Orleans, Cayman, Cartagena, SD 265.*
04934---	OKC Dredging, Inc.: *Maurepas, Lafourche, Jefferson, Vermillion, St. Helena, St. Mary, St. Tammany, Cameron, Livingston, Plaquemine, New Orleans, St. John, St. Bernard, St. Martin, St. Charles, St. Landry.*
05177---	KEVA Corp: *Keva Ideal.*
05204---	Steuart Transportation Co: *STC 101.*
05278---	Twin City Barge & Towing Co.: *TCB 310, TCB 313, TCB 303, TCB 307, TCB 306, TCB 312.*
05335---	First Lamda Shipping, Inc: *NETA.*
05886---	Hughes Bros., Inc.: *Hughes No. 165.*
06196---	Seawise Foundations, Inc.: *Universe Campus.*
06213---	Second Marine Corp.: *TGS 13, TGS 12, TGS 11, TGS 10.*
06249---	Carnation Shipping Co., S.A.: *Carnation.*
06254---	Andromeda Shipping Co, S.A.: *Pyrros V.*
06784---	R.M.P. Liberia, Inc.: *Pegasus II.*
07019---	Allied Shipping International Corp.: *Ariston, Bonnie.*
07096---	Carib Reefers N.V.: *Southern Isle.*
07243---	Cappadocia Maritime Co., Ltd., Nicosia: *Vassilis.*
07259---	Brilliant Transport Co: *Mobil Japan.*
07262---	Pacific Union Lines, Ltd.: *Hongkong Success.*
07374---	Ocean Tramping Co., Ltd.: *Baipao, Baima, Weimin, Jollity, Nanwu, Kaigo, Hungmien, Weikuo, Kaiyun.*
07817---	Yick Fung Shipping & Enterprises Co., Ltd.: *Arafura Sea.*
07843---	Northland Marine Lines, Inc.: *Diamond Head.*
07875---	Tonia Maritime Co., Ltd.: *Marytonia.*
07904---	Kabushiki Kaisha Koyo Gyogyo: *Daitoku Maru No. 5.*
08176---	Esso Italiana SPA: *Esso Trieste.*
08178---	Korthian Maritime Co. Inc.:, *Jane Iota.*
08207---	Bibby Tankers Ltd.:, *Derbyshire.*

Certificate No.	Owner/operator and vessels
08889---	Companhia Portuguesa De Transportes Maritimos-C.T.M.:, *Sete Cidades, Lima, Cedros, Gorgulho, Lagoa.*
09216---	Dynamic Shipping Corp. (Panama) S.A.:, *Dynamic Pioneer.*
09241---	Kirkconnell Shipping Co., Inc.:, *Kirk Pride, Linera, Kirk Dale, Island Supplier.*
09539---	Raymond - Kiewit - Tidewater, A Joint Venture:, *Summerville.*
10029---	Eastern Glory Marine Corp., *Azuma Gloria.*
10262---	OBC Shipping S.A.:, *Sea Hare.*
10292---	Pacific Peace Navigation S.A.: *Toyo Maru.*
10297---	Imec Naviera Co., S.A.: *Seed Leaf.*
10298---	Carlon Maritime (Asia) Ltd.: *Mascot.*
10338---	Arnnette C. Detyens: *Captain D.*
10360---	Societe Senegalaise D'Arment A La Peche: *Jilor.*
10387---	Noah Shipping Co. Ltd.: *NOAH-5.*
10454---	West Coast Carriers Ltd.: *Tere G.*
10548---	Burgess Oil Co.: *Tide Mar 20.*
10665---	Dampskibsaktieselskabet Laly: *Lyra.*
10812---	Container Shipping Co. N.V.: *Jean Anne.*
10833---	Mid East Shipping Inc.: *Newton.*
10945---	Alaska Bulk Carriers, Inc.: *Prince William Sound.*
11041---	Bernard Hanssen & Co. Flekkefjord, Norway: *Varamis.*
11125---	SC Deckships Ltd.: *Deckship Arabella.*

By the Commission,

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-20940 Filed 7-19-76;8:45 am]

NEW ZEALAND-PACIFIC COAST RATE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commsision, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 9, 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 State 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.

NEW ZEALAND-PACIFIC COAST RATE AGREEMENT

Notice of agreement filed by:

F. Conger Fawcett, Esquire, Graham & James, Attorneys at Law, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 10252, among Columbus Line, Crusader Shipping Co., Ltd. and Farrell Lines, Inc., common carriers by water operating in the trade from ports in New Zealand and inland points via such ports, to ports on the Pacific Coast of the United States, including Hawaii, and inland points via such ports, provides for the establishment of a rate agreement whereby the parties may confer, discuss and agree upon any subject of common interest in the trade, including rates, charges, classifications, practices, brokerage, equalization, absorption, transshipment, and overland and/or other inland movements, and tariff matters relating and/or pertaining to any of the said subjects, and rules and regulations to govern the parties' conduct in connection therewith.

No party shall independently change any rate, charge, rule, regulation, term or condition, nor establish any new or initial rate, charge, rule, regulation, term or condition, whether or not there has been prior agreement thereon, without first giving all other parties at least 7 days' advance notice of its intent to do so.

By order of the Federal Maritime Commission.

Dated: July 14, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-20938 Filed 7-19-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Order Accepting and Approving Settlement

JULY 12, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

Lawrenceburg Gas Transmission Corporation (Lawrenceburg) on May 19, 1976, filed a motion requesting the Commission to accept and approve a Stipulation and Agreement which, if approved, would dispose of all issues in the pending rate increase application in Docket No. RP75-104. For the reasons stated herein, the Commission will accept and approve the proposed Stipulation and Agreement.

These proceedings commenced with the filing on May 29, 1975, of a general increase in rates for a firm service to an affiliate, Lawrenceburg Gas Company (Lawrenceburg Gas) and for "excess" service to its parent company, Cincinnati Gas & Electric Company (Cincinati). The filing included proposed tariff revisions which would effect a pro-rata type curtailment plan with seasonable entitlements assignable to Lawrenceburg's two wholesale customers. The filing also included two revised service agreements between the Company and its two wholesale customers which provided for a change to firm service for Cincinnati and a redistribution of the contract demand volumes of the two customers. There are no intervenors in this proceeding.

By order issued June 27, 1975, the Commission rejected those tariff sheets which contained the revised service agreements, because Lawrenceburg had not received certificate authorization therefor, as required by Section 154.22 of the Commission's Regulations. The Commission accepted for filing and suspended for one day the tariff sheets containing the revised rates, to become effective July 1, 1975, subject to refund and subject to the condition that the Company timely file revised tariff sheets reflecting the existing terms of service to its two wholesale customers.

In compliance with the Commission's June 27, 1975 order, Lawrenceburg on July 14, 1975, filed revised tariff sheets reflecting the existing terms of service—firm service to Lawrenceburg Gas and "excess" service to Cincinnati—along with revised rates predicated on these existing service terms, but computed according to the cost of service accepted (subject to refund) by the Commission's June 27, 1975 order. The Company's compliance filing was accepted by the Commission Secretary's letter dated August 11, 1975.

Lawrenceburg filed for a certificate of public convenience and necessity on June 23, 1975, in Docket No. CP75-370, to obtain authorization to change the service to Cincinnati from "excess" to firm. The Commission on October 31, 1975 issued to the Company the requested certificate authorization, conditioned upon the Company's timely filing of tariff sheets reflecting a suitable curtailment plan.

On November 17, 1975, Lawrenceburg filed in Docket No. RP75-104 a revised tariff reflecting the new exclusively firm service rate. By order issued December 17, 1975, the Commission accepted and suspended the filing for one day, to become effective November 1, 1975, subject to refund.

Subsequent settlement negotiations between Lawrenceburg and the Commission Staff resulted in formulation of the proposed Stipulation and Agreement (Agreement) filed May 19, 1976 and which, in summary, provides as follows:

ARTICLE I

(A) There are two rate periods involved, in which the rate forms vary, even though the overall cost of service and sales volumes are identical.

(1) A "locked-in" period extends from July 1, 1975 through October 31, 1975. Rate levels for the "locked-in" period

will be as filed on July 14, 1975: the historical services (firm to Lawrenceburg Gas, "excess" to Cincinnati) computed on the cost of service filed May 29, 1975.

(2) A "continuing" period commences on November 1, 1975. Rate levels for the "continuing" period are the rates agreed upon in this settlement and reflect a single firm service rate, CDS–1, applicable to both Lawrenceburg Gas and Cincinnati, in accordance with the certificate issued by the Commission on October 31, 1975, in Docket No. CP75–370. Billing demands thereunder for each customer are determined as the monthly average day purchase volumes prorated to the daily contract demand of Lawrenceburg from its supplier, Texas Gas Transmission Corporation (Texas Gas). Within ten days of Commission approval of the proposed Agreement, Lawrenceburg shall file revised tariff sheets reflecting the settlement rates in Docket No. RP75–104.

(3) No refunds will be made by Lawrenceburg for the "locked-in" period due to a deficiency in the revenues collected during this period. Refunds with interest at 9% per annum, applicable to the "continuing" period, will be based on the difference between the Company's filed rates and the settlement rates.

ARTICLE II

(A) Rates for the "locked-in" period will be designed using the "unmodified Seaboard"[1] method of cost allocation.

(B) Until the issuance of the Commission order approving the proposed Agreement, rates for the "continuing" period will be designed using the "unmodified Seaboard" method of cost allocation. Thereafter, rates will be designed using the "United"[2] method of cost allocation.

ARTICLE III

The cost of service underlying the settlement rates effective July 1, 1975 and November 1, 1975 is $2,734,744, with the cost of service for the specific settlement rates effective November 1, 1975 being reduced to $2,612,148 by the downward PGA adjustment effective August 2, 1975.[3] The allowed rate of return is 9.57%, reflecting a 13.50% return on common equity. The rate base is $190,950. Sales volumes for the test period are 3,916,815 Mcf, reflecting curtailment from Texas Gas of 1,498,185 Mcf.

ARTICLE IV

Any changes in the current Federal Income Tax Rate shall be tracked in the settlement rates.

ARTICLE V

Lawrenceburg shall file with the Commission, the Company's customers, and interested state commissions a report of the distribution of any refunds to its jurisdictional customers under this Agreement.

ARTICLE VI

Nothing in this Agreement either diminishes or enlarges Lawrenceburg's obligations under prior Commission orders relating to gas sold prior to July 1, 1975.

ARTICLE VII

None of the provisions of the Agreement shall become effective unless all of its terms and conditions are accepted by Commission order, which order shall have become final and non-appealable. Lawrenceburg requests waiver of the Commission's Regulations to the extent necessary to effectuate all the provisions of the Agreement.

ARTICLE VIII

This Stipulation and Agreement upon becoming effective pursuant to Article VII hereof, shall be effective commencing July 1, 1975, and shall terminate on the date that rate increases contained in a filing by Lawrenceburg under Section 4 of the Natural Gas Act or settlement rates resulting from any such filing (except for the rate changes filed by Lawrenceburg pursuant to the provisions of this Stipulation and Agreement) are made effective, or any change in rates resulting from a rate proceeding instituted by the Commission with respect to Lawrenceburg's jurisdictional rates, whichever shall occur first; provided, however, that such termination shall not extinguish Lawrenceburg's obligations to make refunds applicable to gas sold by Lawrenceburg during the term specified by this Article VIII.

Notice of Lawrenceburg's Motion for Approval of Stipulation and Agreement was issued June 8, 1976, with comments due on or before June 22, 1976. On June 17, 1976, the Commission Staff filed comments indicating support of the proposed settlement agreement.

The Commission's review of the proposed Stipulation and Agreement and the rates contained therein indicates that it is a just and reasonable resolution of the issues involved in this proceeding. The Commission shall therefore accept and approve the tendered settlement and make it effective July 1, 1975, the date this Commission permitted the proposed rates to become effective.

The Commission finds: The proposed Stipulation and Agreement of this proceeding as filed with the Commission by Lawrenceburg on May 19, 1976, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act. Accordingly, it should be approved as hereinafter ordered.

The Commission orders: (A) The proposed Stipulation and Agreement filed by Lawrenceburg on May 19, 1976, as a settlement of the issues involved in this proceeding is incorporated herein by reference, approved, and adopted, to become effective July 1, 1975, in accordance with its terms.

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[1] Fixed costs are allocated 50% to demand and 50% to commodity. See Atlantic Seaboard Corp., et al., 11 FPC 43 (1952).

[2] Fixed costs are allocated 25% to demand and 75% to commodity. See United Gas Pipe Line Company, Opinion No. 671 issued October 31, 1973, in Docket No. RP72–75.

[3] See Attachment for settlement cost of service.

(B) Lawrenceburg shall file within ten (10) days of the issuance of this order revised tariff sheets reflecting rates designed by using the "United" method of allocation, in conformance with Article II of the settlement agreement approved herein.

(C) Within ten (10) days following the date on which this order becomes final and non-appealable, Lawrenceburg shall make refunds to its jurisdictional customers in accordance with the terms and conditions of the settlement agreement.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Lawrenceburg or any person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

LAWRENCEBURG GAS TRANSMISSION CORP.—*Settlement system cost of service and development of base tariff rates, effective Nov. 1, 1975, and effective for the post-settlement period*

	Settlement cost of service, 12 mo. ended Mar. 31, 1975, as adjusted	Base tariff rates proposed to become effective Nov. 1, 1975, Seaboard cost-allocation method		Base tariff rates proposed to become effective for the post-settlement period, United cost-allocation method	
		Demand	Commodity	Demand	Commodity
Settlement system cost of service:					
Operating expense, excluding cost of gas purchased	$47,144	$23,572	$23,572	$11,786	$35,358
Penalty charges or (demand charge adjustment)	0				
Cost of gas purchased	2,650,847	298,800	2,352,047	298,800	2,352,047
Fixed costs:					
Annual depreciation	8,933	4,466	4,467	2,233	6,700
Property and general taxes	4,118	2,059	2,059	1,030	3,088
State income taxes	609	304	305	152	457
Return or (loss) after taxes	18,273	9,137	9,136	4,568	13,705
Federal income taxes	4,820	2,410	2,410	1,205	3,615
Total settlement cost of service	2,734,744	340,748	2,393,996	319,774	2,414,970
Billing determinants (1,000 ft³)		180,000	3,916,815	180,000	3,916,815
Base tariff rates, computed on the basis of the settlement cost of service effective July 1, 1975		1.89	0.6113	1.78	0.6164
Adjustment: Purchased gas rate adjustment, effective Aug. 2, 1975, accepted by FPC order issued July 31, 1975, at Docket No. RP73-23, and calculated cost of service adjustment	(122,596)		(0.0313)		(0.0313)
Proposed settlement cost of service and base tariff rates effective Nov. 1, 1975, and for the postsettlement period	2,612,148	1.89	0.5800	1.78	0.5851

[FR Doc.76-20748 Filed 7-19-76;8:45 am]

[Docket Nos. RP72-74 and RP74-6]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JULY 12, 1976.

Take notice that Southern Natural Gas Company (Southern), on June 18, 1976, tendered for filing proposed changes in its FPC Gas Tariff Sixth Revised Volume No. 1 in purported compliance with the Commission's Opinion No. 747, Opinion and Order Prescribing Interim Curtailment Plan, issued on November 20, 1975, in Southern Natural Gas Company, Docket Nos. RP72-74 and RP74-6.

Southern states that the changes contained in the filed tariff sheets implement adjustments recommended by the Audit Committee authorized by the Commission in Opinion No. 747 to the end-use requirements of the Index of Requirements. As required by the Commission's mandate in Opinion No. 747, Southern is making the changes recommended by the Audit Committee to the effective Index of Requirements on file with the Commission. As a result of meetings of the Audit Committee, the following recommended changes to the Index are requested:

CUSTOMER

City of Cochran, Ga.; omission of Base Period Requirements; add 89 Mcf to Priority 2 and 61 Mcf to Priority 3.

Lafayette, Ga.; reclassification; reclassify 310 Mcf to Priority 2 from Priority 3.

Thomson, Ga.; omission of Base Period Requirements; add 41 Mcf to Priority 3 and 1,392 Mcf to Priority 4.

Atlanta Gas Light Co; reclassification; reclassified at various delivery points a total of 120 Mcf to Priority 1 and 13,928 Mcf to Priority 2 from lower priorities.

Trassville, Ala; revise Temperature Sensitive Factor; temperature Sensitive Factor 338 Mcf/DDD in lieu of 269 Mcf/DDD.

Texas Eastern Transmission Corp.; Reclassification; requirements Revised in Priorities 1-7.

South Carolina E & G Co.; Reclassification; reclassified 53 Mcf to Priority 3 and 1,899 Mcf to Priority 2 from Priority 5.

Tchula, Miss.; Reclassification; reclassify 93 Mcf to Priority 2 from Priority 3.

City of Hawkins-Ville and Perry Ga.; Reclassification; reclassify a jointly served load from Priority 5 to Priority 6.

Southern proposes that the revised Index be made effective July 15, 1976. Southern also requests that any special permission or waiver pursuant to Sections 154.51 and 154.66 of the Commission's Regulation that are necessary in order to permit the proposed changes in tariff sheets to become effective by July 15, 1976 be granted.

Copies of the filing were served upon Southern's jurisdictional customers and interested state commissions.

Any person desiring to be heard on the issue of whether such filing complies with Opinion No. 747 should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 154.27, 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 154.27, 1.8, 1.10). All such comments should be filed on or before July 26, 1976. All comments will be considered by the Commission in determining the appropriate action to be taken on the subject filing. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20752 Filed 7-19-76;8:45 am]

[Docket No. CI76-590]

APPALACHIAN EXPLORATION & DEVELOPMENT, INC.

Application Pursuant to Section 2.75 of the Commission's General Policy and Interpretations

JULY 13, 1976.

Take notice that on June 7, 1976, Appalachian Exploration & Development, Inc., P.O. Box 1473, Charleston, West Virginia 25325 filed in Docket No. CI76-590 an application for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act and Section 2.75 of the Commission's Rules of Practice and Procedure to authorize Applicant to sell natural gas from a 9,000 acre Beaver Prospect in Raleigh County, West Virginia to Columbia Gas Transmission Corporation. Under the terms of the Gas Purchase and Sales Agreement dated June 1, 1976, the gas would be sold at the initial rate of 167.23 cents per Mcf, together with the 2.0 cents per Mcf annual escalations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 2, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20907 Filed 7-19-76;8:45 am]

[Docket No. ID-1795]

CLIFFORD BRENNER

Application

JULY 13, 1976.

Take notice that on June 28, 1976, Clifford Brenner (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, Philadelphia Electric Company, Public Utility.
Director, Philadelphia Electric Power Company, Public Utility.
Director, The Susquehanna Power Company, Public Utility.
Director, The Susquehanna Electric Company, Public Utility.

Philadelphia Electric Company (PECO) a Pennsylvania corporation supplies electric service in the City and County of Philadelphia and in adjacent Bucks, Chester, Delaware and Montgomery Counties and in a portion of York County in southeastern Pennsylvania. It also supplies most of the electric requirements of its wholly owned subsidiary, Conowingo Power Company (CPCO), a Maryland corporation which furnishes electric service to the public in a portion of northern Maryland adjoining to the electric territory of PECO. PECO also transmits and sells electric energy in interstate commerce. The electric territory served by PECO and its subsidiaries covers an area of 2,340 square miles with a population of about, 3,900,000.

PECO supplies gas service in an area of 1,475 square miles in southeastern Pennsylvania, adjacent to, but not in the City of Philadelphia, with a population of approximately 1,800,000.

PECO supplies steam heating service principally in the central Philadelphia area.

Philadelphia Electric Power Company (PEPCO) is a Pennsylvania Corporation.

The Susquehanna Power Company (SPCO) is a Maryland corporation. PEPCO and its wholly owned subsidiary, SPCO, own respcetively, the Pennsylvania and Maryland portions of the Conowingo Hydro-Electric Project (Project). The Project is leased to and operated by the Susquehanna Electric Company. Transmission lines connect the Project with Companies in the PECO System but SPCO does not furnish service directly to the public.

The Susquehanna Electric Company (SECO) is a Maryland corporation which leases and operates the Project, the entire electrical output thereof being used by PECO and CPCO.

The principal place of business of PECO, PEPCO, SPCO and SECO is 2301 Market Street, Philadelphia, Pennsylvania.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20904 Filed 7-19-76;8:45 am]

[Docket No. CP70-258]

CITIES SERVICE GAS CO.

Petition To Amend

JULY 13, 1976.

Take notice that on June 21, 1976, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP70-258 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to exchange natural gas with Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), at an additional delivery point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner proposes to exchange natural gas with Kansas-Nebraska at a point on Kansas-Nebraska's 16-inch pipeline in Section 16, T. 24 S., R. 35 W., Kearny County, Kansas, to be known as the Deerfield exchange point. Petitioner would deliver gas to Kansas-Nebraska at the Deerfield exchange point in exchange for gas to be delivered by Kansas-Nebraska at the Haven exchange point, a previously authorized point of delivery near Haven in Reno County, Kansas.

Petitioner states that the gas to be delivered to Kansas-Nebraska at the Deerfield exchange point would be received from Colorado Interstate Gas Company (CIG) as the result of an exchange and transportation arrangement between Petitioner and CIG. It is stated that up to 100,000 Mcf of gas per day which Petitioner purchases in south central Wyoming would be delivered to CIG at various points on CIG's transmission line in Wyoming, and CIG would deliver equivalent volumes of gas, less compressor fuel, unaccounted-for gas, and gas which CIG has exercised an option to purchase, to Kansas-Nebraska for the account of Petitioner at the Deerfield exchange point and to Petitioner at other exchange points.

The petition to amend states that CIG would own, install, maintain, and operate the delivery and measurement facilities at the Deerfield exchange point and that no new facilities would be constructed by Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20894 Filed 7-19-76;8:45 am]

[Docket No. CP76-404]

COLUMBIA GAS TRANSMISSION CORP.

Application

JULY 13, 1976.

Take notice that on June 22, 1976, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76-404 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale for resale of natural gas in interstate commerce to the City of Charlottesville, Virginia (Charlottesville), The Dayton Power and Light Company (Dayton), and West Ohio Gas Company (West Ohio) under revised service agreements and pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale for resale of natural gas in interstate commerce to Virginia Pipe Line Company (Virginia Pipe), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to continue service (1) to Charlottesville under a revised service agreement effectuating a reduction in winter contract quantity from 507,000 Mcf to 390,000 Mcf of gas under Rate Schedule WS in Zone 2, (2) to Dayton under a revised service agreement effectuating reductions in maximum daily quantity from 196,100 Mcf to 168,950 Mcf of gas and winter contract quantity from 10,000,000 Mcf to 8,447,500 Mcf of gas under Rate Schedule WS in Zone 4, and (3) to West Ohio under a revised service agreement effectuating a reduction in winter contract quantity from 2,772,000 Mcf to 1,732,500 Mcf of gas. The reductions in winter contract quantity are said to be permitted by Section 13.2 (c) of the General Terms and Condi-

tions of Applicant's FPC Gas Tariff, Original Volume No. 1, and the reduction in maximum daily quantity is said to be permitted by Section 12.2(c) of the General Terms and Conditions of Applicant's FPC Gas Tariff, Original Volume No. 1. It is stated that Charlottesville, Dayton, and West Ohio desire to decrease their contract quantities and Dayton desires to decrease its maximum daily quantity. These customers would realize a reduction in their cost of gas by the winter contract quantity charge in effect in their respective rate zones, the application states.

Applicant proposes to abandon the sale to Virginia Pipe under Rate Schedule WS in Rate Zone 2 of 500 Mcf in maximum daily quantity and 25,000 Mcf in winter contract quantity of gas. It is stated that Virginia Pipe desires to cancel its winter service inasmuch as it is a duplication of the service available from a liquefied natural gas peak shaving facility which Virginia Pipe has constructed and put in operation.

The application states that the instant proposals would not result in the reallocation of gas supply among Applicant's customers, the shift of gas supply frfom the winter months to the summer months, or a lower priority use of the gas. Further, it is stated, the annual gas supply available to these customers would remain the same and, therefore, alternative gas and other fuel utilization have no bearing on the proposed reductions.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20895 Filed 7-19-76;8:45 am]

[Docket Nos. RP72-155; RP76-59 (PGA76-3)]

EL PASO NATURAL GAS CO.

Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustments

JULY 14, 1976.

Take notice that El Paso Natural Gas Company ("El Paso") on July 1, 1976, tendered for filing a notice of change in rates for jurisdictional gas service rendered to customers served by its interstate gas system. Such service is rendered to customers served by its interstate gas system. Such service is rendered under rate schedules affected by and subject to Article 19, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in the General Terms and Conditions applicable to El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, and under rate schedules affected by and subject to the PGAC—Clean High Pressure Gas Provision ("PGAC–CHPG") contained in El Paso's FPC Gas Tariff, Original Volume No. 2A.

El Paso states that by Opinion No. 749, as modified by Opinion No. 749–A, issued December 31, 1975, and February 27, 1976, respectively, at Docket No. R–478, the Commission, inter alia, established national rates for sales of natural gas flowing in interstate commerce prior to January 1, 1973, and provided that jurisdictional pipeline companies having an effective purchased gas cost adjustment clause on January 1, 1976, may file a special PGAC rate increase to track the rates prescribed by Opinion No. 749.[1] El Paso further states that the instant notice of change in rates is occasioned solely by, and will compensate El Paso only for, increases in the cost of purchased gas (including gas produced from leases acquired after October 7, 1969) eventuating from said Opinion Nos. 749 and 749–A, which increases will become effective on or before July 1, 1976, applied to volumes purchased (or produced) for the twelve (12) month period ending April 30, 1976.

El Paso states that the proposed special PGAC adjustment aggregates an increase of 8.85¢ per Mcf and is comprised of annualized purchased gas cost increases precipitated by Opinion Nos. 749 and 749–A equating to 3.42¢ per Mcf, plus a special surcharge adjustment of 5.43¢ per Mcf, representing the actual and an estimate of the unrecovered purchased gas costs in Account 191 through May 31, 1976, attributable to Opinion Nos. 749 and 749–A to be incurred by El Paso up to the proposed effective date of the instant filing. El Paso further states that based upon jurisdictional sales volumes for the twelve (12) months ended April 30, 1976, under the affected rate schedules, the adjustment of 3.42¢ per Mcf attributable to annualized purchased gas cost increases will produce additional jurisdictional revenues of $37,955,355 annually and, based upon estimated jurisdictional sales volumes for the months of August and September, 1976, the special surcharge adjustment of 5.43¢ per Mcf will recover, during the two month period subsequent to August 1, 1976, an estimated $9,515,866 of the unrecovered purchased gas costs attributable to Opinion Nos. 749 and 749–A costs to be incurred by El Paso up to the proposed effective date of the instant filing.

El Paso states that the proposed special PGAC–CHPG adjustment is an increase of 0.877¢ per Mcf applicable to those special rate schedules contained in El Paso's Original Volume No. 2A tariff subject to the provisions of said PGAC–CHPG. El Paso further states that such adjustment is comprised of the increase in the weighted average purchased cost of clean, high-pressure gas precipitated by Opinion Nos. 749 and 749–A, equating to 0.5704¢ per Mcf, and a special surcharge adjustment of 0.3072¢ per Mcf, representing the actual and an estimate of the unrecovered purchased gas costs in Account 191 through July 31, 1976, attributable Opinion Nos. 749 and 749–A incurred by El Paso up to the proposed effective date of the instant filing. Based upon the sales volumes for the twelve months ended April 30, 1976, under the special rate schedules affected by the PGAC–CHPG, such increase of 0.5704¢ per Mcf will produce additional revenues of $5,597, and based upon the estimated gas sales volumes under the special rate schedules subject to the PGAC–CHPG for the months of August and September, 1976, the special surcharge adjustment of 0.3072¢ per Mcf will recover during the two month period subsequent to August 1, 1976, an estimated $599 of the unrecovered gas costs attributable to Opinion Nos. 749 and 749–A costs to be incurred by El Paso up to the proposed effective date of the instant filing.

El Paso further states that the proposed effective date of each of the tendered revised tariff sheets and the rates reflected thereon is August 1, 1976. In this regard, El Paso, on June 30, 1976, filed a motion to place the rates suspended at Docket No. RP76–59 into effect, on August 1, 1976, and the related tariff filing required to implement such motion. The tendered tariff sheets are designed to supersede their respective counterpart tariff sheets filed as part of the said motion and tariff submitted at Docket No. RP76–59 and, upon acceptance by the Commis-

[1] By letter order issued April 5, 1976, at Docket No. RP72–155, the Commission granted El Paso's amended motion filed March 17, 1976, wherein El Paso requested authorization to defer the filing of both of its special Opinion Nos. 749 and 749–A PGAC rate adjustments until July 1, 1976, to be effective August 1, 1976, in lieu of filing such adjustments on March 31, 1976, and May 31, 1976, as permitted by Opinion No. 749–A.

sion, the increased rates the subject of the instant tender will supersede the rates to be placed into effect at Docket No. RP76-59, as of August 1, 1976.

El Paso has requested waiver of all applicable rules and regulations of the Commission as may be necessary to permit the tendered tariff sheets to become effective on August 1, 1976, as proposed in the instant filing.

El Paso states copies of the filing and attachments have been served upon all parties of record in Docket Nos. RP72-155 and RP76-59, and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before July 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20909 Filed 7-19-76;8:45 am]

[Docket No. CP73-224]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Petition To Amend

JULY 13, 1976.

Take notice that on June 1, 1976,[1] Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP 73-224 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner seeks authorization to provide additional winter period service and to change a delivery point for existing winter period service, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it has offered additional winter period service on the condition that the gas would be used on peak days to meet only the requirements of customers for uses within priority categories 1 and 2 of Section 2.78(a) of the Commission's General Policy and Interpretations (18 CFR 2.78). Petitioner proposes to render the following additional service:

	Mcf at 14.73 psia
Iowa Electric Light Power Co.	561
Minnesota Gas Co. (formerly Central Telephone and Utilities Corporation)	
Group A	30
Group B	359
Northwestern Public Service Co.	
Group A	1,611
Group B	800

[1] The petition was initially tendered for filing on June 1, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until July 1, 1976. Thus, filing was not completed until the latter date.

Petitioner further requests authorization to deliver 100 Mcf per day of winter period demand to Peoples Natural Gas Division of Northern Natural Gas Company at the Finney County, Kansas, delivery point in lieu of at the Goodland, Kansas, delivery point. It is stated that the additional demand delivered at the Finney County delivery point would be used on peak days only to meet the requirements of customers for uses within priority categories 1 and 2.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20905 Filed 7-19-76;8:45 am]

[Docket No. E-9135]

MISSISSIPPI POWER CO.

Filing

JULY 13, 1976.

Take notice that Mississippi Power Company on June 15, 1976, filed revised tariff sheets designed to comply with Ordering Paragraph (B) of the Commission's "Order Accepting Settlement Agreement" issued June 7, 1976, in this docket.

Any person desiring to be heard as to said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 23, 1976. Copies of this filing are on file with the Commission and are available for public information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20903 Filed 7-19-76;8:45 am]

[Docket No. CP76-397]

MOUNTAIN FUEL SUPPLY CO.

Notice of Request for a Disclaimer of Jurisdiction and Application for Permission and Approval To Abandon

JULY 13, 1976.

Take notice that on June 17, 1976, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-397 a request for disclaimer of jurisdiction and an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities certificated under Applicant's "Grandfather" certificate issued March 9, 1953, in Docket No. G-313 (3 FPC 938) and certificate issued February 24, 1948, in Docket No. G-957 (7 FPC 957), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that the subject application is filed in order to resolve the jurisdiction status of all of Applicant's facilities downstream of its Sunnyside (or Salt Lake) metering and regulating station immediately east of Salt Lake City and those facilities downstream of Applicant's Sunset metering and regulating station south of Ogden, Utah. Applicant states that it is its position that some reasonable and practical line of demarcation between transmission and distribution facilities is essential in order to accommodate to day-to-day operations and that under the Natural Gas Act and the Commission's Regulations, such division should be made at the Sunnyside and Sunset stations.

Applicant submits that for purposes of jurisdiction under the Natural Gas Act, transmission ends and distribution begins at the Sunnyside station located immediately east of the Salt Lake City corporate limits and at the Sunset station immediately south of Ogden. Applicant states that the gas is measured at both of these two stations by means of orifice meters and that gas pressure is regulated at the Sunnyside and Sunset stations to prevent excessive transmission pipeline pressures from entering the distribution system. Further, it is said that similar metering and regulating facilities are under construction at the end of the 20-inch transmission pipeline terminating near Bountiful, Utah, and recently authorized in Docket No. CP73-213.

Applicant asserts that its distribution operations downstream of the three stations is quite different from those of the typically shaped distribution area. It is indicated that Applicant's distribution area, although generally only a few miles wide east to west, extends north and south along the western slope of the Wasatch Mountains for a distance of approximately 140 miles from the town of Lewiston, Utah, on the north to the town of Santaquin, Utah, on the south and that this area known locally as the "Wasatch Front" lies east of the Great Salt Lake and west of the Wasatch mountain range. Applicant states that it

has approximately 300,000 customers in Utah residing in over 142 communities strung out along this Wasatch Front and that as a result of the rather farflung nature of these retail natural gas operations, Applicant's distribution system along the Wasatch Front requires relatively high pressure distribution feeder mains to support the lower pressure network mains delivering gas to its customers. It is indicated that the high pressure mains range in size up to 20 inches in the central part of the distribution area, and down to 4 inches at the northern and southern extremities feeding the aforementioned towns of Lewiston and Santaquin. Applicant states that during critical winter periods, pressures in these distribution feeder mains range from 380 psig near the connection with the transmission pipelines down to 90 pounds at the northern extremity and that this latter pressure is supported by a distribution department compressor station located at Roy, Utah. Further, Applicant states that pressures at the southern end of the distribution system are less critical because Applicant's intrastate transmission pipeline from eastern Utah enters the distribution system near its southern end.

The application shows that the distribution feeder lines which were previously certificated in Docket Nos. G–313 and G–957, and for which Applicant seeks abandonment authorization herein, are as follows:

DOCKET No. G–313

1. 8.14 miles of 16-inch pipeline south and east from Sunnyside station. (Feeder Mains No. 4 and No. 5)
2. 15.93 miles of 12-inch pipeline west from end of (1) above (Feeder Main No. 11)
3. 14.12 miles of 10-inch pipeline west and south from end of (2) above. (Feeder Main No. 14)
4. 2.64 miles of 8-inch pipeline east from end of (3) above (Feeder Main No. 14–1)
5. 1.64 miles of 4-inch pipeline south from end of (3) above. (Feeder Main No. 14–3)
6. 28.99 miles of 8-inch and 6-inch pipeline south from (1) above. (Feeder Mains No. 7 and No. 25)
7. 5.63 miles of 16-inch pipeline north from end of (1) above. (Feeder Main No. 12)
8. 27.47 miles of 10-inch pipeline north from end of (7) above to Sunset Station. (Feeder Mains No. 17 and No. 18)
9. 7.89 miles of 14-inch pipeline north from Sunset station. (Feeder Main No. 19)

DOCKET No. G–957

10. 30.0 miles of 10-inch pipeline south from (1) above to Provo, Utah. (Feeder Mains No. 6 and No. 24)

Any person desiring to be heard or to make any protest with reference to said request for disclaimer application should on or before August 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20893 Filed 7-19-76;8:45 am]

[Docket Nos. RP74-100; RP76-4 (PGA76-9)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

JULY 14, 1976.

Take notice that on July 6, 1976, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Tariff, Original Volume No. 1, Third Substitute Seventh Revised Sheet No. 4, proposed to be effective August 1, 1976.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 3.22¢ per Mcf on Third Substitute Seventh Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20910 Filed 7-19-76;8:45 am]

[Docket Nos. RP71-125;RP75-103(PGA76-6)]

NATURAL GAS PIPELINE CO. OF AMERICA

Comments Concerning Emergency Purchases

JULY 14, 1976.

Take notice that on June 28, 1976, Natural Gas Pipeline Company of America (Natural) filed in the above-designated dockets its comments concerning two emergency gas purchase agreements entered into under section 157.29 of the Commission's regulations and three emergency agreements entered into under section 2.68 of the Commission's general rules. The subject comments were submitted by Natural pursuant to the Commission's order issued on May 28, 1976, in Docket Nos. RP71–125, et al.

Any person wishing to do so may submit comments in writing concerning Natural's filing. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before August 6, 1976. Natural's comments are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-20906 Filed 7-19-76;8:45 am]

[Docket No. RP73-36; (PGA76-3, DCA76-2)]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

JULY 13, 1976.

Take notice that on June 15, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Seventeenth Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1. Panhandle submits that this revised tariff sheet reflects rate adjustments as follows:

(1) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; and

(2) A Rate Adjustment pursuant to Section 18.4 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; such adjustment reflecting a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and

(3) A PGA Rate Adjustment pursuant to Section 18.2 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

An effective date of August 1, 1976 is proposed.

Ordering Paragraph (D) of the Commission's Opinion No. 749–A issued February 27, 1976 in Docket No. R–478 provided that pipelines would be permitted to make separate filings to become effective on July 1, 1976, to reflect increased gas purchase costs authorized by the

Commission in Opinion No. 749. Panhandle did not make the filing for the July 1, 1976 increase in order to relieve its customers of the additional administrative burden of such a filing. However, the increases authorized to become effective July 1, 1976 are included as a part of this current PGA Rate Adjustment.

In recognition of the Commission's policy of suspending for one day that portion of pipeline company PGA filings which are based in part on small producer and emergency purchases at rates above the level established by the Commission, Panhandle tendered for filing Alternate Seventeenth Revised Sheet No. 3-A, which Panhandle states includes the PGA rate adjustment exclusive of amounts attributable to purchases at rates above the level established by the Commission.

In the event that the Commission suspends Seventeenth Revised Sheet No. 3-A, Panhandle proposes that Alternate Seventeenth Revised Sheet No. 3-A be made effective August 1, 1976, and to remain in effect during the suspension period.

Panhandle states that copies of its filings have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20911 Filed 7-19-76;8:45 am]

[Docket No. RP73-92 (PGA 76-3)]

RATON NATURAL GAS CO.

Change in Rates

JULY 13, 1976.

Take notice that Raton Natural Gas Company (Raton) on July 1, 1976 tendered for filing, proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Tenth Revised Sheet No. 3a. The change in rates is for Jurisdictional Gas Service.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate Raton only, for increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG). Raton further states that the tracking of CIG gas cost increase of 2.91 cents per Mcf of Commodity results in increased rate from 62.77 cents to 65.68 cents per Mcf and that the annual revenue increase by reason of the tracking increased rate amounts to 34,388.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to becomes a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20912 Filed 7-19-76;8:45 am]

[Docket No. RM76-15]

REGULATION OF SMALL PRODUCERS

Extension of Time

JULY 13, 1976.

On June 29, 1976, Coquina Oil Corporation, Cotton Petroleum Corporation, C & K Petroleum, Inc. and Texas-Gulf, Inc. filed a joint motion to extend the date for filing comments in the above-designated proceeding.

Upon consideration, notice is hereby given that the date for filing initial comments in this proceeding is extended to and including August 9, 1976. The date for filing reply comments is extended to and including August 30, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20913 Filed 7-19-76;8:45 am]

[Docket No. RP76-22]

SOUTH GEORGIA NATURAL GAS CO.

Settlement Conference

JULY 13, 1976.

Take notice that on July 20, 1976, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above referenced docket in Room No. 3401 (North Building), at the offices of the Federal Power Commission, 941 North Capitol Street, NE., Washington, D.C., at 10 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20908 Filed 7-19-76;8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Informal Conference

JULY 13, 1976.

Take notice that on July 16, 1976, an additional informal conference will be held commencing at 10 a.m., in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. This conference will be between Southern Natural Gas Company, the Commission Staff, and all interested persons and will be for the purpose of discussing the possibility of settlement of issues presented in this proceeding. The conference previously scheduled for July 8 and 9, 1976 has been cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20901 Filed 7-19-76;8:45 am]

[Docket No. CP76-414]

TENNESSEE GAS PIPELINE CO. AND MIDWESTERN GAS TRANSMISSION CO.

Application

JULY 13, 1976.

Take notice that on June 28, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Applicant), and Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-414 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Tennessee to reschedule the delivery of natural gas to one of its customers, Midwestern, and authorizing Midwestern to reschedule the delivery of natural gas to one of its customers, Northern Illinois Gas Company (NI-Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to reschedule deliveries of up to 10,000,000 Mcf of natural gas commencing July 1, 1976, and ending March 31, 1977, subject to a 20-day extension for balancing, if required, in accordance with the provisions of the rescheduling agreement, dated June 18, 1976, among Tennessee, Midwestern, and NI-Gas. It is indicated that the need for the rescheduling of gas by Applicants stems from the limited-term exchange agreement, dated June 18, 1976, between United Gas Pipe Line Company (United) and Tennessee which provides for (a) the delivery by United to Ten-

nessee of up to 10,000,000 Mcf during the period commencing July 1, 1976, and ending November 15, 1976, and (b) of the redelivery of equivalent volumes by Tennessee to United during the period commencing in November 1976 and ending March 31, 1977, which would enable United to serve better the high priority requirements of its customers during the 1976–77 winter heating season.

It is stated that Tennessee determined that it could effectuate such exchange with United (1) if arrangements could be made for Tennessee to deliver to Midwestern during the 1976 summer period additional volumes (equal to the exchange volumes delivered by United to Tennessee) above the level of volumes which Tennessee would otherwise deliver to Midwestern, and (2) if arrangements could be made for Midwestern to deliver, during the same period, such additional volumes to NI-Gas above the level of volumes which Midwestern would otherwise deliver to NI-Gas, with such additional volumes to be referred to as the total rescheduled volumes, and (3) if arrangements could be made to have NI-Gas reduce its takes of gas from Midwestern during the 1976–77 winter period, by a volume equal to the total rescheduled volumes, below the level of takes which NI-Gas would otherwise take from Midwestern, and (4) if arrangements could be made to have Midwestern reduce its takes of gas from Tennessee during the same period by an equivalent volume below the level of takes which Midwestern would otherwise take from Tennessee. Such arrangements, it is stated, have been made among Tennessee, Midwestern, and NI-Gas as reflected in the rescheduling agreement.[1]

It is stated that due to the effect of the curtailment by Applicants on their respective pipeline system, they have the capability of delivering substantial volumes of additional gas on a day-to-day basis as operating conditions permit and that NI-Gas anticipates that it would be able to reschedule its receipts of gas from Midwestern so as to receive, during the 1976 summer period, all of the gas it is entitled to receive from Midwestern under Midwestern's curtailment plan plus the total rescheduled volume defined in the rescheduling agreement.

The application shows that NI-Gas and Midwestern would effect the return of the total rescheduled volume of gas previously delivered by Tennessee by reducing their respective takes of gas during the period commencing in November 1976 and ending March 31, 1977, subject to a 20 day-extension for balancing, if required.

It is stated that the proposed rescheduling of deliveries would be effectuated at existing delivery points with no additional facilities required.

Applicants state that the limited-term exchange agreement provides that United would pay Tennessee, as consideration for the service rendered, 20.0 cents per Mcf of gas received and handled by Tennessee plus the payments Tennessee is required to pay NI-Gas pursuant to the rescheduling agreement. Further, it is stated that the 20.0-cent rate per Mcf payable to Tennessee by United includes the rescheduling charge payable to Midwestern by Tennessee pursuant to the rescheduling agreement. It is indicated that the rescheduling agreement provides for the payment of a rescheduling by Tennessee to NI-Gas equal to the product of $1.32 per Mcf times the additional volumes so delivered to NI-Gas with a minimum billing based on 10,000,000 Mcf, subject to adjustment as provided in said agreement.

It is asserted that United has advised Tennessee that it has been curtailing gas deliveries continuously since 1970 and is currently projecting curtailments during the 1976–77 winter season of approximately 360,000,000 Mcf, or 51 percent of its total firm requirements, and that with the availability of such exchange gas during the 1976–77 winter heating season, United would be able to reduce the level of curtailments below the presently anticipated levels during such season. It is asserted that the granting of the authorization requested would not increase the volumes of gas presently available to Midwestern and NI-Gas under Applicants' respective gas sales contracts and/or curtailment plans nor would the rescheduling of gas as proposed affect Tennessee's or Midwestern's service to their other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 1976, file with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20339 Filed 7-19-76;8:45 am]

[Docket No. CP76-413]

UNITED GAS PIPE LINE CO. AND TENNESSEE GAS PIPELINE CO.

Application

JULY 13, 1976.

Take notice that on June 28, 1976, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-413 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas commencing July 1, 1976, and ending March 31, 1977, subject to a 20-day extension for balancing, if required, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicants have entered into a limited-term exchange agreement, dated June 18, 1976, under the terms of which, United would deliver to Tennessee up to an aggregate volume of 10,000,000 Mcf of gas during the period of July 1 to November 1, 1976.[1] It is indicated that, upon receipt of such gas from United, Tennessee, which has entered into a triparty rescheduling agreement, dated June 18, 1976, with Midwestern Gas Transmission Company (Midwestern) and Northern Illinois Gas Company (NI-Gas)[2], would reschedule deliveries to Midwestern and Midwestern would then increase deliveries to NI-Gas, its customer, by an equivalent amount. It is stated that the volumes made available to Tennessee would be delivered by United at West Monroe in Ouachita Parish, Louisiana, and/or at other mutually agreeable existing delivery points of interconnection of Applicants' facilities.

It is further stated that gas delivered by United to Tennessee during the July to November period would be returned to United by Tennessee during the period November 1976 through March 31, 1977, pursuant to the provisions of the limited-term exchange agreement based on the

[1] It is indicated that Tennessee and United have filed for authorization in Docket No. CP76-413 to effectuate the limited-term exchange agreement.

[1] It is stated that the parties have agreed to use their best efforts to accommodate the delivery of the total aggregate volume and to increase such volume to 15,000,000 Mcf if possible, and deliveries made to Tennessee may continue through November 15, 1976.

[2] Tennessee and Midwestern, it is indicated, have filed for authorization in Docket No. CP76-414 for approval for the rescheduling of deliveries as provided for in the rescheduling agreement.

reduced winter takes of NI-Gas and Midwestern pursuant to the rescheduling agreement. In accordance with the rescheduling agreement, it is proposed that NI-Gas would reduce its takes from Midwestern by an aggregate amount equal to the rescheduled volumes delivered to it during the July 1-through-November 1 period and Midwestern would in turn reduce its takes from Tennessee. It is asserted that the volumes made available to Tennessee by Midwestern's reductions in takes would enable Tennessee to deliver equivalent volumes to United at Bayou Sale, St. Mary Parish, Louisiana, and/or at other mutually agreeable existing redelivery points of interconnection of Applicant's facilities.

It is indicated that in accordance with the provisions of the rescheduling agreement, Tennessee would pay NI-Gas $1.32 per Mcf of gas as a rescheduling charge and Tennessee would also pay Midwestern an amount equal to the product of the total volumes of rescheduled gas delivered to NI-Gas times Midwestern's system average transmission cost per mile per Mcf for the miles such gas is transported by Midwestern. Additionally, it is indicated that United would pay Tennessee 20.0 cents per Mcf for exchanged with Tennessee and delivered to Midwestern, plus the payments which Tennessee is required to pay NI-Gas under the rescheduling agreement.

The application indicates that the limited-term exchange agreement with Tennessee, together with the rescheduling agreement among Tennessee, Midwestern, and NI-Gas, would enable United to utilize better its available gas supply in meeting the high priority requirements of its customers. It is asserted that in order to accomplish this objective, however, it is essential that United be permitted to recover the jurisdictional portion of the associated costs, and, accordingly, in connection therewith, United proposes that such costs be recovered through a special surcharge to be applied to deliveries made by United during the months of November 1976 through March 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given .

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20898 Filed 7-19-76;8:45 am]

[Docket No. CP69-336]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition To Amend

JULY 13, 1976.

Take notice that on June 22, 1976, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP69-336 a petition to amend the order of October 7, 1969 (42 FPC 823), issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition (1) Petitioner requests that the Commission delete from said order the requirement that Petitioner request and receive certificate authorization to construct and operate facilities for the delivery of natural gas to Mobil Oil Corporation's (Mobil) Beaumont Refinery in Jefferson County, Texas, and (2) Petitioner submits data in support of and requests Commission approval of the initial rate to be charged Mobil for the delivery of gas, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

The order of October 7, 1969, authorized Petitioner, inter alia, to deliver gas to Mobil for exchange in order to enable Mobil to receive for use at its Beaumont Refinery gas from the Block 215 Field, Vermilion Area, offshore Louisiana. Petitioner states that Mobil has expressed the desire for Petitioner to exchange gas, estimated by Petitioner to be initially 5,000 Mcf per day, and states further that it would be possible for Petitioner to deliver the exchange gas without constructing and operating additional facilities contemplated by the order of October 7, 1969. It is stated that Texas Eastern Transmission Corporation (Texas Eastern) would deliver to Mobil, at an interconnection between the facilities of Texas Eastern's 20-inch McAllen-Beaumont line with the facilities of Mobil serving the refinery, for the account of Petitioner up to 5,000 Mcf of gas per day and Petitioner would concurrently deliver an equal volume of gas to Texas Eastern at an existing exchange point between Petitioner and Texas Eastern in Beauregard Parish, Louisiana, or at any other mutually agreeable existing authorized exchange point to the supply area. This arrangement, Petitioner states, would obviate the necessity for the construction and operation of additional facilities contemplated by the order of October 7, 1969.

Petitioner proposes to charge Mobil 22.5 cents per Mcf of gas transported for Mobil. This is said to represent the cost of service of transporting gas from Block 215 to Petitioner's Compressor Station No. 65.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20897 Filed 7-19-76;8:45 am]

[Docket No. CP76-406]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND NATIONAL FUEL GAS SUPPLY CORP.

Application

JULY 13, 1976.

Take notice that on June 22, 1976, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and National Fuel Gas Supply Corporation (National), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP76-406 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the storage and transportation of natural gas for Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that National has injected 1,500,000 Mcf of natural gas into the Ellisburg Storage Field in Pennsylvania for the account of Elizabethtown pursuant to authorization in Docket No. CP75-348. Under that authority, it is stated, Elizabethtown may withdraw the gas for its use from April 16, 1976, through November 16, 1976. The application states further that Elizabethtown

intends to husband further this gas supply by retaining it in storage so that the gas would be available to meet high-priority needs on its system from December 16, 1976, through October 31, 1977. To enable Elizabethtown to do this, it is stated, Elizabethtown needs additional storage capacity adjacent to the Transco system.

National proposes to credit Elizabethtown with 1,500,000 Mcf of gas owned and stored by National in the Wharton Storage Field in Pennsylvania, to which Transco is connected, in exchange for the identical volume of gas now stored for Elizabethtown in the Ellisburg Storage Field. This exchange is said to obviate the need for and to prevent the loss of energy involved in the withdrawal of gas for Elizabethtown from one field and reinjection in the other.

The withdrawal of the gas from the Wharton Storage Field and delivery to Elizabethtown would be effected by the delivery to Transco for the account of Elizabethtown of up to 10,000 Mcf per day at Wharton. Transco would transport on an interruptible basis and deliver to Elizabethtown equivalent volumes, less four percent retained for compressor fuel and line-loss make-up, at existing delivery points to Elizabethtown. The daily quantity to be delivered to Elizabethtown, when combined with the quantities Elizabethtown is scheduled to receive from Transco under Transco's Rate Schedule CD-3 and other transportation agreements with Transco, would not exceed Elizabethtown's authorized daily entitlement under Rate Schedule CD-3, the application states.

For its storage service National proposes to charge Elizabethtown $611,550, consisting of 40.77 cents per Mcf of top storage capacity times and storage volume of 1,500,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-20897 Filed 7-19-76;8:45 am]

FEDERAL RESERVE SYSTEM

[Docket No. R-0047 (Reg. C)]

HOME MORTGAGE DISCLOSURE ACT OF 1975

Application for Exemption

The State of New York through the New York State Banking Department has applied to the Board for an exemption from the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801-2809) for State-chartered depository institutions subject to New York State Banking Department Supervisory Procedure G 107 (hereinafter referred to as "G 107") on the grounds that the requirements of G 107 are substantially similar to those imposed under the Home Mortgage Disclosure Act of 1975 and that there are adequate provisions for enforcement of the State requirements. The application was filed pursuant to section 306(b) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2805(b)) and section 203.3(a)(3) of Federal Reserve Regulation C (12 CFR 203.3(a)(3)).

In connection with this application, the New York State Banking Department has asked for rulings as to whether institutions subject to G 107 that the New York State Banking Department grants a delay in meeting the State compliance date would be entitled to the exemption requested and whether federally-chartered institutions in New York State wishing to comply with G 107 on a voluntary basis would be entitled to an exemption.

The application is available for inspection and copying at the offices of the Board of Governors of the Federal Reserve System and at the Federal Reserve Bank of New York.

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 20, 1976. Such material will be made available for inspection and copying upon request except as provided in section 261.6(a) of the Federal Reserve Rules Regarding Availability of Information (12 CFR 261.6(a)).

Board of Governors of the Federal Reserve System, July 13, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-20892 Filed 7-19-76;8:45 am]

FIRST NATIONAL CORP.

Order Approving Acquisition of Bank

First National Corporation, Appleton, Wisconsin, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Farmers State Bank, Larsen, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the ninth largest banking organization in Wisconsin, controls six banks with aggregate deposits of $179.5 million, representing approximately 1.2 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank (deposits of approximately $9.3 million) would not significantly increase Applicant's share of deposits in the State nor would it alter Applicant's ranking among the other banking organizations in Wisconsin.

Bank is the eleventh largest of twelve banking organizations in the Appleton banking market[2] and holds $9.3 million in deposits, which represents 1.8 percent of the total commercial bank deposits in the market. Applicant is the largest of the twelve banking organizations in the market and, upon acquisition of Bank, Applicant would control four banks in the market with aggregate deposits representing 26.8 percent of the total commercial bank deposits in the market. Applicant and Bank operate in the same market, and the record indicates that some existing competition would be eliminated as a result of the consummation of the proposal. Bank is located on the western fringe of the relevant market in the town of Larsen and Applicant's closest banking office is a branch of Applicant's lead bank some 12 miles northeast in the town of Greenville. Competition between that office and Bank—and

[1] All banking data are as of December 31, 1975.

[2] The Appleton RMA, which is the relevant banking market, extends from the northeastern portion of Winnebago County (including the cities of Neenah and Menasha) through the southeastern portion of Outagamie County (including the cities of Appleton, Kaukauna, Kimberly, Little Chute, and Combined Locks) and the southwesternmost portion of Brown County and the northwestern portion of Calument County.

between Applicant's other subsidiary banks and Bank—does not appear to be significant. Moreover, in view of the restrictive State branching laws prohibiting the establishment of a branch within a three mile limit of Bank's location and also in view of the rural character of the area surrounding Bank, expansion by Applicant into this portion of the market does not appear likely. The effects of the proposal on competition are further mitigated by the relatively small size of Bank and the fact that it has not been a significant competitor in the market. Bank was established in 1914 and its deposits have grown to only about $9 million in some sixty years of operation. Accordingly, on the basis of the facts of record, the Board concludes that consummation of the proposal would have some slightly adverse effects on competition.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory. In arriving at such conclusion, the Board has relied in part on Applicant's commitments to augment the capital at certain of its subsidiary banks. Consequently, the Board regards banking factors as being consistent with approval of the application. Furthermore, Applicant's acquisition of Bank would give Bank access to Applicant's banking expertise and management resources. Applicant also proposes to assist Bank in providing new and expanded services to its customers, including estate planning and trust services, investment advisory services, computer services for both Bank and Bank's customers, and direct leasing services. Therefore, considerations relating to the convenience and needs of the community to be served lend weight toward approval and, in the Board's view, outweigh any slightly adverse effects the proposal may have on competition. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order nor (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 13, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-20890 Filed 7-19-76;8:45 am]

[1] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Partee and Lilly. Absent and not voting: Chairman Burns and Governors Wallich and Jackson.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of 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 July 8, 1976 (EEOC), and July 14, 1976 (FEA). See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the Federal Register is to inform the public of such receipt.

The list 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 EEOC and FEA forms 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 forms, comments (in triplicate) must be received on or before August 9, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The Equal Employment Opportunity Commission requests clearance of a revision to Report EEO-2, Apprenticeship Information Report. This report is required to be filed under Section 709(c) of the Civil Rights Act of 1964 by Joint Labor-Management Apprenticeship Committees only. It must be filed by or on behalf of each Joint Labor-Management Apprenticeship Committee subject to Title VII which has:

a. Five or more apprentices in its entire program.

b. At least one employer sponsoring the program who has 25 or more employees.

c. At least one union sponsoring the program which operates a hiring hall or has 25 or more members.

The filing deadline for the 1976 EEO-2 report will be March 31, 1977. The race/ethnic categories of the EEO-2 have been revised as directed by the Office of Management and Budget. EEOC estimates potential respondents are approximately 5,000 Joint Labor-Management Apprenticeship Committees and respondent burden is estimated to be two hours per annual report.

The Equal Employment Opportunity Commission requests clearance of a revision to Report EEO-2E, Apprenticeship Information Report. This report is required to be filed for every establishment with 25 or more employees by each employer who:

a. Has a total company-wide employment of 100 or more employees, and

b. Conducts and controls an employer-operated apprenticeship program, and

c. Has five or more apprentices in the establishment.

The filing deadline for the 1976 EEO-2E report will be March 31, 1977. The race/ethnic categories of the EEO-2E have been revised as directed by the Office of Management and Budget. EEOC estimates potential respondents are approximately 4,000 employers and respondent burden is estimated to be two hours per annual report.

The Equal Employment Opportunity Commission requests clearance of a revision to Report EEO-3, Local Union Report. This report is required to be filed under Section 709(c) of the Civil Rights Act of 1964 by or on behalf of all local unions subject to Title VII of the Act, which have 100 or more employees. Each local union with 100 or more members must complete the basic form. Referral unions must also provide data on members, referrals and applicants by sex and race/ethnic category. The filing deadline for the 1976 EEO-3 report will be March 31, 1977. The race/ethnic categories of the EEO-3 have been revised as directed by the Office of Management and Budget. EEOC estimates potential respondents to be approximately 25,000 local unions and respondent burden is estimated to be one and one-half hours per annual report.

FEDERAL ENERGY ADMINISTRATION

FEA requests approval of a new form P113-M-O, Report of Oil Imports into the United States and Puerto Rico. The new form will incorporate data currently collected by three distinct forms. The forms are: FEA 1005-IM, FEA Weekly Imports Report; FEA P126-M-O, Domestic Crude Oil Entitlements Program Importers Monthly Report; and the BB-42-R1371, Report of Oil Imports into the United States and Puerto Rico (Department of Interior form initiated in 1959, expiring January 30, 1978). The P113-M-O is required to be filed each month by each importer of crude oil, unfinished oil or finished petroleum products. A report is required even if no imports were made during the report month. This information is collected under the mandatory authorities vested in the Federal Energy Administration under Title 10 of the Code of Federal Regulations, as amended and Public Laws 93-275 and 94-163. FEA estimates potential respondents are approximately 700 importers who previously filed forms FEA 1005-IM, FEA P126-M-O and BB-42-R1371. Respondent burden is estimated to be two hours per report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-20920 Filed 7-19-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-65]

COMPETITIVE POSITION OF U.S. INDUSTRIES

Notice of Termination of Investigation

Notice is hereby given that the United States International Trade Commission, on July 2, 1976, terminated investigation No. 332-65, relating to the competitive position of U.S. industries, an investigation which the Commission instituted at the request of the President on September 14, 1970, under section 332 of the Tariff Act of 1930, as amended.

One report made by the Commission (TC Publication 473) was published in April 1972. Several other reports and papers transmitted to the President were not published.

By order of the Commission:

Issued: July 15, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-20965 Filed 7-19-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 14, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Noise quality data questionnaire, on occasion, air travelers, Strasser, A., 395-5867.

SMALL BUSINESS ADMINISTRATION

Disaster Loan Application, SBA, 5,5C, 14 739, 739A, 1018B, 413, on occasion, all home and business disaster applicants, Lowry, R. L., 395-3772.

Business Loan Application, SBA 4, 4B, 4C 4G, 4H, 413, on occasion, all small businesses requesting assistnace, Lowry, R. L., 395-3772.

Business Development Program, SBA 1010, SBA 1017, on occasion, business firms, Lowry, R. L., 395-3772.

RAILROAD RETIREMENT BOARD

Employee-Employer Statement of Pay Rate, UI-1G(6-76), on occasion, railroad employees and employers, Caywood, D. P., 395-3443.

OFFICE OF MANAGEMENT AND BUDGET

CETA block grant interview guide, single-time, Federal, State, local program managers, Lowry, R. L., 395-3772.

CDBG block grant interview guide, single-time, Federal and local program managers, Lowry, R. L., 395-3772.

LEAA block grant interview guide, single-time, Federal, State and sub-State program managers, Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

Readership Survey: Occupations of Federal White-Collar Workers, S 178, single-time, agency personnel officers, Caywood, D. P., 395-3443.

Readership Survey: Occupations of Federal Blue-Collar Workers, S 179, single-time, agency personnel officers, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Economic Development Administration: Industrial Solar Air Conditioning Survey for Puerto Rico Project, ED-372 A & B, single-time, HVAC engineers, plant managers, Hulett, D. T., 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Outline for Evaluation of Current Basic Title III Institutional Development Programs, OE-1049-3, annually, institutions of post-secondary education, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Departmental and other: UMTA, 13(C) Transit Organization Questionnaire, as/per-1, single-time, public transit agencies, Strasser, A., 395-5867.

Bureau of Labor Statistics: Reporting of Labor Force and Unemployment Data Under OMB Circular A-46, Attachment J, BLS-LAUS 1, 2, monthly, State employment security agencies. Strasser, A., 395-5867.

DEPARTMENT OF THE TREASURY

Departmental and other: Loans to cooperatives, single-time, 110 largest commercial banks, Lowry, R. L., 395-3772.

VETERANS ADMINISTRATION: REVISIONS

Request for Information Concerning Family unusual Medical Expenses, 21-8416A, on occasion, claimant, Caywood, D. P., 395-3443.

RAILROAD RETIREMENT BOARD

Report of Creditable Compensation (paid by Employees) BA-3A, annually, railroad employees, Caywood, D. P., 395-3443.

DEPARTMENT OF STATE

Department of State (Excl. Aid and Action) Application for Renewal, Amendment, Extension of Passport, FS-299, on occasion, passport applicants, Lowry, R. L., 395-3772.

DEPARTMENT OF THE TREASURY

Departmental and other: Monthly Report of Assets, Liabilities, and Positions in Specified Foreign Currencies of Firms in the U.S. FC-3, FC 3A, monthly non-banking business concerns and nonprofit institutions, Hulett, D. T., 395-4730.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Statement of Financial Information (by Individual or Company) GSA 534, on occasion, business firms buying from to celling to GSA, Caywood, D. P., 395-3443.

NATIONAL CREDIT UNION ADMINISTRATION

Monthly Sample (Federal) Monthly Sample (State), NCUA 5301, NCUA 5303, monthly, Federal and State credit unions, Marsha Traynham, 395-4529.

DEPARTMENT OF DEFENSE, DEPARTMENT OF THE NAVY

Progress Reports for Research and Development Equipment (MIL-STD-1602(AS) (RCS NAVAIR 3900-1)), NAVAIR3900, monthly contractors, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Ass't Secy), Requisition for Grant Payment, HUD 259, on occasion, State and local units of government, Community and Veterans Affairs Division, 395-3532.

Housing Production and Mortgage Credit Prepayment Report—Home Mortgage, FHA-2344, on occasion, HUD approved mortgagees, Community and Veterans Affairs Division, 395-3532.

Housing Management, Schedule of Charges and Project Information—Housing for the Elderly (Nonprofit), HUD 92458A, annually, owners of HUD-assisted projects, Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Rental Schedule and Information of Rental Project for Income Producing Space-Dwellings), HUD-92458, on occasion, owners of HUD-assisted projects, Marsha Traynham, 395-4529.

DEPARTMENT OF JUSTICE

Departmental and other: Application for Federal Assistance (Non-Construction Program), LEAA4000/3, on occasion, grantees, Marsha Traynham, 395-4529.

Departmental and other: Intern-Institutional Report, LEAA5500-4, on occasion, education institutions participating in program, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Division (ESA): Application for Certificate To Employ Learners at Subminimum Wages, WH-209, on occasion, manufacturers in certain industries, Lowry, R. L. 395-3772.

Employment and Training Administration: Employment Security Automated Reporting System Transition Activity Report, MA520, monthly, State employment security agencies, Marsha Traynham, 395-4529.

WAYNE L. SMITH,
Acting Budget and Management Officer.

[FR Doc.76-21003 Filed 7-19-76;8:45 am]

POSTAL SERVICE

INTERNATIONAL POSTAL RATES AND SPECIAL MAIL SERVICES

Increase in Rates and Fees

Pursuant to its authority under 39 U.S.C. 407, and in accordance with announced plans, which were filed with the FEDERAL REGISTER on July 9, 1976, to place into effect permanent rates of

domestic postage and fees for domestic postal services, the Postal Service intends to implement permanent increases in the international regular surface rates for printed matter and small packets, as appears below in Schedule I– A and B, effective 12:01 A.M., July 18, 1976.

The Postal Service intends also to implement permanent increases in the fees for the following international special mail services: registration, insurance (Canada only), special delivery, special handling, and certificates of mailing. The new fees for these international special mail services appear below in Schedule II– A through E and are effective 12:01 A.M., July 18, 1976.

I. NEW RATES EFFECTIVE 12:01 A.M., JULY 18, 1976

A. POSTAGE RATES TO CANADA AND MEXICO

Regular surface rates for printed matter and small packets.

Ounces	Printed matter	Small packets
2	$0.14	$0.14
4	.28	.28
6	.39	.39
8	.50	.50
10	.61	.61
12	.72	.72
14	.83	.83
16	.94	.94
32	1.15	[1] 1.15
64	1.44	
Each additional 32	.72	

[1] To Mexico only.

B. POSTAGE RATES TO COUNTRIES OTHER THAN CANADA AND MEXICO

Regular surface rates for printed matter and small packets.

Ounces	Printed matter	Small packets
2	$0.14	$0.28
4	.28	.28
8	.50	.50
16	.83	.83
32	1.15	1.15
64	1.44	
Each additional 32	.72	

II. NEW FEES EFFECTIVE 12:01 A.M., JULY 18, 1976

A. REGISTRATION

The fees for registered mail will be increased as follows:

Limit of indemnity	Fee
1. CANADA:	
$0.01 to $100	$2.10
$100.01 to $200	2.30
2. All other countries: $15.76	2.10

B. INSURANCE (CANADA ONLY)

The fees for insurance will be increased as follows:

Limit of indemnity	Fee
Canada:	
Not over $15	$0.40
$15.01 to $50	.60
$50.01 to $100	.80
$100.01 to $150	1.00
$150.01 to $200	1.20

C. SPECIAL DELIVERY

	Weight		
	Not more than 2 lb	More than 2 lb but not more than 10 lb	More than 10 lb
Letters, letter packages, post cards, and airmail other articles	$1.25	$1.50	$1.75
Surface other articles	1.75	1.85	2.15

D. SPECIAL HANDLING

The fees will be increased as follows:

Weight	Fee
Not more than 2 lb	$0.50
More than 2 lb but not more than 10 lb	.70
More than 10 lb	1.00

E. CERTIFICATES OF MAILING

The fees will be increased as follows:

1. The Original certificate for ordinary postal union or parcel post: 10 cents for each piece described.

2. Each additional copy of original certificate of mailing or copy of original mailing receipt for registered or insured mail: 10 cents for each piece described.

3. Identical pieces of postal union mail with ordinary stamps, precanceled stamps, or meter stamps:

a. Up to 1,000 pieces (1 certificate for total number): 50 cents.

b. For each additional 1,000 pieces or fraction: 10 cents.

c. Duplicate copy; 10 cents.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-20984 Filed 7-16-76;9:29 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. (812-3975); Release No. 9338A]

SOGEN—SWISS INTERNATIONAL CORPORATION, 20 BROAD STREET, NEW YORK, NEW YORK 10005

Filing Application for Exemption and Order of Temporary Exemption Pending Determination of the Application

JULY 12, 1976.

This is a repeat notice to correct an erroneous file number.

Notice is hereby given that SoGen—Swiss International Corporation ("SoGen") has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 ("the Act") for an order exempting SoGen from the provisions of Section 9(a) of the Act, and for an order of temporary exemption from Section 9(a) pending the Commission's determination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

SoGen, a New York corporation, is a registered broker-dealer under Section 15 of the Securities Exchange Act of 1934 and a registered investment adviser under Section 203 of the Investment Advisers Act of 1940. Swiss American Corporation, a New York corporation, which is a wholly-owned subsidiary of Swiss Credit Bank, owns 50.8% of the voting stock of SoGen. Among its activities, SoGen acts as investment adviser and principal underwriter to SoGen International Fund (the "Fund"), an investment company registered under the Act.

On November 25, 1975, the Commission commenced an action in the United States District Court for the District of Columbia entitled *Securities and Exchange Commission* v. *American Institute Counselors, Inc. et al.*, (75 Civ. 1965) against various defendants, including Swiss Credit Bank, alleging violations of various provisions of the federal securities laws. Swiss Credit Bank, without admitting or denying any of the allegations of the Complaint, stipulated to the entry of a Final Order terminating the action against it, with prejudice, and entered into a Stipulation and Undertaking with the Commission.

The Final Order provides that Swiss Credit Bank shall not, directly or indirectly, make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell, offer to buy or sell, or carry or cause to be carried securities of the Progress Group (as defined in the Final Order) except in accordance with the provisions of Section 5 of the Securities Act of 1933. The order further provides that Swiss Credit Bank shall not transact business with any member of the Progress Group when such member is acting as a broker-dealer or investment adviser or is engaging in investment company activities unless such member has complied with the applicable registration requirements of the securities laws of the United States.

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to act in the capacity of employee, officer, director, member of an advisory board, investment adviser, principal underwriter or distributor of any registered investment company if such person is by reason of any misconduct enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that upon application, the Commission by order shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

SoGen submits pursuant to Section 9 (c) that the prohibitions of Section 9 (a) of the Act, to the extent applicable by virtue of the entry of the Final Or-

der against Swiss Credit Bank, would be unduly and disproportionately severe as applied to SoGen and that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant this exemption. In support thereof, SoGen represents that (i) the prohibitions of Section 9(a) would deprive the Fund of the continuity of services of SoGen as its investment adviser and principal underwriter and (ii) neither SoGen nor the Fund participated in any of the alleged conduct set forth in the Commission's action. The Commission has considered the matter and finds that:

(1) The prohibitions of Section 9(a) may be unduly or disproportionately severe as applied to SoGen in that SoGen did not participate in any of the alleged conduct set forth in the Commission's action and, that the conduct of Swiss Credit Bank has been such as not to make it against the public interest or protection of investors to grant the application by SoGen for a temporary exemption from Section 9(a) pending determination of the application; and

(2) In order to maintain the uninterrupted services provided by SoGen to the Fund, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, it is ordered, pursuant to Section 9(a) of the Act, that SoGen is hereby temporarily exempted from the provisions of Section 9(a) of the Act operative as a result of the entry of the Final Order against Swiss Credit Bank in *Securities and Exchange Commission* v. *American Institute Counselors, Inc. et al.*, pending final determination by the Commission of SoGen's application for an Order exempting SoGen from the provisions of Section 9(a) operative as a result of the entry of such Final Order.

Notice is further given that any interested person may not later than July 26, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon SoGen at the address set forth above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-20848 Filed 7-19-76;8:45 am]

ADVISORY COMMITTEE ON REPLACEMENT COST IMPLEMENTATION

Meeting

This is to give public notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Replacement Cost Implementation will conduct a meeting on August 9, 1976, at the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. beginning at 9:30 a.m. This meeting will be open to the public.

This will be the third meeting of the Advisory Committee. The purpose of the meeting is to (1) discuss the Chief Accountant's recommended solutions to questions put before the Advisory Committee at its previous meeting (June 29, 1976), (2) discuss various aspects of the Commission's replacement cost regulation and (3) discuss implementation questions having come to the attention of the Chief Accountant of the Securities and Exchange Commission since the date of the previous meetings.

Further information on this matter may be obtained by writing: Mr. George A. Fitzsimmons, Secretary, Securities and Exchange Commission, United States Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

JULY 7, 1976.

[FR Doc.76-20857 Filed 7-19-76;8:45 am]

[Release No. 34-12609]

FINGERPRINT PLANS SUBMITTED BY THE AMERICAN STOCK EXCHANGE, INC. AND PHILADELPHIA STOCK EXCHANGE, INC.

Approval

JULY 8, 1976.

The Securities and Exchange Commission today announced the approval of plans submitted by the American Stock Exchange, Inc. and the Philadelphia Stock Exchange, Inc. for a six month pilot period beginning July 1, 1976, and ending December 31, 1976 pursuant to paragraph (c) of Rule 17f-2 (17 CFR § 240.17f-2) under Section 17(f)(2) of the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Under the terms of these plans, the two self-regulatory organizations will collect fingerprint cards submitted by their members, forward the cards to the Attorney General of the United States for identification and appropriate processing, and return the fingerprint cards and any information received as a result of such processing to the submitting members. These plans are approved pursuant to the fingerprinting program established in Rule 17f-2.[1]

APPROVAL OF AMERICAN STOCK EXCHANGE AND PHILADELPHIA STOCK EXCHANGE PLANS

Pursuant to the provisions of paragraph (c) of Rule 17f-2, the American Stock Exchange and Philadelphia Stock Exchange have submitted plans whereby they would collect fingerprint cards from their members, forward such records to the FBI, the fingerprint processing arm of the Attorney General, for identification and appropriate processing, and appropriate processing, and thereafter return the fingerprint cards and any information received from the FBI to the participating entities submitting such records.[2] The Commission has reviewed the procedures detailed in the plans, and having due regard for the public interest, the protection of investors, and the fulfillment of the Commission's functions under the provisions of the Act, declares these plans to be effective on July 1, 1976 for a six month period, ending December 31, 1976.[3]

It is anticipated that the American Stock Exchange and the Philadelphia Stock Exchange will contact their membership directly regarding submission of fingerprints pursuant to their plans. Partners, directors, officers, and employees of members of these three self-regulatory organizations who do not meet the conditions for exemption from fingerprinting under paragraphs (a) or (b) of the rule may satisfy the requirements of paragraph (a) by submission of fingerprints to such organizations pursuant to paragraph (c) of the rule

[1] Plans submitted by the Boston Stock Exchange, Inc., the National Association of Securities Dealers, Inc., the New York Stock Exchange, Inc., and the Pacific Stock Exchange, Inc., were approved by the Commission on June 22, 1976. See Securities Exchange Act Release No. 12566 (June 22, 1976), (41 FR 27792) for the approval of these plans, a discussion of the background and purpose of Rule 17f-2, and the role of self-regulatory organizations in implementing the mandate of Section 17(f) of the Act.

[2] The American Stock Exchange plan, in addition, provides for the transmittal of fingerprint records for employees and associated persons of non-bank registered transfer agents handling American Stock Exchange listed securities.

[3] At the end of this pilot period, the Commission will evaluate the program and consider the permanent approval of such plans.

and in accordance with the provisions of the plans.

The American Stock Exchange and the Philadelphia Stock Exchange, through their roles as intermediates in accordance with the terms of their plans and the provisions of Rule 17f-2, undertake no responsibility other than the conveyance of fingerprint records and criminal history record information between participating entities and the Attorney General of the United States.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

The approval of the fingerprinting plans filed by the American Stock Exchange and the Philadelphia Stock Exchange is made pursuant to Sections 2, 17(f), and 23(a) of the Securities Exchange Act of 1934. The Commission has determined that the approval of these fingerprinting plans would impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act and is not inconsistent with the public interest or the protection of investors.

SOLICITATION OF PUBLIC COMMENT

All interested persons are invited to submit written statements of views and comments on the approval of the two fingerprint plans to George A Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. They should refer to File No. S7-605. All comments will be available for public inspection.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-20858 Filed 7-19-76;8:45 am]

[Release No. 34-12618; File No. SR-PHLX 76-15]

PHILADELPHIA STOCK EXCHANGE, INC.

Exchange-Traded (Listed) Options for Underlying Securities

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 July 9, 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 Changes

The Philadelphia Stock Exchange, Inc., (PHLX) proposes a revision of its Rules to permit specialists and all other members, while on the equity floor, to acquire or grant exchange-traded (listed) options for underlying securities in which such specialists may be the registered dealers, or in which such members or their organizations are interested. The text of the proposed amendments follows. Brackets indicate deletions; italics indicate new material:

Rule 213 No odd-lot dealer-*specialist* (and) no (firm) *organization* of which (such odd-lot dealer) *he* is a partner *or officer* and no partner *or officer* of such (firm) *organization* shall acquire, hold or grant, directly or indirectly, any interest in any put, call, straddle or option in any security in which such odd-lot dealer-*specialist* is registered by the Exchange, *unless such put, call, straddle or option position is in an exchange-traded option covered by a prospectus issued by the Options Clearing Corporation and is immediately reported to the Exchange.*

Rule 454 No member, while on the floor, shall initiate the purchase or sale on the Exchange for his own account or for any account in which he, or the (firm) *organization* of which he is a partner or *officer*, or any partner *or officer* of such (firm) *organization*, is directly or indirectly interested, of any security in which he holds or has granted any put, call, straddle or option, or in which he has knowledge that the (firm) *organization* of which he is a partner *or officer*, or any partner or officer of such (firm) *organization* holds or has granted any put, call, straddle or option, *unless such put, call, straddle or option position is in an exchange-traded option covered by a prospectus issued by the Options Clearing Corporation and is immediately reported to the Exchange.*

The Exchange's Statement of Basis and Purpose

The changes are being made to enhance the market-making capability of equity specialists by permitting them to take positions in listed options in a manner that would improve the depth, liquidity and continuity of their equity markets. The changes would also mitigate competitive advantages which third-market makers in equity securities may have because of their ability to trade in the listed options of underlying securities in which they are a market-maker.

The amendments remove impediments to the mechanism of a free and open market and a national market system; they prevent unfair discrimination between broker-dealers; and they contain reporting requirements in furtherance of the public interest.

No comments have been received on the proposed Rule change.

No burden on competition will be imposed by the proposed Rule change.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER (August 24, 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. Person desiring to make written submissions should file six (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 August 19, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JULY 12, 1976.

[FR Doc.76-20856 Filed 7-19-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

LOS ANGELES DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Los Angeles District Advisory Council will hold a public meeting at 12:00 noon, Wednesday, August 11, 1976, at the Taix Les Freres French Restaurant, 1911 West Sunset Boulevard, Los Angeles, California, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Stewart L. Rollins, U.S. Small Business Administration, 350 South Figueroa Street, Suite 600, Los Angeles, California 90071, (213) 688-2977.

Dated: July 12, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-20954 Filed 7-19-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 10, 1976, at 10 a.m., the Waco Regional Office Station Committee on Educational Allowances shall at 1400 N. Valley Mills Drive, Waco, Texas 76710 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Williams Barber College, 1251 Evans, Fort Worth, Texas 76104, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: July 13, 1976.

JACK COKER,
Director,
VA Regional Office.

[FR Doc.76-20956 Filed 7-19-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

TENNESSEE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the FEDERAL REGISTER (38 FR 17838) of the approval of the Tennessee plan and the adoption of Subpart P to Part 1952 containing the decision.

The Tennessee plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required." In response to Federal standard changes, the State has submitted by letters dated February 13, 1976, from James G. Neely, Commissioner, Tennessee Department of Labor; and January 19, 1976, from Robert H. Wolle, Director, Division of Occupational and Radiological Health, Tennessee Department of Public Health to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan, State standards comparable to amendments to § 1910.93q, Vinyl Chloride, dated December 3, 1974; § 1910.93q, Vinyl Chloride, dated March 25, 1975; § 1910.67, Vehicle-mounted Elevating and Rotating Work Platforms, § 1910.70, Standards Organizations, § 1910.183, Helicopters, § 1910.189, Source of Standards, § 1910.190, Standards Organizations, § 1910.268, Telecommunications, § 1910.274, Source of Standards, § 1910.275, Standards Organizations, dated March 26, 1975; Recodification of § 1910.267, Agricultural Operations, into a new Part 1928 including § 1928.1, § 1928.21, § 1928.51, § 1928.52, § 1928.53, Agricultural Standards, dated April 25, 1975; Recodification of § 1910.93 through § 1910.93q, Air Contaminants, as a new Subpart Z § 1910.1000 through § 1910.1017, Toxic and Hazardous Substances, § 1910.1499, Source of Standards, § 1910.1500, Standards Organizations, dated May 28, 1976; § 1910.94, Ventilation, dated June 9, 1975; § 1910.184, Industrial Slings, § 1910.179, Overhead and Gantry Cranes, § 1910.190, Standards Organizations, dated June 27, 1975. The State did not promulgate changes to § 1910.141, Sanitation and § 1910.106(d)(2)(iii), Flammable and Combustible Liquids, since the original promulgation was more restrictive.

These standards were promulgated by filing with the Tennessee Secretary of State on June 12, 1975, December 17, 1975, and January 16, 1976, pursuant to the Tennessee Occupational Safety and Health Act of 1972 (Title 50, Chapter 5, Tennessee Code Annotated).

2. *Decision.* Having reviewed the State submission in comparison with Federal standards it has been determined that the State standards are identical to the Federal standards or at least as effective as the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, 501 Union Building, Nashville, Tennessee 37219; Office of Commissioner of Public Health, 501 Union Building, Nashville, Tennessee 37219; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, NE., Atlanta, Georgia 30309; Office of the Associate Assistant Secretary for Regional Programs, Room N3603, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the Tennessee State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards with the exception of § 1910.106(d)(2)(iii) and § 1910.141 and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further public participation would be unnecessary.

This decision is effective July 20, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Atlanta, Georgia, this 18th day of June, 1976.

R. A. WEINDELL,
Acting Regional Administrator.

[FR Doc.76-20033 Filed 7-19-76;8:45 am]

Wage and Hour Division

LEARNERS AT SPECIAL MINIMUM WAGES

Certificates Authorizing Employment

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq), and Administrative Order No. 1-76 (41 FR 16949) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Acme Garment Co., Wentzville, MO; 5-10-76 to 5-9-77; 10 learners. (Women's pants)

Arizona Fashions, Inc., Avondale, AZ; 6-1-76 to 5-31-77; 10 learners. (Men's shirts)

Baby Bliss, Inc., Middleville, MI; 5-1-76 to 4-30-77. (Infants' sleepsets and playwear)

Pass Christian Industries, Inc., Pass Christian, MS; 5-1-76 to 4-30-77. (Ladies' shirts and jeans)

College Casuals Co., Sheppton, PA; 4-23-76 to 4-22-77; 10 learners. (Ladies' slacks)

Crane Mfg. Co., Republic, MO; 6-5-76 to 6-4-77; 10 learners. (Men's and boys' pants)

Dixie Apparel, Inc., St. George, UT; 6-10-76 to 6-9-77; 10 learners. (Girls', toddlers' and preteens' tops)

Edison Textiles, Inc., Edison, GA; 3-29-76 to 3-28-77. (Toddlers' and girls' shorts, slacks and sunsuits)

Freeland Sportswear Co., Inc., Freeland, PA; 5-27-76 to 5-26-77; 10 learners. (Men's jackets)

Greenway Mfg. Co., Waynesburg, PA; 5-28-76 to 5-27-77. (Boys' and infants' shirts)

Marcus Mfg. Co., Nowata, OK; 5-26-76 to 5-25-77. (Men's slacks)

Michael Berkowitz Co., Inc., Frostburg, MD; 3-29-76 to 3-28-77. (Men's sleepwear)

Petersburg Mfg. Corp., Petersburg, TN; 6-2-76 to 6-1-77. (Ladies' and girls' pants)

Richfield Mfg. Co., Richfield, PA; 5-1-76 to 4-30-77. (Men's and boys' shirts)

J. H. Rutter Rex Mfg. Co., Inc., Franklinton, LA; 4-24-76 to 4-23-77. (Boys' and men's pants)

J. H. Rutter Rex Mfg. Co., Inc., Columbia, MS; 3-30-76 to 3-29-77. (Men's and boys' shirts and jeans)

Sancar Corporation, Harrisonburg, VA; 4-22-76 to 4-21-77. (Ladies' underwear)

Shaw Industries, Shaw, MS; 6-1-76 to 12-31-76; 6 learners. (Boys' shirts)

Spencer California, Tehachapi, CA; 5-3-76 to 5-2-77; 7 learners. (Toddlers' and girls' sleepwear and jumpers)

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 as amended).

Galena Glove & Mitten Co., Dubuque, IA; 4-7-76 to 4-6-77; 10 learners for normal labor turnover purposes. (Work gloves)

The following certificate was issued under the knitted wear industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35 as amended).

Louis Gallet, Inc., Uniontown, PA; 6–13–76 to 6–12–77; 5 learners for normal labor turnover purposes. (Men's and boys' sweaters)

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed are indicated.

Ciales Mfg. Corp., Ciales, PR; 5–20–76 to 5–19–77; 16 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rate of $1.84 an hour, 'Ladies' panties)

General Cigar de Utado, S.A., Utado, PR; 6–10–76 to 6–9–77; 20 learners for normal labor turnover purposes in the occupation of cigar making machine operator for a learning period of 320 hours at the rates of $1.92 an hour for the first 160 hours and $2.02 an hour for the remaining 160 hours. (Tobacco)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn as indicated therein in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before August 4, 1976.

Signed at Washington, D.C. this 12th day of July, 1976.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[F.R. Doc.76–20934 Filed 7–19–76;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket 211–8]

CONSOLIDATED RAIL CORPORATION

Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (ConRail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of Section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of Section 211(h) in the amount of $230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization", 49 C.F.R. Sec. 922 (Loan Procedure), and requested an initial borrowing of $34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of $34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowings be increased to $51,157,000. On April 15, 1976, the Board of Directors of the Association approved that request.

Notice is hereby given that on July 12, 1976, ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $35,778,533.21 and an increase of the maximum amount reserved to $230,000,000.00. This application includes the certification and exhibits required by the Loan Procedures.

Interested parties are invited to submit written comments relevant to this preliminary application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20595, on or before July 27, 1976, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C., this 19th day of July 1976.

WILLIAM BOZMAN,
Vice President for Administration, United States Railway Association.

[FR Doc.76–21193 Filed 7–19–76;11:44 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 95]

ASSIGNMENT OF HEARINGS

JULY 15, 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 119789 (Sub-No. 287), Caravan Refrigerated Cargo, Inc., now assigned August 2, 1976, at San Francisco, Calif., is canceled and application dismissed.

MC 114569 (Sub-No. 136), Shaffer Trucking, Inc., now assigned September 21, 1976, at Kansas City, Mo., is canceled and application dismissed.

MC 141620, Van Bus Delivery Company, DBA United Van Bus Delivery, now being assigned PHC September 13, 1976 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 114457 Sub 259, Dart Transit Company, A Corp., now being assigned September 14, 1976 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 117068 Sub 62, Midwest Specialized Transportation, Inc., now being assigned September 15, 1976 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 118468 Sub 46, Umthun Trucking Co., A Corporation, now being assigned September 16, 1976 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC–F–12668, Hyman Freightways, Inc.—Control—Raymond Motor Transportation, Inc., and F.D. 28126, Hyman Freightways, Inc., now being assigned September 20, 1976 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 114457 Sub 251, Dart Transit Company, and MC 124211 Sub 275, Hilt Truck Lines, Inc., now being assigned September 22, 1976 (3 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 135871 (Sub 22), H.G.M. Transport Company and MC 141675 (Sub 1), Economy Trucking Service, Inc., now being assigned October 4, 1976 (2 days), at New York, New York, in a hearing room to be later designated.

MC 139614 (Sub 1), Erin Tours, Inc., now being assigned October 6, 1976 (3 days), at New York, New York, in a hearing room to be later designated.

No. 36288, Colorado Intrastate Freight Rates and Charges, now assigned August 9, 1976, at Denver, Colo., will be held in Courtroom No. 4, Bankruptcy Court, U.S. Court House, 1929 Stout Street.

MC 140829 (Sub 7), Cargo Contract Carrier Corp., now being assigned October 27, 1976 (1 day), at Omaha, Nebraska, in a hearing room to be later designated.

MC 141610 (Sub 2), Washington Transportation Co. now being assigned October 28, 1976 (2 days), at Omaha, Nebraska, in a hearing room to be later designated.

AB 33 (Sub 9), Union Pacific Railroad Company Abandonment Between Arnold and Stapleton, Nebraska, in Custer and Logan Counties, Nebraska, now being assigned November 1, 1976 (1 week), at North Platte, Nebraska, in a hearing room to be later designated.

MC 125433 (Sub-No. 67), F–B– Truck Line Company now assigned August 5, 1976, at Salt Lake City, Utah, will be held in Room B–20, Federal Building, 125 South State Street.

MC 113678 (Sub 557), Curtis, Inc., Extension now being assigned September 8, 1976 (1 day), at Denver, Colorado, in a hearing room to be later designated.

MC 115904 (Sub 45), Grover Trucking Co. now being assigned September 9, 1976 (2 days), at Denver, Colorado, in a hearing room to be later designated.

MC 141966, Gina Marie Express Co. now being assigned September 13, 1976 (1 day), at Denver, Colorado, in a hearing room to be later designated.

MC 124692 (Sub 164), Sammons Trucking now being assigned September 14, 1976 (2 days), at Denver, Colorado, in a hearing room to be later designated.

MC 139468 (Sub 15), International Contract Carriers, Inc., now being assigned September 16, 1976 (2 days), at Denver, Colorado, in a hearing room to be later designated.

MC-F-12725, Best Refrigerated Express, Inc.—Investigation of Control—Scott Truck Line, Inc., and MC-F-12795, Best Refrigerated Express, Inc.—Control—Scott Truck Line, Inc., now being assigned September 20, 1976 (1 week), at Omaha, Nebraska, in a hearing room to be later designated.

MC 127812 Sub 21, Tyson Truck Lines, Inc., now assigned Sept. 8, 1976, at St. Paul, Minn., will be held at Court Room 2, U.S. Courthouse & Federal Bldg., 319 North Robert St.

MC 133095 Sub 91, Texas-Continental Express, Inc., now assigned September 8, 1976, at Salt Lake City, Utah, will be held in B-20 Federal Bldg., 125 S. State St.

MC 113855 Sub 338, International Transport, Inc., now assigned September 9, 1976, at Salt Lake City, Utah, will be held in B-20, Federal Bldg., 125 S. State St.

MC-C-8890, Browning Freight Lines, Inc., et al. V. Warberg Brothers Company, et al. now assigned September 13, 1976, at Salt Lake City, Utah, will be held in Room 1423, Federal Bldg., 125 S. State St.

MC-F-12484, IML Freight, Inc.—Purchase (Portion)—Delbert H. Stephens and Ferdinand A. Klein, DBA Spokane-St. Maries Auto Frieght and Warberg Bro., Company and MC 33641, IML Freight, Inc., now assigned September 13, 1976, at Salt Lake City, Utah, will be in Room 1423, Federal Bldg., 125 S. State St.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-20974 Filed 7-19-76;8:45 am]

[AB 19 (Sub-No. 24)]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment Portion Elk Branch Between Hartland and Clendenin, in Clay and Kanawha Counties, West Virginia

JULY 9, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Baltimore and Ohio Railroad Company of its line between Hartland and Clendenin, a distance of 28.75 miles, all in Clay and Kanawha Counties, W. Va., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are minimal due to the relative low load of current traffic that would be diverted to motor carrier transport. In addition, there are no major community development, historic, ecological, or recreational effects involved. Although there are significant coal resources in the area, development remains speculative and there is no demonstrated dependence on the line proposed for abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issues of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-20975 Filed 7-19-76;8:45 am]

[AB 1 Sub-No. 50]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Sleepy Eye and Redwood Falls, in Redwood and Brown Counties, Minnesota

JULY 9, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment of the Chicago and North Western Transportation Company line extending 24.8 miles between Sleepy Eye and Redwood Falls, through Redwood and Brown Counties, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic on the line is low and declining and the diversion of traffic from rail to motor carriers would have a minimal effect on energy consumption and the existing environment. Moreover, the action is not expected to preclude the movement of agricultural commodities inasmuch as alternative rail lines exist in the area and the region is located within close trucking distance of Minneapolis and barge-loading sites on the Mississippi River. No industrial or economic development plans exist for the affected area which would be precluded by the loss of the rail line.

Depending on the disposition of the right-of-way, wildlife could be seriously affected by the elimination of habitat. This situation could be mitigated if the State acquires the right-of-way for public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before August 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-20968 Filed 7-19-76;8:45 am]

[AB 7 (Sub-No. 22)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Orient and Roscoe, in Hand, Faulk and Edmunds Counties, South Dakota

JULY 9, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company branch line extending 42.76 miles between Orient and Roscoe through Hand, Faulk, and Edmunds County, S. Dak., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the proposed action would not substantially alter current marketing and transportation patterns because rail service was discontinued in 1973 and traffic has since been moving by other transportation modes. The small amount of traffic involved has produced a minimal effect on the environment. This level of environmental alteration is expected to continue if the abandonment is approved. No definitive land use plans or developmental projects have been identified which would be effected by the subject action.

Depending on the disposition and subsequent usage of the land corridor, the proppsed abandonment could have a serious adverse impact on wildlife inhabiting the right-of-way. This situation could be mitigated if governmental units or other public interest groups acquire all or portions of the right-of-way for public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, on or before August 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-20969 Filed 7-19-76;8:45 am]

[Exemption No. 85-A]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO., ET AL.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Railway Company.

Upon further consideration of Exempton No. 85 issued September 11, 1974, and good cause appearing therefor:

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 85 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 12:01 a.m., July 15, 1976.

Issued at Washington, D.C., July 9, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-20973 Filed 7-19-76;8:45 am]

[AB 2 (Sub-No. 13)]

LOUISVILLE NASHVILLE RAILROAD CO.

Abandonment Within the City of Indianapolis, Marion County, Indiana

JULY 9, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Louisville and Nashville Railroad Co. (L&N) of its line of railroad between Milepost B 180.48, which is within the City of Indianapolis, in a southerly direction to the end of the line at Milepost B 181.07, a distance of .59 miles, all in Marion County, Indiana, if approved by the Commission, does not constitute a major Federal action significanlty affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the traffic volume exhibited on the portion of the branch proposed for abandonment is low and since the same service could be provided over parallel Norfolk and Western Railway Company trackage, no substantial alterations in existing air quality, fuel consumption, highway traffic and noise intrusions is expected. Also, no land use plans of an economic or industrial importance exist which would necessitate the continued operation of the line. Consequently, there is no indication that this action will have a serious adverse impact on rural or community development.

As noted in the TAS, even though the entire subject line is not owned in fee, if the abandonment is approved there is substantial local interest in acquiring the right-of-way for a mass transit corridor. Therefore the right-of-way corridor would be suitable for public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-20976 Filed 7-19-76;8:45 am]

[Amdt. No. 5 To I.C.C. Order No. 145 Under Rev. S.O. No. 994]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 145 (RI and FWD), and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 145 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., October 15, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 15, 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., July 9, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-20972 Filed 7-19-76;8:45 am]

[AB 121]

SPOKANE INTERNATIONAL RAILROAD CO.

Abandonment of Portion of Coeur D'Alene Branch in Kootenai County, Idaho

JULY 9, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Spokane International Railroad Company (SI) of its line of railroad between Milepost 8.794 in a southerly direction to Milepost 9.136, a distance of 0.342 mile, all in Kootenai County, Idaho, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the traffic volume exhibited on the line proposed for abandonment is low, and any additional truck miles required as a result of the relocation of applicant's team track facility is not expected to result in a significant addition to energy consumption, highway traffic, air pollution, or noise intrusions. In addition, alternative rail service will still be provided to the community of Coeur d'Alene by parallel Burlington Northern, Inc. (BN) and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (C, M, SP & P) trackage.

Also, no land use plans of an economic or industrial importance exist which would necessitate the continued operation of the line. Consequently, there is no indication that this action will have a serious adverse impact on rural or community development.

As discussed in Section 6.3.1, however, should the abandonment be authorized, the right-of-way will be conveyed to the

North Idaho College at Coeur d'Alene to be used for expansion of its college campus. The right-of-way corridor would appear to be suitable for this public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–20970 Filed 7–19–76;8:45 am]

[AB 12 (Sub-No. 22); Finance Docket 28123, 28124]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment in the City of Claremont, Los Angeles County, California; Abandonment, Construction, Operation and Trackage Rights

JULY 9, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment of a 1.05 mile segment of Southern Pacific Transportation Company trackage, (2) the proposed trackage rights acquisition by the Southern Pacific Transportation Company of 1.04 miles of Atchison, Topeka and Santa Fe Company line, and (3) the proposed construction of connecting trackage between said lines, all in Claremont, Los Angeles County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the proposed action involves the shifting of minor volumes of overhead traffic to a parallel line with no major alterations in fuel consumption, exhaust emissions, or noise levels. The required construction would not result in the demolition of any structures, major ecological damage, or significant impacts on the physical environment. The proposed action would not result in any serious adverse effect on the community as no shippers or industrial development plans are dependment on the line proposed for abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423 on or before August 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceedings and do not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the enviroronmental study should be limited to discussion of the presence or absence of environmental impacts and reasonablo alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–20977 Filed 7–19–76;8:45 am]

[AB 124]

WATERLOO RAILROAD CO.

Abandonment Between Gilbertville and Cedar Rapids in Black Hawk, Buchanan, Benton, and Linn Counties, Iowa

JULY 9, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by Waterloo Railroad Company of its line between Cedar Rapids and Gilbertville, a distance of 49.09 miles, all in Black Hawk, Buchanan, Benton, and Linn Counties, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the line has been embargoed since February 19, 1976, and no local traffic movements are involved. In addition, there are no community development, historic, or ecological effects involved.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–20971 Filed 7–19–76;8:45 am]

federal register

TUESDAY, JULY 20, 1976

PART II:

LEGAL SERVICES CORPORATION

■

AUDIT AND ACCOUNTING GUIDE FOR RECIPIENTS AND AUDITORS

LEGAL SERVICES CORPORATION

AUDIT AND ACCOUNTING GUIDE FOR RECIPIENTS AND AUDITORS

Under the Legal Services Corporation Act the Corporation provides financial support to organizations that furnish legal assistance to eligible clients.

The Act requires that recipients of financial support provide for an annual audit. This Guide has been prepared for use by recipients and independent certified public accountants or other auditors who perform such audits.

Dated: July 12, 1976.

THOMAS EHRLICH,
President.

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Bibliography.

CHAPTER 1—INTRODUCTION

1-1 Definitions

The following terms used throughout this Audit and Accounting Guide are defined as follows:

Act—Public Law 93-355 ("Legal Services Corporation Act") enacted by Congress July 25, 1974, establishing Legal Services Corporation.

Annual Financial Report—Auditors' report and the annual financial statements of recipients including a balance sheet, statements of support and expenses, and changes in fund balances and accompanying footnotes.

Budget—The document between Legal Services Corporation and the recipient setting forth a period of funding assistance by cost category.

Generally Accepted Accounting Principles—Accounting principles which have substantial authoritative support as evidenced through the approval by the Financial Accounting Standards Board, the American Institute of Certified Public Accountants or industry experience.

Guide—This Audit and Accounting Guide issued by Legal Services Corporation in August, 1976.

Imprest Account—Cash on hand or in a checking account which is maintained at a fixed amount for specific disbursements such as payroll or miscellaneous office expenses.

LSC—Legal Services Corporation.

Program—The total legal assistance activities of an organization regardless of funding source.

Recipient—Any entity receiving financial assistance from Legal Services Corporation through grants or contracts.

Support—Funding provided recipients in the form of grants, contracts, or contributed cash, materials or services.

Supplemental Letter—Letter from the recipient's auditor to its Board of Directors commenting on internal controls and contract compliance. This letter is to be submitted to Legal Services Corporation as part of the annual financial report.

1-2 Purpose

The main purpose of this Guide is to assist recipients and their auditors in understanding the accounting and auditing requirements for contracts and grants entered into with LSC. The Guide describes the accounting policies, records and internal control procedures considered adequate to provide proper accounting, reporting and financial management of a recipient's program. Another purpose of the Guide is to provide standard financial reporting formats in order to achieve uniformity among the many organizations receiving LSC financial assistance.

The requirements and suggestions in this Guide represent items LSC's management believes are necessary for the LSC legal assistance program to demonstrate effective and responsible financial management at both the local and national levels.

1-3 Background

Prior to October 13, 1975, the Federal government provided legal assistance to individuals through the Community Services Administration and, prior thereto, the Office of Economic Opportunity. On July 25, 1974, Congress passed the "Legal Services Corporation Act" to establish a private, nonprofit, nonmembership corporation to administer the legal assistance program. The Act establishes an eleven-member Board of Directors nominated by the President and confirmed by the Senate to govern LSC. No more than six Board members can be of the same political party. In addition, a majority of the Board must be members of the bar of the highest court of the state in which the member is licensed, and no member can be a full-time employee of the United States. Board terms are three years and cannot be renewed.

LSC was authorized by the Act to provide financial assistance to qualified programs furnishing legal assistance to "eligible clients," as defined by LSC. The Act further stipulates that funds may not be used to provide legal assistance for fee-generating, or criminal cases. LSC is empowered to make grants to and contracts with individuals, partnerships, firms, corporations, nonprofit organizations and, upon special determination by the Board that such services will not be adequately provided through nongovernmental arrangements, with state and local governments.

1-4 Authority

Under the authority provided by the following sections of the Act, LSC has prepared this Guide to establish accounting and reporting requirements for recipients of financial assistance:

Records and Reports—Section 1008:

(a) The Corporation (LSC) is authorized to require such reports as it deems necessary from any grantee, contractor, or person or entity receiving financial assistance under this title regarding activities carried out pursuant to this title.

(b) The Corporation is authorized to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract or the terms and conditions upon which financial assistance was provided.

Audit—Section 1009(c)(1):

The Corporation shall conduct or require each grantee, contractor, or person or entity receiving financial assistance under this title to provide for an annual financial audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the Corporation.

Recipients' Non-LSC Funds—Section 1010(a):

Non-Federal funds received by the Corporation, and funds received by any recipient from a source other than the Corporation,

shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds * * *.

1–5 *Financial Responsibilities of Recipients*

Recipients are required to maintain adequate accounting records and to establish internal control procedures necessary to administer the program. Recipients are also responsible for preparing annual financial statements and for arranging an annual examination of those statements. The examination may be conducted by auditors employed by Federal, state or local governmental units, or by public accountants. Where public accountants are engaged, they must be either independent certified public accountants or independent licensed public accountants—licensed on or before December 31, 1970. Public accountants must be certified or licensed by a regulatory authority of a state or other political subdivision of the United States.

The purposes of the auditor's examination are to insure that (a) recipients have established and are maintaining adequate accounting systems and internal controls, and (b) funds are controlled and expended in accordance with the grant or contract conditions, program guidelines and the Act.

LSC requires that recipients' financial statements, prepared in accordance with this Guide, include the entire financial resources of the program including all non-LSC funds. This provision allows LSC to evaluate the total legal-assistance effort being provided by recipients throughout the United States.

In connection with this requirement, every effort should be made to satisfy the needs of all funding organizations with one annual audit report. It will be the responsibility of the recipient's program director, with assistance from LSC, if requested, to arrange for a single audit acceptable to all funding sources. LSC recognizes that this objective may not be possible in some cases. When a single audit is not acceptable to all funding sources, the recipient must contact LSC immediately before proceeding with any examinations.

When a single audit is accepted by other funding sources, the program director should arrange an equitable allocation of audit costs among the funding organizations benefiting from the audit.

LSC contemplates that it will fund each recipient annually. The fiscal year-end of the recipient may be the optimal report date for the recipient and the majority of the recipient's funding sources. In most instances, it will be convenient for programs to select a fiscal year ending on a calendar quarter (i.e., March 31, June 30, September 30, or December 31), although a fiscal year ending in any month will be acceptable to LSC.

The annual financial report including the auditor's supplemental letter must be prepared in accordance with this Guide and must contain the information discussed herein unless such information is clearly not applicable.

LSC requires that each recipient's governing Board of Directors must establish, if it has not already been established, an audit/finance committee to provide overall financial guidance, to review the annual financial reports and to institute any changes necessary to insure proper administration and control of funds.

Specific recipient accounting and reporting requirements are discussed in Chapters 2 through 5 of this Guide.

1–6 *Responsibilities of Auditors*

The examination of the recipient's annual financial statements is to be conducted in accordance with generally accepted auditing standards. In addition, statement formats and accounting principles are to be consistent with those reflected in this Guide. While Chapter 6 of this Guide discusses various auditing items, it is not intended to be an audit program nor to supplant the auditor's professional judgment as to the work required to meet generally accepted auditing standards.

In addition to the examination of the recipients' annual financial statements, the auditor is required to submit a supplemental letter to LSC commenting on items noted during his examination with respect to: (a) Deficiencies in internal controls, (b) significant and unusual transactions, (c) Guide, grant or contract compliance, (d) questioned costs, (e) status of the comments from the previous year's supplemental letter and (f) comparison of the approved LSC budget to the actual expenses for the audit period.

While the auditor will contract directly with the recipient for audit services, it is emphasized that LSC should be considered on equal status with the recipient and its Board of Directors in the auditor-client relationship. Any items considered by the auditor to justify reporting to the recipient's program director and/or Board of Directors, should also be included in the supplemental letter. LSC's management believes that failure to comply with this request is justification for exercising its veto authority in the selection of auditors for future audit engagements.

1–7 *Effective Date*

Some of the accounting and reporting procedures set forth in this Guide may differ from present practices; hence, it is recognized that a transition period may be necessary for certain recipients. In these instances, however, all efforts should be made to immediately comply with the reporting requirements contained herein. Anticipated exceptions should be discussed with LSC's Audit Manager in Washington, D.C., so that a mutually acceptable arrangement can be made.

Revisions to this Guide may be made periodically. If this Guide is to provide meaningful instruction, it is imperative that both the recipient and its auditor keep their Guides current. Upon receipt, all revisions should be incorporated into the recipient's copy of the Guide, and it will be the responsibility of the recipient to furnish revisions to its auditor.

Chapter 2—Accounting

2–1 *Accounting Methods and Practices*

LSC requires that the accounting methods and practices employed in recording transactions and preparing financial statements be based upon generally accepted accounting principles ("GAAP"). For uniform reporting by recipients, LSC suggests the following accounting methods and practices, which are in accordance with GAAP. For some practices, alternative treatments are currently acceptable under GAAP; however, the suggestions in this Guide reflect current trends in financial reporting for nonprofit organizations similar to LSC's recipients.[1]

Total Financial Picture of the Organization

It is estimated that LSC provides approximately 80 percent of the total funding requirements of recipients. The remaining 20 percent is provided by numerous other funding sources including the United Way, Department of Health, Education and Welfare, Law Enforcement Assistance Administration, state and local governments, and private contributions. LSC's objective is to obtain annual financial reports that reflect the entire operations of the recipient.

Fund Accounting

A fundamental purpose of the financial statements of a nonprofit organization is the disclosure of the organization's resources and how those resources were used. In many cases a recipient's total support will be provided by LSC; however, there are also instances where funding will be provided by others. Where additional funding is provided, separate fund accounts must be used to give recognition to the different funding sources and restrictions, and to comply with section 1010(c) of the Act which requires separate accounting for different funding sources. Therefore, the operating statement (statement of support and expenses, and changes in fund balances) must reflect a breakdown of operations by fund. Separate balance sheet accounts by funds are not deemed necessary unless, in the opinion of the auditor and program director, such disclosure is necessary for a fair presentation of the recipient's balance sheet; however, the fund balance for each fund must be shown separately on the face of the balance sheet.

In addition to a separate fund for each restricted funding source, a general fund, and a property and equipment fund should be maintained. The general fund should be used to record transactions associated with sources other than grants and contracts (e.g., contributions, investment income and donated items) which have no restrictions associated there-

[1] See Bibliography for reference material and support for methods and practices suggested in this Guide.

with. The property and equipment fund should be used to accumulate the value of property and equipment, to reflect depreciation and to record gains or losses from the disposition of such assets.

ACCRUAL BASIS OF ACCOUNTING

The annual financial statements must be prepared on the accrual basis of accounting. Under the accrual basis of accounting, expenses are recorded when incurred as opposed to when they are actually paid. Support is recorded when earned instead of when received. At year end, the accrual method requires recording in the financial statements an estimate of expenses incurred for services and merchandise for which a bill has not been received.

This method is not mandatory for interim reporting. During the year, records and financial reports to LSC may be maintained on either a cash basis, a modified accrual basis or an accrual basis depending on the needs of the recipient; however, whichever method is selected for interim reporting by the recipient should be adequately disclosed in those reports.

PROPERTY AND EQUIPMENT

The accounting for property and equipment requires capitalization and depreciation.

In many cases, funding sources maintain a reversionary interest in property purchased with its funds. Simply stated, a reversionary interest requires that useful property, or the proceeds from the sale of such property must be returned to the appropriate funding source, if at some future date funding of the recipient is terminated.

In view of the reversionary interest of certain funding organizations, asset accountability is critical. The current trend toward capitalization of assets for nonprofit organizations similar to LSC's recipients is an integral part of asset accountability and, accordingly, capitalization of the cost of property is required by this Guide.

In addition to the capitalization of property, LSC requires the recording of depreciation. Depreciation accounting is a means of allocating the cost of an asset over the asset's estimated useful life. When depreciation is omitted, the cost of providing services is understated. Depreciation expense, therefore, should be recognized as an expense of rendering current services and should be included as an element of expense in the statement of support and expenses.

A recipient's law library (i.e., books, reference materials an multiple volume sets of law books) should be capitalized in accordance with the policy discussed herein. The nature of a library is such that its salvage value could be significant in relation to its original cost; therefore, this Guide recommends that depreciation should not be recorded on a recipient's law library.

In instances where funding sources reimburse organizations for the total cost of the property acquired, funds used for the purchase of property are considered a current-year grant or contract cost. To recognize this characteristic of grant funding, property purchases should be reflected as a reduction in the fund balance of the appropriate funding source. This objective is accomplished by transferring the cost of property purchased to a separate property fund balance.

In Appendix 7, detail property and depreciation accounting practices are discussed and illustrated.

DONATED MATERIALS, SPACE AND PROPERTY

While LSC does not require recipients to match its funding with other contributions or funds; there are items that may continue to be donated by individual or organizations—supplies, space, furniture and equipment. In order to ascertain the total cost of providing legal assistance, such items should be recorded and reported in the recipient's financial statements. Donated materials and property should be recorded at their fair market value when received. Fair market value must be determined on the most objective and clearly measurable basis available. The value assigned to donated materials and property, if material, should also be approved by the recipient's Board of Directors. Extending this concept further, the free use of facilities and other assets should also be recorded as donations with an offsetting charge to the applicable expense. Accounting records should be sufficient to maintain separate identification and control of donated property from purchased property.

Donated materials and space should be recorded in the general fund as support and expense in amounts equal to the assigned value of the donations. Donated property and equipment should be recorded as support in the property and equipment fund and as an asset in an amount equal to its assigned value. The expense associated with donated property and equipment will be recorded as depreciation over the useful life of the item.

In summary, the accounting policies for purchased property and equipment discussed previously are also required for donated property and equipment.

DONATED SERVICES

LSC does not require recipients to match LSC funding with other contributions; however, significant donated services should be recorded in the same manner as described for donated materials, space and property when the following circumstances exist:

1. The services performed are a normal part of the program or supporting services and would otherwise be performed by salaried personnel.
2. The recipient exercises control over the activities and duties of the donors to the extent that the recipient can insure such activities and duties clearly advance the interests of the program.
3. The recipient has a clearly measurable basis for the amount.

LSC does not want recipients to arbitrarily inflate operations for donated services which are not realistically required for the administration of the program. Each recipient must maintain adequate records to document the need and value of donated services recorded. Values assigned to donated services should be based upon an estimated average fee normally charged by the professionals rendering the service. The assigned values should be approved by the recipient's Board of Directors.

LSC believes the recognition of significant donated services in the financial statements is critical to a reasonable evaluation of the total cost of providing legal assistance by recipients.

RECOGNITION OF GRANT AND CONTRACT SUPPORT

Legal assistance programs receive grants and contracts which can be characterized as either "continuous period" or "cost-reimbursable" types. Most nonprofit organizations' grants and contracts are cost reimbursable; however, some grants and contracts, such as LSC's, provide funding over a prescribed period and allow unused funds, as a general policy, in one period to be utilized during the next period. There should never be a deficit in the LSC fund, however, as long as there is a surplus in other unrestricted funds. Other grants and contracts provide that unused funds cannot be carried over to the next period but are lost.

The grant or contract award in a period-type arrangement should be recognized as support over the grant or contract period. If a funding source specifically designates the grant or contract award for use in a particular period with the carryover provision, then support should be fully recognized during that period. LSC requires that its grant or contract awards be recorded as support on a pro rata basis over the funding period. Any excess of support over expenses represents as a general policy, a fund balance to be carried over to the next period or returned, if funding is terminated.

This policy is not applicable to cost-reimbursable grants or contracts. Under this arrangement, the funding source provides funds only as the recipient incurs costs eligible for reimbursement; therefore, support should be recognized only to the extent that eligible costs are incurred during the grant or contract period. Under no circumstances should support be recognized in excess of the specified award in the grant or contract unless approval for additional reimbursement has been received. In addition, there will never be a fund balance associated with this type of grant or contract since support must always equal eligible costs incurred.

The policy for recognizing grant and contract support must be disclosed in the financial statements.

CONTRIBUTIONS

Contributions from private organizations or individuals should be recorded when cash or a written pledge (i.e., documentary evidence that a contribution will be forthcoming) is received. Provisions should be made for uncollectible pledges based on a recipient's collection policy

and past experience; the length of time that the pledge has been outstanding, current economic conditions, and other matters should also be taken into consideration in arriving at the provision to be made. Contributions unrestricted by the donors should be recorded in the general fund. Contributions with restrictions should be recorded in a separate fund and accounted for as a period-type grant or contract.

ALLOCATION OF EXPENSES BETWEEN FUNDS

It is anticipated that recipients who receive funds from sources other than LSC, will incur expenses (e.g., salaries, space, travel) which support work performed under more than one grant, contract or other funding source. Such common costs should first be allocated among the funds on the basis agreed to by the applicable funding sources. In the absence of approved methods, the recipient should develop techniques that will provide a reasonable and measurable basis upon which expenses are allocated. In some cases, a grantor may agree to pay 100 percent of certain costs, although other grantors are benefited. Allocation of the costs is not necessary or appropriate in this instance. There must be adequate disclosure in the financial statements of the allocation methods used.

INVESTMENTS

Some recipients may have endowment funds or other resources from which management may purchase marketable securities and other investments. In such cases, investments held by recipients may be recorded at either the market value, or the lower-of-cost-or-market.

Under the lower-of-cost-or-market method, gains on investments are recorded only at the time of sale. However, if the market value falls below the recorded value, and the decline is considered permanent, it will be necessary to reduce the carying value of the investment to market in the period the decline in value occurs.

The market-value method requires recognition of unrealized appreciation or depreciation from fluctuations in market prices. Accordingly, under this method of accounting, there are no gains or losses at the time of sale.

The basis for recording investments should be consistent for all investments held by the recipient. In addition, adequate disclosure of the method used must be made in the financial statements.

FRINGE BENEFITS

Employee fringe benefits may vary among recipients. Until LSC issues its guidelines, those in effect under the Community Services Administration will continue; however, the following accounting principles must be adopted as they relate to certain fringe benefits:

1. Vacation earned by employees, but not taken, must be disclosed in a footnote to the financial statements, but no accounting entries for accrued vacation should be recorded.

2. Sick leave, termination or severance arrangements which vest should be treated in a similar manner (i.e., disclosed in a footnote, but not actually recorded).

3. Programs which currently have pension plans are required under the Employee Retirement Income Security Act of 1974, and LSC regulations to meet certain funding standards. In addition, pension expenses must be reported in accordance with Accounting Principles Board Opinion Number 8 which requires the recording of pension expense using actuarial computations over the term of employment.

Programs establishing new pension plans must comply with LSC's regulations covering the establishment of new plans. These regulations can be obtained from the Comptroller's Office of LSC in Washington, D.C.

2-2 Accounting Records

The following is a brief description of the accounting records considered necessary for the adequate recording of financial transactions. Accounting records must be maintained on a double-entry accounting system and must be adequate to enable the recipient to prepare its annual financial report and various periodic reports required by LSC in Chapter 5 of this Guide.

General Ledger.—The general ledger is used to summarize and classify all financial transactions from data accumulated in the various journals discussed in subsequent paragraphs into their proper accounts (e.g., salaries, space, etc.). It is the source for most of the data needed for preparing financial statements. The general ledger is the final and permanent record of the recipient's financial transactions.

Cash Receipts Journal.—The cash receipts journal is a book of original entry in which cash receipts (i.e., cash, checks and money orders) are recorded in an orderly and chronological sequence. Bank deposit slips must contain sufficient information so that all receipts can be adequately described as to source in the cash receipts journal.

Cash Disbursements Journal.—A cash disbursements journal is a book of original entry in which disbursements are recorded in a chronological sequence. All disbursements must be made by prenumbered checks used in numerical sequence. Each check must be supported by appropriate documentation—such as payrolls, invoices, contracts or travel reports—evidencing its nature and propriety, and showing the approval by an authorized official.

Payroll Records.—Basic payroll records must accumulate payroll data required by Federal, state and local laws. Documentation must be maintained to support individual gross earnings and all employee withholdings from earnings. A personnel file should be established for each employee and should include the following data:

1. Employment contract, wage or salary authorization,
2. Federal W-4 withholding form,
3. State withholding form,
4. Authorization for all other payroll deductions, and
5. Authorization for all wage/salary actions.

Each recipient, in light of its size, is required to establish an adequate time-reporting system. This system must be able to identify employee hours worked so that compliance with Federal and state laws with respect to overtime and rates can be demonstrated. A small recipient with several employees could use a sign-up sheet whereby every employee would record his daily hours. A larger recipient would probably utilize a "time report" system whereby each employee would complete and sign an individual time sheet. Whether a sign-up sheet or a time report is utilized, a supervisor in a position to verify the information thereon should approve the document.

It is important that a vacation and sick leave record be maintained currently for each employee. This record would include the following information in hours for each employee.

Date	Earned	Taken	Balance
X/X/XX.....	XX	XX	XX

As a method of checking the accuracy of this record and providing employees with knowledge of "where they stand," each employee at least quarterly should be informed of his vacation and sick leave balance.

Property Records.—Individual property records are to be maintained for each item costing in excess of $50 per unit to comply with Federal accountability requirements for nonexpendable property. For financial statement purposes, all items costing less than $100 per unit may be expensed; items costing in excess of $100 must be capitalized and depreciated. The property records to be maintained for both categories of property must include: (1) A description of the item, including model and serial number, (2) date of acquisition, (3) check number, (4) cost, (5) useful life, (6) source of funds used to acquire the property, and (7) valuation support if property was donated. The aggregate of the individual costs or, values in the case in the property records must equal the property and law library account balances in the general ledger.

General Journal/Journal Voucher.—A general journal or journal voucher system is used to process transactions not recorded originally in the cash receipts journal, cash disbursements journal or payroll register. Each journal entry must contain a complete explanation and documentation of the transaction being recorded. Journal entries or journal vouchers should be numbered consecutively and approved by an authorized official.

Client Deposit Records.—A client deposit record must be used to document and record receipts and disbursements of client deposits. Bank deposit slips must contain sufficient documentation so that client records can be posted from them. The total of the client deposit records must equal: (a) The cash in the escrow account designated solely for these funds, and (b) the corresponding client deposits liability account. Both accounts are re-

quired to be maintained in the general ledger (see Chapter 3 and Appendix 6 for discussions of the internal controls associated with this item).

The accounting records discussed in this chapter can be implemented through either a manual or an automated system. Each recipient should establish the most appropriate system to meet its needs and to provide an adequate audit trail of all transactions.

2–3 Basic Chart of Accounts

The following is an illustrative basic chart of accounts which would provide details necessary for the preparation of financial statements in accordance with this Guide. This illustration is not intended to dictate the format to be used by individual programs, but is simply one method of achieving the accounting requirements of this Guide. While the account numbering system, account descriptions and level of detail utilized by recipients should be designed to provide management reporting and financial disclosures specifically related to that program, they must also accommodate the reporting requirements of LSC.

The illustrative chart of accounts assigns a three-digit number to every major natural account classification reflected in the financial statements. Through suffixes recipients can maintain the greater detail needed to control and monitor operations. The natural account, cash-general, is broad and most organizations would require an account for each bank account. This can be achieved by establishing accounts under the natural account classification, cash-general (account number 100) with separate suffixes.

100.1 General disbursement account—ABC Bank.
100.2 Payroll Account—XYZ Bank.
100.3 Petty cash.

The total of all 100 accounts (i.e., 100.1, 100.2 and 100.3) represents the cash amount reported in the financial statements. This procedure can be used to maintain details for any of the natural account classifications reported in the financial statements.

By adding prefixes to the natural account classification, a responsibility accounting concept can be employed to record support and expenses by different funding sources. For example, assume a program has grants from other than LSC sources. Support and expenses associated with the different funding sources could be accumulated as follows for travel (account number 530):

1.530 Travel—Legal Services Corporation.
2.530 Travel—XYZ Grantor.
3.530 Travel—ABC Grantor.
4.530 Travel—General fund.

A basic chart of accounts is shown below. The total of each three-digit account number would be reported in the financial statements.

Natural Classification

Assets (100 series):	*Account No.*
Cash—general	100.X
Cash—escrow for client deposits.	105.X
Certificates of deposit/Treasury bills and other investments.	110.X
Due from grantors and contractors	115.X
Accounts receivable—parent agency	120.X
Other receivables	125.X
Travel advances to employee	130.X
Deposits	135.X
Property and equipment	140.X
Law Library	145.X
Accumulated depreciation	155.X
Liabilities (200 Series):	
Accounts payable	200.X
Employee withholdings	205.X
Accrued expenses	210.X
Client deposits	215.X
Fund Balance (300 Series):	
Grant/contract funds	300.X
General fund	305.X
Property and equipment fund	310.X
Support (400 Series):	
Grants and contracts	400.X
Contributions	405.X
Donated property and services	410.X
Interest	415.X
Other	420.X
Expenses (500 Series):	
Personnel, lawyers	505.X
Personnel, non-lawyers	510.X
Fringe benefits	515.X
Legal Consultants	520.X
Contract services	525.X
Travel	530.X
Space	535.X
Consumable supplies	540.X
Rent or lease of equipment	545.X
Depreciation of property	550.X
Other direct expenses	555.X
Asset Purchases (600 Series):	
Acquisition of property	600.X

In addition to natural expense classifications by funding source, recipients should also consider accumulating data by the functional expense classifications of direct program, managerial and, if applicable, fund raising.

Direct program expenses are defined as costs incurred specifically for program activities, whereas managerial expenses relate to administration, accounting and other support related costs. The identification of functional expenses is currently required for certain nonprofit organizations and in the future may be required by the American Institute of Certified Public Accountants for all others. In the interim, recipients should begin accumulating this information through memorandum records with footnote disclosures.

2–4 Description of Accounts

The basic chart of accounts described in paragraph 2–3 provides one method of organizing a recipient's accounting records. Whether the recipient utilizes this chart of accounts or another, the general ledger must contain, where applicable, the following accounts which represent an acceptable level of detail. LSC recognizes that recipients may desire a more detailed chart of accounts, especially for expenses. Recipients are encouraged to use a chart of accounts which will effectively monitor their operations.

ASSETS

Cash Operating Accounts.—These accounts represent funds on deposit in bank accounts for operating purposes as opposed to special purposes such as payroll and escrow accounts discussed below. Separate accounts should be maintained for each bank account.

Cash Payroll Account.—This account represents the amount on deposit in a separate bank account for payment of payroll and must be maintained on an imprest basis.

Petty Cash.—This account represents cash held at the recipient's office for paying minor bills. The account must be maintained on an imprest basis with the balance established at the lowest possible level commensurate with efficient operations. The petty cash account in the general ledger always reflects the total value of the fund, either in cash and/or vouchers. The fund should be reimbursed periodically for the exact amount of the petty cash vouchers.

Cash—Escrow for Client Deposits.—This account represents cash received from clients as advance payments for court costs. The general ledger balance for this account must equal the liability account "client deposits."

Due from LSC.—This account represents amounts earned but not received (see grant and contract support paragraph 2–1) under LSC grants or contracts.

Due from Other Grantors.—This account represents amounts earned from other grantors for which cash has not been received. Separate accounts should be maintained for each contract or grant.

Other Receivable.—This account represents miscellaneous accounts receivable. A subsidiary record must be maintained for each receivable.

Travel Advance to Employees.—This account represents the amount of travel advances outstanding, (i.e., advanced to employees, but not accounted for on subsequent expense reports). A subsidiary record or subaccount must be maintained for each employee.

Accounts Receivable Parent Agency.—This account represents the amount owed the recipient by its sponsoring organizations. This account will be used, for example, when the legal services program is a delegate of a Community Action Program.

Investments.—This account represents the carrying value of investments in stocks, corporate bonds, certificates of deposit, treasury bills, etc. A subsidiary record should be maintained for each class of investment to account for the cost and income.

Deposits.—This account represents the amount of refundable deposits (e.g., utilities) made.

Prepaid Expenses.—This account represents the amount of expenses paid which apply to future periods. LSC has determined that prepaid expense should not be recorded unless the expense applies to a period more than 18 months from the date incurred and the prepaid balance of an individual item is consid-

ered material. The recipient may choose to record additional prepaid items outside this prescribed criteria if management believes the information is needed.

Land.—This account represents the cost of land acquired.

Building.—This account represents the costs of constructing or acquiring a building for office space.

Leasehold Improvements.—This account will include the costs of all items over $100 incurred in connection with improving rental space (e.g., carpets and new walls) which cannot be carried to another location.

Furniture. Fixtures and Equipment.—This account will include the costs of furniture, fixtures and equipment items costing more than $100 per unit.

Law Library.—This account will accumulate the costs of books, reference materials, and multiple volume sets of law books.

LIABILITIES

Accounts Payable.—This account represents the amount of unpaid vendor invoices on hand and should be used at the close of an accounting period to convert to accural basis accounting. If books are maintained on the accural basis, the account will have a continuous balance.

Accured Liabilities.—This type of account represents the value of goods or services received for which an invoice has not yet been received. The accural is employed at the close of an accounting period to record salaries, payroll taxes, etc., which are owed but not paid. Separate accounts should be maintained for accured salaries, taxes and other miscellaneous accurals (e.g., utilities and consultant fees).

Client Deposits.—This account represents the amount of cash received from clients for court costs, but undisbursed. The balance must agree with the escrow cash account in the general ledger.

FUND BALANCE

Grant/Contract Funds.—This account represents the cumulative balance of grant support over expenses. Each grant or contract should have a separate account for each fund balance.

General Fund Balance.—This account represents the cumulative balance of support over expense for nonrestricted sources (e.g., private organization and individual contributions).

SUPPORT

Grants and Contracts.—This account represents the amount of funds earned during the accounting period. A separate account should be maintained for each grant or contract.

Contributions.—This account accumulates cash contributions received during the accounting period.

Donated Services and Items.—This account accumulates the value (see Section 2–1 for method of valuing donated items) of all significant donated assets facilities and services received during the year.

Interest.—This account accumulates interest earned during the year from certificates of deposit, Treasury bills, savings accounts and other investments.

Other Income.—This account records miscellaneous income which cannot be classified in any of the accounts above. Where amounts are significant, separate accounts should be established.

EXPENSES

Personnel, Lawyers.—This account accumulates the salaries of all lawyers engaged in working on cases and litigation, and lawyers who carry out management and administrative duties of the program.

Personnel, Non-Lawyers.—This account accumulates salaries and wages of all employees not included above.

Fringe Benefits.—This account accumulates the costs of items such as employer FICA taxes, unemployment taxes, employer retirement contributions, employer insurance payments and other fringe benefit items offered by the program. Individual subaccounts must be maintained for each of these items.

Legal Consultants.—This account accumulates the payments for legal consultants not formally employed by the program.

Contract Service.—This account accumulates the costs of contracted services including auditing accounting, and special non-legal consulting.

Travel.—This account accumulates travel costs (e.g., local transportation, lodging expenses while away and air fare). This account should be subdivided in accordance with the director's needs to control the various elements of travel costs.

Space Costs.—This account accumulates the costs of rent, utilities (such as electricity and gas) and janitorial services. Individual subaccounts should be maintained for each of these items.

Consumable Supplies.—This account accumulates the costs of office supplies, printing and reproduction supplies, etc.

Litigation Costs.—This account accumulates costs of transcripts, service of process, filing costs and any other litigation costs paid by the program and not the client.

Rent or Lease of Equipment.—This account accumulates all costs of renting or leasing furniture and equipment.

Depreciation of Property.—This account accumulates the depreciation expense of furniture, equipment, leasehold improvements, etc., acquired by the recipient.

Other Direct Expenses.—This account accumulates other miscellaneous expenses which cannot be classified in any of the accounts above. Where significant, separate accounts should be established (e.g., repair and maintenance of equipment, communication costs such as telephone, telegraph and postage) and adequately described in the financial statements.

ASSET PURCHASES

Acquisition of Property.—This account accumulates the costs of all land, furniture, equipment, leasehold improvements and other property costing more than $100 that was purchased during the year. The account is closed to the applicable fund balance of the source of funds used to purchase the property. This account is the source for the entry to capitalize all property accounts as assets at year end.

CHAPTER 3—INTERNAL CONTROL

This chapter discusses the system of internal controls recipients must establish to adequately control the financial resources of the program.

3–1 Definition

Internal control is the plan of organization encompassing the coordinated methods and measures adopted within an organization to safeguard assets, check the adequacy and reliability of accounting data, promote operating efficiency, and encourage adherence to prescribed management policies.

3–2 Characteristics

In establishing an adequate system of internal control certain basic concepts must be considered. Although each organization is unique and, therefore, any control procedures must likewise be unique and "custom made," the following characteristics are generally applicable.

1. *Definition of authority and responsibility.* The duties of all personnel within the organization should be defined as to specific responsibilities. Such a delineation may be flexible and informal in a small organization with few employees, or it may be carefully defined by administrative manuals in a larger organization. In the accounting area, for example, this means that only certain specified individuals may sign checks, approve invoices for payment, prepare grant and contract reports and prepare daily cash deposits.

2. *Segregation of duties.* Broadly considered, segregation of duties means that program and accounting functions should be separated so that no one individual would simultaneously have both the physical control and the recordkeeping responsibility for any asset (e.g., cash, client deposits, supplies and property). Within the accounting area, duties preferably should be segregated so that no one individual has complete control over any transaction. If this segregation is not possible because of the size of the program, the work of the accountant responsible for all transactions should be critically reviewed and approved by the program director or his delegate.

3. *Establishment of independent checks and proofs.* Independent checks and proofs consist of regular internal checks on the recording of transactions and the preparation of financial reports. For example, a certain measure of clerical accuracy can be accomplished through the use of a columnar cash disbursements journal that is balanced monthly and posted to the general ledger. Thereafter, the general ledger cash balance would be reconciled to the monthly bank statement. An example of an independent check would be illustrated when a subledger of client deposits is maintained, compared monthly to the general ledger account balance, and the accuracy of this subledger reviewed periodically by

an employee outside the accounting department familiar with legal cases and deposits received.

3–3 *Primary Features*

The following are the basic internal control features that any LSC recipient, regardless of size, must establish. It is emphasized that these features represent only the most basic items that must be incorporated into the recipient's system of internal controls. Once these features are implemented, recipients should begin establishing additional procedures to provide greater control assurances. A more complete checklist of potential internal control procedures is presented in Appendix 6.

1. The recipient must have adequately trained accounting personnel competent to properly document, record and account for funds.

2. All bank accounts must be authorized by the Board of Directors. There must be sufficient justification for utilizing more than one bank account. Any account not used must be closed and the bank notified in writing not to process any subsequent transactions.

3. All cash receipts must be listed and restrictively endorsed. Receipts are to be deposited intact on a daily basis.

4. All disbursements (other than petty cash disbursements) must be made by prenumbered checks signed by an individual(s) authorized by the Board of Directors.

5. All disbursements must be supported by vendors' invoices or other support.

6. Bank statements must be reconciled monthly to the general ledger balance and reconciliations retained.

7. Petty cash funds must be maintained on an imprest basis.

8. The physical facilities, including security vaults and safe cabinets (for storing investment certificates, blank checks, general ledger, subsidiary ledgers and other important documents) must be adequate. Check-writing machines should be used whenever possible.

9. There must be an organized filing system for all paid invoices, cancelled checks, contracts and agreements, reports to funding sources, tax returns (with supporting workpapers) and employee files.

10. There must be fidelity insurance on all individuals who handle cash, sign checks, and have purchasing or other financial responsibilities.

11. There must be adequate books to record all transactions. These books must be posted on a current basis. Specifically, a general ledger, cash disbursements journal, cash receipts journal, client deposit subledger, property records, and journal voucher register must be maintained (see Section 2–2 for further descriptions of these books of account).

12. A trust bank account must be maintained as a depository for client funds. The procedures and controls over this account should be as complete as controls established over regular bank accounts. (See Section 2–2 for accounting procedures related to client deposits and Appendix 6 for specific internal control features.)

13. Detail subsidiary records, such as for property and client deposits, should be reconciled to the general ledger balances periodically.

CHAPTER 4—COSTS AND COMPLIANCE

4–1 *Criteria*

This chapter establishes criteria for determining the eligibility of costs incurred under LSC grants or contracts. The general concept of eligibility is that all costs incurred by the recipient must be necessary and reasonable for the effective operation of the program. Reasonable costs are defined as costs which reflect the actions of a prudent person after considering the circumstances and conditions at the time the decision was made to incur the costs.

4–2 *Ineligible Costs*

As experience is gained in evaluating prudent and necessary program expenses, LSC may establish other criteria for ineligible costs. Until additional criteria are included in this Guide, the following costs are considered ineligible:

1. Costs not adequately supported by vendors' invoices, payroll registers or other documents.

2. Costs that are unreasonable or unnecessary.

3. Costs of the following items incurred without the prior written approval of the regional director.

a. Consultant contracts in excess of $2500.

b. Consultant fees in excess of $145 per day/$18 per hour.

c. Purchase of a single item of equipment in excess of $1,000.

4. Costs specifically excluded by the grant or contract agreement or LSC regulation.

CHAPTER 5—FINANCIAL STATEMENTS AND REPORTS

This chapter discusses the annual and interim report requirements of recipients and demonstrates the statement formats to be used.

5–1 *Requirements and Format of Quarterly Financial Reports*

Each recipient is required to submit one copy of its quarterly financial report to the Comptroller, Legal Services Corporation, 733 Fifteenth Street NW., Washington, D.C. 20005, and one copy to the appropriate regional director within 20 days after the end of each three-month period. The quarterly report must be signed by the recipient's project director and chief financial officer.

QUARTERLY STATEMENT

At the date this Guide was published, the quarterly reporting form was still being developed by LSC. When that form is finalized each recipient will be sent a copy to insert in the Guide at this location.

5–2 *Requirements and Format of Annual Financial Reports*

Annually, each recipient is required to submit three copies of its financial reports (i.e., financial statements and auditors' supplemental letter) to the Audit Manager in the Comptroller's office, Legal Services Corporation, 733 Fifteenth Street NW., Washington, D.C. 20005, and one copy to the appropriate regional director within 90 days of its year-end. The financial statements are to be examined by an auditor and an opinion expressed thereon.

The responsibility for preparing the annual financial report is divided between the recipient and its auditor.

RESPONSIBILITY OF RECIPIENT

a. Comparative balance sheet.

b. Comparative statement of support and expenses, and changes in fund balances.

c. Notes to financial statements disclosing principles of accounting, commitments and other matters not obvious from the statements themselves deemed necessary for fair presentation and required under generally accepted accounting principles. In addition, a note presenting a detail of capitalized assets by classification and funding source is required.

d. Transmittal of the annual financial report to LSC.

RESPONSIBILITY OF AUDITOR

a. Auditors' report on the financial statements.

b. Auditors' supplementary letter.

The following is the suggested format for the annual financial statements. Illustrative financial statements using the accounting practices discussed in this Guide are shown in Appendices 1, 2, and 3. In addition, a sample auditors' supplemental letter is shown in Appendix 4.

(NAME OF RECIPIENT)

BALANCE SHEET

AS OF DECEMBER 31, 19YY AND 19YX

ASSETS	19YY	19YX	LIABILITIES AND FUND BALANCES	19YY	19YX
Cash	$	$	Accounts Payable	$	$
Cash in Escrow - client deposits			Accrued Payroll		
Due from Grants and Contracts:			Payroll Taxes Withheld and Accrued		
Legal Services Corporation			Other Accrued Liabilities		
HEW			Client Deposits		
Smith Foundation			Other (describe)		
Brown Foundation			Total Liabilities		
Other Receivables			Commitments and Contingencies (Note 4)		
Investments (Note 1)					
Deposits			Fund Balances:		
Other (describe)			Legal Services Corporation		
Property and Equipment - net of accumulated depreciation of $XXXX in 19YY and $XXXX in 19YX (Note 1)			HEW		
			Brown Foundation		
			General		
			Property		
Law Library			Total Fund Balances		
	$	$	Total	$	$

The accompanying notes are an integral part of this statement.

* *

NOTE: This balance sheet is illustrative in nature and may not reflect adequate disclosure for every legal services program. The appropriate disclosure determination must be made for each program individually.

(NAME OF RECIPIENT)

STATEMENT OF SUPPORT AND EXPENSES AND CHANGES IN FUND BALANCES

FOR THE YEAR ENDING DECEMBER 31, 19YY WITH COMPARATIVE TOTALS FOR 19YX

	19YY							
	Legal Services Corporation Grant	HEW Grant	Smith Foundation	Brown Foundation	General	Property and Equipment	Total	19YX
SUPPORT:								
Grants and contracts (Notes 1 and 2)	$	$	$	$	$	$	$	$
Donated items								
Other								
EXPENSES:								
Personnel -								
Lawyers								
Nonlawyers								
Fringe benefits (Note 3)								
Legal Consultants								
Contracts services								
Travel								
Space (Note 4)								
Consumable supplies								
Rent or lease of equipment (Note 4)								
Depreciation (Note 1)								
Other direct expenses								
SUPPORT OVER (UNDER) EXPENSES								
OTHER CHANGES IN FUNDS:								
Acquisition of property								
Transfer of proceeds from sale of property								
FUND BALANCE, beginning of year								
FUND BALANCE, end of year	$	$	$	$	$	$	$	$

The accompanying notes are an integral part of this statement.

* *

NOTE: This statement is illustrative in nature and may not reflect adequate disclosure for every legal services program. The appropriate disclosure determination must be made for each program individually.

(Name of recipient)

NOTES TO FINANCIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 197X AND 197Y

(1) Summary of significant accounting policies. (Footnote should include explanation of all the significant accounting policies used by the recipient. See specific policies outlined in Section 2-1 of this Guide. Examples of the types of items to be included are: purpose and form of entity, recognition of support, capitalization of fixed assets, depreciation methods and useful lives, allocation of costs among funding sources, investment valuation, policies on donated items and services and vacation policy.)

(2) Summary of funding. (Footnote should include a description of each material revenue source and any restrictions on use of funds or assets, total amount of funds available from executed grants/contracts, periods of funding covered by such grants/contracts, and a summary of expected funds to be received in the future.)

(3) Employee benefits. (Footnote should include a description of any pension plan or material benefits to employees and should be presented in accordance with generally accepted accounting principles. A statement should be made as to whether the plans are qualified as nontaxable by the Internal Revenue Service.)

(4) Commitments and contingencies. (Footnote should include but not be limited to a description of any lawsuits or claims which could result in a material liability or any potential loss; description of any material contract or lease commitments which the recipient has entered into; and other commitments or contingencies of the recipient which should be disclosed in order to make the financial statements not misleading.)

(5) Income taxes. (Footnote should include but not be limited to a description of Federal and state tax status of the recipient including private foundation status.)

(6) Management, general and fund raising costs. (Footnote should include an estimate of the managerial, general and administrative, and fund raising expenses incurred during the period when this information can be obtained without undue clerical burden.)

(7) Previous year's financial information. (The American Institute of Certified Public Accountants requires that fair presentation of operations include all funds separately. The financial statement format recommended in this Guide reflects totals only for the previous year's operations. Since comparative financial statements are considered necessary by LSC, the following comment should be included in a footnote. "The amounts shown for (*prior year*) in the accompanying statement of support and expenses and charges in final balance are included to provide a basis for comparison and present summarized totals only. Accordingly, the (*prior year*) amounts are not intended to present all information necessary for a fair presentation in accordance with generally accepted accounting principles.

(8) Nonrecurring items. (Footnote should disclose any material item of support or expenses which would not normally be expected to recur in the foreseeable future.)

(9) Related party transactions. (Footnote should disclose all financial transactions of the recipient with related parties such as directors and officers.)

* * * * *

NOTE.—These footnotes are merely examples of probable items which should be part of the financial statements and are not to be considered inclusive and/or required in all circumstances. The appropriate disclosure determination must be made for each program individually.

CHAPTER 6—AUDITS

6-1 Audit Requirement

Congress has granted LSC authority to require annual financial examinations of recipients of LSC financial assistance. Specifically, section 1009(c)(1) of the Act states:

> The Corporation shall conduct or require each grantee, contractor, person or entity receiving financial assistance under this title to provide for an annual financial audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the Corporation.

Under this authority, LSC requires each recipient to arrange an annual audit of its financial statements. Financial statements are required to be prepared in accordance with generally accepted accounting principles. In an effort to obtain uniformity of recipients' financial reporting, LSC has reviewed current accounting practices and recommended in Section 2-1 of this Guide, certain generally accepted accounting principles for recipients to follow. The recommended principles are reflective of current trends in the accounting practices for nonprofit organizations. The auditor should review this Guide for familiarity with the recommended principles and the specific reporting requirements prescribed by LSC.

6-2 Audit Standards

The selection of an auditor, together with contracting for auditing services, is the responsibility of the recipient (see Section 6-12 for a sample contract). Recipients may be examined by auditors employed by Federal, state or local governmental units or by public accountants. Public accountants must be independent certified public accountants or independent licensed public accountants—licensed public accountants—licensed on or before December 31, 1970—who are certified or licensed by a regulatory authority of a state or other political subdivision of the United States.

Recipients shall not select any auditor to conduct an examination who is not in fact independent, as defined in Section 220 of the American Institute of Certified Public Accountants' booklet entitled "Statement on Auditing Standards Number 1" (SAS). That pronouncement states that "to be recognized as independent, he (the auditor) must be free from any obligation to, or interest in, the client, its management, or its owners."

Recipients are not required to obtain approval from LSC before engaging an auditing firm. LSC does, however, reserve the right to preclude the appointment of an accounting firm if experience has shown the firm's work to be unsatisfactory.

6-30 Audit Objectives

The objectives of the examination are to determine whether:

1. The accounting system and related internal controls of the recipient are operating effectively, and adequate records are being maintained.
2. Costs incurred are reasonable, applicable to the legal assistance program and eligible under LSC requirements.
3. The financial statements fairly present the financial position and results of operations in accordance with generally accepted accounting principles applied on a consistent basis with preceding periods.

6-4 Scope of Audits

The scope of each audit will include an examination of the records and tests of transactions sufficient to enable the auditor to express an opinion whether the financial statements present fairly the financial position, result of operation, and changes in fund balances of the recipient in conformity with generally accepted accounting principles for the acounting period under audit. While the audit scope is determined to meet this objective, it must also include sufficient tests to insure that (a) costs are eligible under the LSC's criteria discussed in Chapter 4 of this Guide, and (b) the recipient is in compliance with the accounting terms and conditions of the contract or grant. It is not intended, however, that the auditor should increase his scopes for these items above the scope necessary to issue an opinion on the financial statements unless significant exceptions are encountered.

If the auditor has a question about any item in this Guide, it should be directed to the attention of the Audit Manager in the LSC Comptroller's Office, Washington, D.C.

6-5 Auditors' Reports

As discussed throughout this Guide, the primary objective of the auditor's examination is the expression of an opinion on the recipient's financial statements. Specifically, the auditor's opinion must cover the following financial statements.

1. Comparative balance sheet.
2. Comparative statement of support and expenses, and changes in fund balances.
3. Related footnotes to the financial statements.

In addition to rendering his opinion on the financial statements, the auditor is required to issue a supplemental letter. The supplemental letter, which must be submitted separately from the financial statements, is designed to provide greater insights into the recipient's financial management than normally reflected in financial statements. The letter is intended for management and LSC, and would not normally have any wider distribution. The auditor may wish to restrict its distribution to the above parties. The auditor must comment in the supplemental letter on the following specific items to the extent they are observed within the scope of this examination.

1. Deficiencies noted in the recipient's internal control procedures.
2. The status of the previous year's internal control comments.
3. Significant and unusual transactions of the recipient during the year.
4. Compliance with the financial and accounting conditions of the contract or grant.

5. Whether the costs incurred during the period are eligible for reimbursement.

In addition to the auditor's comments on the preceding items, the supplemental letter must also contain the following exhibits.

1. A summary of questioned costs noted and the recipient's comments thereon.

2. A comparison of the actual costs charged to the LSC fund during the audit period to the approved budget.

The second exhibit required above is intended for information only and should not be considered an additional compliance requirement. The LSC commitment to a recipient is for a total amount. The grant/contract budget by cost category is a guide for efficient financial management of the program and is not intended to restrict a recipient's use of LSC funds beyond the total commitment.

6–6 Auditors' Opinion

It is expected that a standard unqualified opinion on the recipient's financial statements will be rendered by the auditor. If, it is believed that an unqualified opinion cannot be rendered, the auditor must notify the Audit Manager in the LSC Comptroller's Office in Washington, D.C. of the circumstances precipitating a qualified opinion.

6–7 Comments—Internal Control Checklist

The second standard of field work expressed in SAS 1 is as follows:

> There is to be a proper study and evaluation of the existing internal control as a basis for reliance thereon and for the determination of the resultant extent of the tests to which auditing procedures are to be restricted.

The requirements of this Guide are not intended to increase the auditors' study and evaluation of internal control procedures beyond that contemplated by Section 320 of SAS 1.

The internal control checklist included in Appendix 6 is one tool for the auditor to utilize in his review. The checklist was not intended to alter the scope of the auditor's review or to supplant his judgment and it certainly does not relieve him of the responsibility for possessing a complete understanding of the requirements of adequate internal control procedures. The checklist has been worded so that affirmative answers indicate the recipient's controls are adequate. It is also recognized that not all questions may be applicable to a recipient.

6–8 Financial and Accounting Compliance Checklist

The following checklist is prepared to assist the auditor in reviewing the recipient's compliance with the financial and accounting conditions of its LSC grant or contract. Items of noncompliance noted on this checklist must be discussed with recipient's management and included in the auditors' supplemental letter.

I. General

A. Have all quarterly financial reports been prepared and filed with LSC within 20 days after the quarter's end?

B. Has the recipient satisfactorily corrected all prior noncompliance comments with repect to:

(1) Internal control deficiencies.

(2) Financial and accounting compliance with the grant or contract agreement.

(3) Questioned costs.

C. Is the recipient exempt from Federal income taxes under section 501(c)(3) of the Internal Revenue Code of 1954? Further, has the recipient applied for and received a determination that it is not a "private foundation" under section 509(a) of the Internal Revenue Code?

D. Has the applicable state income tax exemption been obtained?

E. Has the recipient received exemption from sales taxes where available?

F. For recipients who have elected to withhold and pay FICA taxes was a certificate (form SS–15) waiving exemption from FICA taxes received from the Internal Revenue Service?

G. Where the audit is not being performed on the entire operations of the recipient, has LSC approved a limited examination?

H. If the program had proceeds from the sale of assets during the year in excess of $500, was the disposition of these funds approved by the regional director?

II. Ineligible Costs

A. Has the recipient incurred costs not adequately supported by vendors' invoices, payroll registers or other documents?

B. Are there costs that are unreasonable or unnecessary? (These costs are by nature a matter of judgment. When reported by the auditor, they should be accompanied by an adequate explanation of the nature and circumstances surrounding the expenditure.)

C. Have any of the following items been incurred without the prior written approval of the regional director?

(1) Consultant contracts in excess of $2500.

(2) Consultant fees in excess of $145 per day/$18 per hour.

(3) Purchase of a single item of equipment in excess of $1,000.

D. Were any costs incurred which were specifically excluded by the grant or contract agreement?

III. Travel: Are travel expenses incurred in compliance with the recipient's procedures and do they, in the opinion of the auditor, appear reasonable in relation to the program's operations?

IV. Internal Control: Has the recipient implemented and followed accounting procedures adequate in the circumstances, as summarized in Chapter 3—Internal Control, and Appendix 6—Accounting Procedures and Internal Control Checklist?

6–9 Suggested Format—Auditors' Supplemental Letter

(Name of recipient)

RECIPIENT NUMBER ——————AUDITORS' COMMENTS FOR THE YEAR ENDED DECEMBER 31, 19____

(Date of report).

To the Board of Directors.

(Name of recipient): We have examined the financial statements of (name of recipient) for the year ended December 31, 19____, and have issued our report thereon dated (date of audit report). As a part of our examination, we reviewed and tested the Recipient's system of internal accounting control to the extent we considered necessary to evaluate the system as required by generally accepted auditing standards. Under these standards the purpose of such evaluation is to establish a basis for reliance thereon in determining the nature, timing, and extent of other auditing procedures that are necessary for expressing an opinion on the financial statements.

The objectives of internal accounting control is to provide reasonable, but not absolute, assurance as to the safeguarding of assets against loss from unauthorized use or disposition, and the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that the cost of a system of internal accounting control should not exceed the benefits derived and also recognizes that the evaluation of these factors necessarily requires estimates and judgments by management.

There are inherent limitations that should be recognized in considering the potential effectiveness of any system of internal accounting control. In the performance of most control procedures, errors can result from misunderstanding of instructions, mistakes of judgment, carelessness or other personal factors. Control procedures whose effectiveness depends upon segregation of duties can be circumvented by collusion. Similarly, control procedures can be circumvented intentionally by management with respect either to the execution and recording of transactions or with respect to the estimates and judgments required in the preparation of financial statements. Further, projection of any evaluation of internal accounting control to future periods is subject to the risk that the procedures may become inadequate because of changes in conditions and that the degree of compliance with the procedures may deteriorate.

Our study and evaluation of the Recipient's system of internal accounting control for the year ended December 31, 19XX, which was made for the purpose set forth in the first paragraph above, would not necessarily disclose all weaknesses in the system. However, such study and evaluation, which included the procedures specified in the Legal Services Corporation "Audit and Accounting Guide for Recipients and Auditors" ("Guide") issued in August 1976, disclosed the following conditions that we believe to be weaknesses. (Describe weaknesses—sample format is shown below.)

1. Certain deficiencies in internal control procedures were noted as follows:

a. Material weaknesses—

1.
2.
3.

b. Additional weaknesses—

1.
2.

3.
2. Significant and unusual transactions noted during the accounting period are as follows.
a.
b.
c.
3. The recipient is in compliance with the financial and accounting conditions of the grant/contract except as follows.
a.
b.
c.
4. Cost incurred under the LSC grant contract were reviewed by us in accordance with generally accepted auditing standards to the extent such costs came within the scope of our work necessary to issue an opinion on the financial statements. As a result of the examination, $ of costs have been questioned and listed in Exhibit I as not being in accordance with the criteria of Chapter 4 of the Guide or with the contractual terms of the LSC grant/contract.
5. The recipient has corrected the previous year's comments except as follows.
a.
b.
c.

* * * * *

This letter of comments is furnished solely for the information of management and Legal Services Corporation and is not to be used for any other purpose.

Very truly yours,

Exhibit I

NAME OF RECIPIENT

SUMMARY OF QUESTIONED COSTS AND COMMENTS OF OFFICIALS

JANUARY 1, 19XX, TO DECEMBER 31, 19XX

	Costs Questioned (Description)	Amount	Funding Source	Comments of Officials
1.		$		
2.				
3.				
	Total	$		

* *

Note - This schedule is to include costs incurred from any funding source if it does not meet the general requirements for Federal and LSC funding. Also, during the auditor's normal testing of disbursements, costs charged directly to the LSC fund should be reviewed for specific propriety in accordance with criteria of Chapter 4 or specific grant/contract conditions. It is not intended that the auditor increase his audit scopes beyond that necessary to issue an opinion on the financial statements (i.e., only those costs noted during the normal audit work). The auditor's scopes should be expanded; however, if normal tests reveal significant exceptions.

Exhibit II

(NAME OF RECIPIENT)

RECIPIENT NUMBER XXXXXX

STATEMENT OF COSTS INCURRED UNDER THE LEGAL SERVICES GRANT/CONTRACT COMPARED TO BUDGET

FOR THE PERIOD JANUARY 1, 19XX THROUGH DECEMBER 31, 19XX

(4)Budget Category	(2)Initial Approved Budget	(3) Amendments and Adjustments	Reprogramming of Prior Year's Excess (Deficit) Fund Balance	Total Approved	Actually Incurred	Actual Over (Under) Budget
Personnel:						
Lawyers	$	$	$	$	$	$
Nonlawyers						
Fringe Benefits						
Legal Consultants						
Contract Services						
Travel						
Space						
Consumable Supplies						
Rent or Lease of Equipment						
Other Direct Expenses						
(1)Acquisition of Property						
	$	$	$	$	$	$

(1) Include cost of equipment, property and law library purchased during the period, exclude any depreciation.

(2) In cases where the accounting period being audited is different from the grant/contract period, pro rata portions of the budget corresponding to the accounting period should be used.

(3) Explain nature of other adjustment.

(4) At the date this Guide was published, LSC had not made a final determination as to the budget categories to be used. This exhibit should be prepared using the actual categories contained in the LSC/recipient budget documents. If the budget categories differ significantly from the financial statement captions, than a reconciliation should be included herein.

6-10 *Documents to be Furnished The Auditor*

Before commencing the examination, the auditor should arrange for the recipient to furnish the following reference materials required to perform the audit.

1. Copies of all grants and contracts (including any modifications, attachments, amendments, and all general and special provisions).
2. A copy of the recipient's LSC-approved operating budget, and amendments, if any.
3. A copy of the prior year's audit report and auditors' supplemental letter (if other auditors were engaged).
4. A copy of all pertinent grant and contract instructions, handbooks and other directives.
5. Copies of all correspondence affecting financial considerations of the recipient's grants and contracts.
6. Copies of the recipient's financial reports for the current accounting period.
7. Copies of all reports submitted to LSC during the accounting period in accordance with the recipient's grants and contracts.
8. The names and locations of each of the recipient's operating locations.
9. Copies of all other contractual agreements.
10. A copy of the recipient's Federal and State income tax and sales tax (if any) exemption certificates.
11. A copy of the minutes of the Board of Directors, and if applicable, Executive Committee, meetings during the accounting period.
12. A copy of the recipient's articles of incorporation, bylaws and any amendments thereto.
13. A listing of allocation procedures used to allocate costs among funding sources.
14. A copy of the recipient's chart of accounts.
15. A copy of the Legal Services Corporation Act.
16. Copies of any audit reports from funding sources.
17. A copy of prior year's Federal tax return (form 990).

6-11 *Confirmations to LSC*

As part of the audit procedures, each auditor should confirm the financial details of the LSC grant/contract with the Comptroller of LSC in Washington, D.C. and the grant or contract budget information with the regional director of LSC. The following sample confirmation letters will be satisfactory for these purposes.

COMPTROLLER,
Legal Services Corporation,
733 15th Street NW.,
Washington, D.C. 20005.

DEAR SIR: Our auditors _____
(insert name of firm)
are now engaged in an examination of our financial statements. In connection therewith, they desire to confirm the following information relating to our grant/contract with you during the period _____ to _____.

	Actions			Total
Grant/contract action No.	76-1	76-2	76-3	
Total amount of action	$	$	$	$
Period covered by action				

Payments during the period ____ to ____:

	Check date	Check amount	Related action No.
1		$	
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
Total			

Please indicate in the space provided below whether the information above is in agreement with your records. After signing and dating your reply, please return it directly to _____. A stamped, addressed envelope is enclosed for your convenience.

(firm name and address)

Very truly yours,

_____
Program Director

To _____: The foregoing information is in agreement with our records with
(Firm)
the following exceptions (if any). _____

_____

_____

Date: _____ Signed: _____
Title: _____

REGIONAL DIRECTOR,
(Address of Regional Legal Services Corporation Office)

DEAR SIR: Our auditors (_____) are now engaged in an examination of our financial statements. In connection therewith, they desire to confirm the following budget data with respect to our grant/contract during the period _____ to _____.
insert name of firm

	Initial approved budget	(1) Amendments and adjustments	Reprograming of prior year's funds	Total approved
Personnel (2)	$	$	$	$
Fringe benefits				
Legal consultants				
Contract services				
Travel				
Space				
Rent or lease of equipment				
Purchase of property				
Other direct expenses				
Total				
Date approved by LSC				

Please indicate in the space provided below whether the information above is in agreement with your records. After signing and dating your reply, please return it directly to (*firm name and address*). A stamped, addressed envelope is enclosed for your convenience.

Very truly yours,

_____
Program Director.

To _____: The foregoing information is in agreement with our records with the following exceptions (if any). _____
(Firm)

_____

_____

Date: _____ Signed: _____
Title: _____

* * * * *

(1) All amendments and adjustments should be listed separately.

(2) Categories should agree with budget format to be established by LSC.

6-12 Auditor's Contract

It is necessary that a clear understanding be present between the recipient and the auditor about (1) what the auditor is engaged to do, and (2) the extent of his responsibility in what he is engaged to do. Any lack of understanding between the parties as to either the scope of the work or the extent of the auditor's responsibilities is a potential source of trouble.

An understanding of the work to be performed and the extent of responsibilities can be accomplished through a formal contract submitted by the auditor to the recipient. An example of an acceptable contract for engaging an auditor is presented on the following pages.

SAMPLE AUDITORS' CONTRACT

This Agreement is entered into on the _____ day of _____, 19_____, by the _____
(Full name of recipient)
(hereinafter called the "Program"), and _____,
(Full name of Accountant or Accounting firm)
Independent Public Accountant (hereinafter called the "Contractor").

Whereas the Program desires the Contractor to conduct and perform an examination

of the financial statements of the Program as of _____ and for the year ending _____.

Now, therefore, the Program and the Contractor do mutually agree as follows:

1. The Contractor shall examine the financial statements of the Program for the year ending _____, 19____, in accordance with generally accepted auditing standards and the auditing and reporting provi-Recipients and Auditors" dated August 1976 by Legal Services Corporation. The audit performed shall be sufficient in scope to enable the Contractor to express an opinion in the audit report on the financial statements. Auditing procedures will include, among other things, tests of documentary evidence supporting the transactions recorded in the accounts as well as a general review of the system of internal control and the accounting procedures as a basis for determining the scope of the Contractor's work. This work will be based primarily upon selected sampling and tests of the accounting records. While certain types of defalcations and similar irregularities may occasionally be disclosed by examinations of this type, they are not designed for that purpose and will not afford assurance that defalcations, etc., will be uncovered. However, if any irregularities come to the attention of the Contractor, they will be promptly reported to the Program's director and Legal Services Corporation's Audit Manager.

2. The Program agrees to provide assistance to the Contractor such that the audit report shall be submitted within 90 days after _____, 19____.

3. The Contractor will also be responsible for the preparation of the Program's Federal information return (form 990). The Contractor does not have responsibility for any other tax returns.

4. The Program agrees to pay the Contractor as compensation for the services mentioned herein a fee computed according to the Contractor's normal hourly rates. It is estimated that the fee for the year ended _____, 19____, will not exceed $_____ unless approved in advance of actual incurrence by the Program's director.

5. The Contractor certifies that its principal officers, owners or members are independent Certified Public Accountants and/or independent Licensed Public Accountants licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

6. The Contractor shall not discriminate against any employee or applicant for employment because of race, color, regilion, sex, age, or national origin. The Contractor shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to race, color, religion, sex, age, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

7. It is understood that the funds for this contract are supplied by the Legal Services Corporation which is entitled to all reports and relevant information furnished the Program's management and Board of Directors.

8. For a period of five years, the Contractor shall make its work papers, records, and other evidence of the audit available to the Legal Services Corporation, and _____ (Program's name)

In witness whereof, the Program and the Contractor have executed this Agreement the day and year first above written.

_____
(Program)

By _____
_____
(Name of Independent Public Accountant)

By _____

6-13 *Exit Conference*

Upon completion of the field work, the auditor must hold a closing or "exit" conference with senior officials of the recipient to discuss the comments to be included in the supplemental letter. The officials in attendance should include, at least, the official designated by the Board of Directors to receive the audit results, the Executive Director and a senior financial officer such as the Controller or Chief Accountant.

It is expected that all points included in the supplemental letter will have been discussed with recipient employees prior to the exit conference. The exit conference provides senior officials with advance information as a basis for initiating action without waiting for the final report. It also gives the auditor a final opportunity to obtain additional information, explanations, or comments which may have a bearing on his conclusions. A draft of the supplemental letter should be available for review as the exit conference.

APPENDIX 1.—ILLUSTRATIVE SMALL RECIPIENT FUNDED ENTIRELY BY LEGAL SERVICES CORPORATION ANNUAL FINANCIAL REPORT

ABC Legal Services, Inc., Clearwater, Ohio

FINANCIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 1975 AND 1974 TOGETHER WITH AUDITOR'S REPORT

BILL JONES, CPA,
133 Grant Street,
Clearwater, Ohio 44853,
614-468-0535, March 10, 1976.

TO THE BOARD OF DIRECTORS OF ABC LEGAL SERVICES, INC.

I have examined the balance sheet of ABC Legal Services, Inc., as of December 31, 1975, and the related statement of support and expenses and changes in fund balances for the year then ended. My examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as I considered necessary in the circumstances. I have previously made a similar examination and have reported on the financial statements of ABC Legal Services, Inc. for the year ended December 31, 1974.

In my opinion, the accompanying financial statements present fairly the financial position of ABC Legal Services, Inc., as of December 31, 1975, and the results of its operations and changes in fund balances for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

BILL JONES,
CPA.

ABC LEGAL SERVICES, INC.

BALANCE SHEET

AS OF DECEMBER 31

A S S E T S

	1975	1974
Cash	$3,000	$2,800
Cash in escrow - client deposits	400	200
Due from Legal Services Corporation	2,500	2,000
Property and equipment (net of accumulated depreciation of $1,000 in 1975 and $500 in 1974) (Notes 1 and 8)	2,200	1,100
Law library (Note 9)	500	500
Total	$8,600	$6,600

LIABILITIES AND FUND BALANCES

Accounts payable	$ 350	$ 300
Accrued payroll	1,500	2,000
Payroll taxes withheld and accrued	250	500
Client deposits	400	200
Total liabilities	2,500	3,000
Commitments (Notes 3 and 7)		
Fund Balances:		
Legal Services Corporation (Note 1)	3,400	2,000
Property, equipment and law library (Note 1)	2,700	1,600
Total fund balances	6,100	3,600
Total	$8,600	$6,600

The accompanying notes are an integral part of this statement.

ABC LEGAL SERVICES, INC.

STATEMENT OF SUPPORT AND EXPENSES AND CHANGES IN FUND BALANCES

FOR THE YEAR ENDED DECEMBER 31, 1975 WITH COMPARATIVE TOTALS FOR 1974

	1975				
	Legal Services Corporation	General	Property and Equipment	Total	1974 (Note 5)
SUPPORT:					
LSC contract (Notes 1 and 2)	$100,000	$ -	$ -	$100,000	$75,000
Donated items and services (Note 1)	-	4,400	600	5,000	4,000
	100,000	4,400	-	105,000	79,000
EXPENSES:					
Personnel salaries -					
Lawyers (Note 1)	65,000	4,400	-	69,400	51,000
Non-lawyers	10,000	-	-	10,000	10,000
	75,000	4,400	-	79,400	61,000
Fringe benefits	5,000	-	-	5,000	3,000
Legal consultants	3,000	-	-	3,000	3,000
Contracts services	3,500	-	-	3,500	2,000
Travel	3,300	-	-	3,300	2,500
Space	3,500	-	-	3,500	2,000
Consumable supplies	1,000	-	-	1,000	1,400
Rent or lease of equipment	1,300	-	-	1,300	1,100
Depreciation of property and equipment	-	-	500	500	400
Other direct expenses	2,000	-	-	2,000	1,000
	97,600	-	500	102,500	77,400
SUPPORT OVER EXPENSES	2,400	-	100	2,500	1,600
OTHER CHANGES IN FUND BALANCES -					
Acquisition of property	(1,000)	-	1,000	-	-
FUND BALANCE, beginning of year	2,000	-	1,600	3,600	2,000
FUND BALANCE, end of year	$ 3,400	$ -	$2,700	$ 6,100	$ 3,600

The accompanying notes are an integral part of this statement.

ABC LEGAL SERVICES, INC.

Notes to Financial Statements for the Years Ended December 31, 1975 and 1974

(1) Summary of significant accounting policies

(a) Operations—ABC Legal Services, Inc. ("ABC") is a nonprofit corporation organized for the purpose of providing legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance in Clearwater, Ohio and surrounding area. ABC is primarily funded through contracts from Legal Services Corporation ("LSC"), a nonprofit corporation established by Congress to administer the Federal government's legal assistance program.

(b) Grant or Contract Support—ABC recognizes contract funds from LSC as support on a straight-line basis over the contract period. Funds remaining unused at the end of an accounting period are recorded in the LSC fund balance. In accordance with the terms of its contract from LSC, ABC may use unspent funds in future periods as long as expenses incurred are in compliance with the specified terms of the LSC contract, as defined. LSC may, at its discretion, request reimbursement for expenses or return of unused funds, or both, as a result of noncompliance by ABC with the terms of the LSC contract. In addition, if ABC terminates its LSC contract activities, all unused funds are to be returned to LSC.

(c) Property and Equipment Accounting—ABC follows the practice of capitalizing all expenditures for property and equipment in excess of $100. LSC retains a reversionary interest in the property and equipment purchased with its funds, as well as the determination of the use of any proceeds from the sale of such assets. Depreciation of property and equipment as shown in the accompanying statement of support and expenses and changes in fund balaces is computed on a straight-line basis over the estimated service lives of the assets. The estimated service life of furniture, fixtures and equipment, and leasehold improvements is five years.

(d) Law Library—ABC capitalizes the costs of books, reference materials, and multiple volume sets of law books. ABC estimates the salvage value of its law library approximates the original cost and, accordingly, depreciation expense is not recorded.

(e) Donated Property and Services—Property donated to ABC is recorded at its market value as determined by the Board of Directors. Included in the accompanying financial statements for 1975 is donated property valued at $600. Donated services totaled $4,400 from three local attorneys working on a special case and are included in personnel costs of lawyers in the accompanying financial statement.

(2) Summary of funding: ABC's contracts with LSC provided funding of $100,000 and $75,000 for the grant periods calendar 1975 and 1974 respectively. ABC has been awarded a $125,000 contract by LSC for calendar 1976.

(3) Commitments: ABC has entered into a lease agreement for the rental of office space. Under the lease agreement, ABC is required to make annual lease payments of $5,000 through January 1, 1979. In addition, ABC has equipment rental leases of $1,000 in 1975 and 1976, and $756 in 1977.

(4) Income taxes: ABC is exempt from Federal income taxes under section 501(c)(3) of the Internal Revenue Code and from Ohio income taxes. Therefore, no provision has been made for Federal or Ohio income taxes to the accompanying financial statements. In addition, ABC has been determined by the Internal Revenue Service not to be a "private foundation" within the meaning of section 509(a) of the code.

(5) 1974 financial information: The amounts shown for 1974 in the accompanying statement of support and expenses and changes in fund balances are included to provide a basis for comparison with 1975 and, present summarized totals only. Accordingly, the 1974 amounts are not intended to present all information necessary for a fair presentation in accordance with generally accepted accounting principles.

(6) Management and general expenses: ABC estimates its management and general expenses (which include overall direction, accounting, budgeting, general Board activities and related items) were approximately $35,000 in 1975 and $18,000 in 1974.

(7) Vacation leave: Accumulated earned vacation leave amounting to $2,500 at December 31, 1975, is not recorded in the accompanying financial statements. If accumulated vacation leave had been recorded at the beginning and end of 1975, expenses in the statement of support and expenses would not have been materially affected.

(8) Property and equipment: Property and equipment with net book values of $2,200 in 1975 and $1,100 in 1974 are detailed as follows:

	1975			
	LSC grant	Donated	Total	1974
Furniture, fixtures, and equipment	$1,600	$600	$2,200	$1,000
Leasehold improvement	1,000		1,000	600
	2,600	600	3,200	1,600
Less, accumulated depreciation	(900)	(100)	(1,000)	(500)
Total	1,700	500	2,200	1,100

(9). Law library: ABC's law library was acquired entirely from LSC funds and is reflected in the accompanying financial statements at original costs.

* * * * *

NOTE.—These footnotes and accompanying financial statements are illustrative in nature and should be read in that context. No LSC policies are established herein. The appropriate disclosure determinations must be made for each program individually.

APPENDIX 2.—ILLUSTRATIVE MEDIUM-SIZED RECIPIENT FUNDED BY LEGAL SERVICES CORPORATION AND OTHERS ANNUAL FINANCIAL REPORT

Economic Legal Aid Corporation, Richmond, Virginia

FINANCIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 1975 AND 1974 TOGETHER WITH AUDITORS' REPORT

STEWART, BROWN & COMPANY,
1200 Elm Street, Richmond, Virginia 22133, 703-785-9325, March 15, 1976.

TO THE BOARD OF DIRECTORS OF ECONOMIC LEGAL AID CORPORATION:

We have examined the balance sheet of Economic Legal Aid Corporation, as of December 31, 1975, and the related statement of support and expenses and changes in fund balances for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. We have previously made a similar examination and have reported on the financial statements of Economic Legal Aid Corporation for the year ended December 31, 1974.

In our opinion, the accompanying financial statements present fairly the financial position of Economic Legal Aid Corporation as of December 31, 1975, and the results of its operations and changes in fund balances for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

STEWART, BROWN & COMPANY.

ECONOMIC LEGAL AID CORPORATION

BALANCE SHEET

AS OF DECEMBER 31

A S S E T S

	1975	1974
Cash	$18,050	$ 8,550
Cash in Escrow - client deposits	1,300	1,200
Due from Grants and Contracts:		
Legal Services Corporation	20,000	22,000
ACE Foundation	16,000	17,000
Property and Equipment - net of accumulated amortization and depreciation of $13,500 in 1975 and $6,000 in 1974 (Notes 1 and 11)	29,000	27,500
Law library (Notes 1 and 12)	3,000	2,500
Total	$86,350	$78,750

LIABILITIES AND FUND BALANCES

Accounts Payable	$10,000	$ 6,000
Accrued Payroll	13,750	14,500
Payroll Taxes Withheld and Accrued	2,600	2,750
Other Accrued Liabilities	6,200	6,300
Client Deposits	1,300	1,200
Total Liabilities	33,850	30,750
Commitments (Notes 4 and 9)		
Fund Balances (Note 1):		
LSC	13,500	8,000
General	7,000	10,000
Property, equipment and law library	32,000	30,000
Total Fund Balances	52,500	48,000
Total	$86,350	$78,750

The accompanying notes are an integral part of this statement.

ECONOMIC LEGAL AID CORPORATION

STATEMENT OF SUPPORT AND EXPENSES AND CHANGES IN FUND BALANCES

FOR THE YEAR ENDED DECEMBER 31, 1975, WITH COMPARATIVE TOTALS FOR 1974

	1975					
	Legal Services Corporation Grant	ACE Foundation Grant	General	Property and Equipment	Total	1974
SUPPORT:						
Grants and contracts	$600,000	$198,000	$ -	$ -	$798,000	$864,000
Contributions	-	-	45,000	-	45,000	30,000
Donated items	-	-	20,000	-	20,000	30,000
Gain on sale of equipment	-	-	-	1,000	1,000	-
	600,000	198,000	65,000	1,000	864,000	924,000
EXPENSES:						
Personnel Salaries -						
Lawyers	330,000	110,000	15,000	-	455,000	442,000
Non-lawyers	30,000	10,000	30,000	-	70,000	60,000
	360,000	120,000	45,000	-	525,000	502,000
Fringe benefits (Note 3)	26,000	9,500	2,500	-	38,000	35,000
Legal consultants (Note 6)	50,000	-	-	-	50,000	60,000
Contract services	12,000	-	-	-	12,000	40,000
Travel	27,000	5,000	5,000	-	37,000	45,000
Space (Note 4)	80,000	40,000	10,000	-	130,000	120,000
Consumable supplies	27,000	14,500	5,000	-	46,500	29,000
Rent or lease of equipment	6,500	6,000	-	-	12,500	11,500
Depreciation	-	-	-	7,500	7,500	5,000
Other direct expenses	1,000	500	500	-	2,000	1,500
	589,500	195,500	68,000	7,500	860,500	866,000
SUPPORT OVER (UNDER) EXPENSES	10,500	2,500	(3,000)	(6,500)	3,500	58,000
OTHER CHANGES IN FUNDS:						
Acquisition of property	(5,000)	(2,500)	(2,000)	9,500	-	-
Transfer of proceeds from sale of equipment	-	-	2,000	(2,000)	-	-
FUND BALANCE, beginning of year	8,000	-	10,000	30,000	48,000	(10,000)
FUND BALANCE, end of year	$ 13,500	$ -	$ 7,000	$31,000	$ 51,500	$ 48,000

The accompanying notes are an integral part of this statement.

ECONOMIC LEGAL AID CORPORATION

Notes to Financial Statement for the Years Ended December 31, 1975 and 1974

(1) Summary of significant accounting policies

(a) Operations—Economic Legal Aid Corporation ("ELAC") is a nonprofit corporation organized for the purpose of providing legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance in the Richmond, Virginia and surrounding area. ELAC is principally funded through contracts from Legal Services Corporation ("LSC"), a nonprofit corporation established by Congress to administer the Federal government's legal assistance program.

(b) Contract and Grant Support—ELAC recognizes contract funds from LSC as support on the straight-line basis over the contract period. Funds remaining unused at the end of an accounting period are recorded in the LSC fund balance. In accordance with the terms of its contract from LSC, ELAC may use unspent funds in future periods as long as expenses incurred are in compliance with the specified terms of the LSC contract, as defined. LSC may, at its discretion, request reimbursement for expenses or return of funds, or both, as a result of noncompliance by ELAC with the terms of the LSC contract. In addition, if ELAC terminates its LSC contract activities, all unused funds are to be returned to LSC.

ELAC recognizes funds from the ACE Foundation's ("ACE"), cost reimbursable grant, as support as costs are incurred. A receivable is recognized from ACE to the extent costs have been incurred but not reimbursed. Conversely, a liability is recorderd when grant advances exceed eligible costs incurred.

(c) Contributions—Contributions represent cash donations to ELAC from private organizations and individuals and are recognized as support when received.

(d) Property and Equipment Accounting—Property and equipment acquired with LSC and ACE funds are considered to be owned by ELAC while used in the program or in future authorized programs. However, both funding sources have a reversionary interest in these assets as well as the determination of use of any proceeds from the sale of these assets.

ELAC follows the practice of capitalizing all expenditures for property and equipment in excess of $100. Depreciation of furniture, fixtures and equipment is computed on a straight-line basis over the estimated service life. Amortization of leasehold improvements is computed on a straight-line basis over the lesser of estimated service life or lease term. The following lives have been assigned to the fixed assets: Furniture, fixtures and equipment, 5 years; leasehold improvements, 5 to 10 years.

(e) Law Library—ELAC capitalizes the costs of books, reference materials, and multiple volume sets of law books. ELAC estimates the salvage value of its law library approximates the original cost and, accordingly, depreciation expense is not recorded.

(f) Allocation of Expenses—In some cases, common expenses are incurred which support the work performed under more than one grant or contract. Such expenses are allocated among LSC and ACE as agreed by these funding organizations or, in the absence of an agreement, on the basis which appears most reasonable to ELAC. A portion of the space costs shown in the accompanying financial statements was allocated 75 percent to LSC and 25 percent to ACE, a basis approved by the funding sources. Portions of consumable supplies, rental of equipment and other direct costs were allocated 66⅔ percent to LSC and 33⅓ percent to ACE, approximately in the ratio of costs authorized by each funding organization.

(2) Summary of funding: ELAC's operations are funded through general purpose grants from LSC and ACE. During 1974, ELAC received a six month grant for $368,000 from the Department of Health, Education and Welfare (HEW) to provide legal assistance in Charlottesville, Virginia. This program was subsequently included in the LSC funding to ELAC when the HEW grant expired. The following details ELAC's 1975 grants and contracts and their inclusion in the accompanying financial statements.

	Grant No.	Period	Amount	1975 support	Unrecognized support
LSC	300100-75-1	Apr. 1, 1974 to Mar. 31, 1975	$100,000	$100,000	
	300109-76-1	April 1, 1975 to Mar. 31, 1976	667,000	500,000	$167,000
		Total	1,067,000	600,000	167,000
ACE	105	Jan. 1, 1970 to Dec. 31, 1975	1,083,000	133,000	1,000
		Total	2,150,000	733,000	168,000

ELAC has been awarded an additional contract from LSC and a grant from ACE for the year ending December 31, 1976, of $240,000 and $250,000, respectively. The LSC contract has been awarded for the nine month period April 1, 1976 to December 31, 1976. The ACE grant has been awarded for the 12-month period ending December 31, 1976.

(3) Annuity pension plan: Included in fringe benefit costs are $21,000 in 1975 and $19,500 in 1974, which represents the cost of a noncontributory annuity plan to provide employees with retirement benefits. Under the plan, ELAC contributes an amount equal to 4½ percent of the salaries of employees with more than three months of continuous service. There are no past service costs associated with the plan, and employees are fully vested for all contributions on their behalf after two years.

(4) Commitments and contingencies: ELAC has entered into a lease agreement for the rental of office space. Under the lease agreement ELAC is required to make annual lease payments of $130,000 through October 31, 1985. Such lease payments are adjustable every 2 years for increases in the Consumer's Price Index. In addition, ELAC has leased certain office equipment which requires annual payments of $5,000 through 1977.

(5) Income taxes: ELAC is exempt from Federal income taxes under section 501(c)(3) of the Internal Revenue Code. ELAC is also exempt from Virginia income taxes and therefore, has made no provision for Federal or Virginia income taxes. In addition ELAC has been determined by the Internal Revenue Service not to be a "private foundation" within the meaning of section 509(a) of the code.

(6) 1974 financial information: The amounts shown for 1974 in the accompanying statement of support and expenses and changes in fund balance are included to provide a basis for comparison with 1975 and present summarized totals only. Accordingly, the 1974 amounts are not intended to present all information necessary for a fair presentation in accordance with generally accepted accounting principles.

(7) Management, general and fund raising costs: ELAC estimates its management and general costs (which include overall direction, accounting, budgeting, general board activities and related items) were approximately $93,000 in 1975 and $89,500 in 1974. In addition, ELAC has determined that fund raising costs are not material.

(8) Nonrecurring item: In 1974 ELAC incurred $40,000 for the development and installation of a new automated financial information system. It is not expected that this expense will recur in the foreseeable future.

(9) Vacation leave: Accumulated earned vacation leave amounting to $45,000 at December 31, 1975, is not recorded in the accompanying financial statements. If accumulated vacation leave had been recorded at the beginning and end of 1975, expenses in the statement of support and expenses would not have been materially affected.

(10) Transaction with a related party: ELAC's office space in Richmond, Virginia is rented from the chairman of ELAC's Board of Directors. Management believes the rental payment (currently $42,000 a year) is comparable with the rent that would be paid to a nonaffiliated party.

(11) Property and equipment: The detail of property and equipment in the accompanying balance sheet is as follows:

	1975					1974
	Legal Services Corp. grant	ACE Foundation grant	General	Donated	Total	
Furniture, fixtures, and equipment	$3,500	$5,000	$2,300	$2,700	$10,500	$11,000
Leasehold improvements			25,000		25,000	22,500
Total	6,500	5,000	27,300	2,700	41,500	33,500
Less, accumulated depreciation	(2,000)	(1,500)	(9,500)	(500)	(13,500)	(6,000)
Property and equipment balance	3,500	3,500	17,800	2,200	29,000	27,500

(12) Law library. ELAC's law library totaling $3,000 at Dec. 31, 1975, was purchased with $2,000 of LSC funds, $750 of ACE funds, and $250 from the general fund.

NOTE.—These footnotes are purely illustrative in nature and should be read in that context. No LSC policies are established herein. The appropriate disclosure determination must be made for each individual program.

APPENDIX 3.—ILLUSTRATIVE LARGE RECIPIENT FUNDED BY LEGAL SERVICES CORPORATION AND MULTIPLE OTHER FUNDING SOURCES ANNUAL FINANCIAL REPORT

Multi-Service Corporation Washington, D.C.

FINANCIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 1975 AND 1974 TOGETHER WITH AUDITORS' REPORT

MANN, BARR, MURRAY & CO.
1656 Iowa Street, Wash., D.C. 20006
202-725-3865, March 20, 1976.

TO THE BOARD OF DIRECTORS OF MULTI-SERVICE CORPORATION:

We have examined the balance sheet of Multi-Service Corporation, as of December 31, 1975, and the related statements of support and expenses and changes in fund balances for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. We have previously made a similar examination and have reported on the financial statements of Multi-Service Corporation for the year ended December 31, 1974.

In our opinion, the accompanying financial statements present fairly the financial position of Multi-Service Corporation as of December 31, 1975, and the results of its operations and changes in fund balances for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

MANN, BARR, MURRAY & CO.

MULTI-SERVICE CORPORATION

BALANCE SHEET

AS OF DECEMBER 31,

ASSETS

	1975	1974
Cash	$ 20,400	$ 22,000
Cash in escrow - client deposits	8,500	10,300
Certificates of deposit, 5% interest, maturity March 10, 1976	332,000	115,000
Due from grants and contracts:		
Legal Services Corporation	40,100	45,900
HEW	16,000	10,200
Brown Foundation	12,300	11,500
Travel advances to employees	8,500	5,000
Other receivables	7,300	3,200
Property and equipment - net of accumulated depreciation of $234,500 in 1975 and $210,600 in 1974 (Notes 1 and 9)	772,200	681,100
Law library (Note 10)	90,000	85,000
Total	$1,107,600	$989,200

LIABILITIES AND FUND BALANCES

	1975	1974
Accounts payable	$ 26,400	$ 57,500
Accrued payroll	54,100	49,600
Payroll taxes withheld and accrued	4,500	3,300
Other accrued liabilities	3,700	1,500
Client deposits	8,500	10,300
Total liabilities	129,200	120,400
Commitments and contingencies (Notes 4 and 9)		
Fund balances:		
LSC grant	9,400	49,400
Brown Foundation	40,000	2,000
General	64,800	51,300
Property, equipment and law library	862,200	766,100
Total fund balances	976,400	868,800
Total	$1,107,600	$989,200

The accompanying notes are an integral part of this statement.

MULTI-SERVICE CORPORATION

STATEMENT OF SUPPORT AND EXPENSES AND CHANGES IN FUND BALANCES

FOR THE YEAR ENDED DECEMBER 31, 1975 WITH COMPARATIVE TOTALS FOR 1974

	1975						
	Legal Services Corporation	HEW Grant	Brown Foundation	General	Property and Equipment	Total	1974
SUPPORT:							
Grants and contracts (Note 2)	$1,250,000	$881,000	$500,000	$ -	$ -	$2,631,000	$2,375,000
Contributions	-	-	-	220,000	-	220,000	180,000
Interest revenue	-	-	-	22,000	-	22,000	15,000
Donated items (Notes 1 and 6)	-	-	-	18,000	17,000	35,000	38,500
Gain on sale of equipment	-	-	-	-	14,000	14,000	21,600
	1,250,000	881,000	500,000	260,000	31,000	2,922,000	2,630,100
EXPENSES (Note 1):							
Personnel salaries -							
Lawyers (Note 6)	829,000	444,000	261,000	90,000	-	1,624,000	1,475,000
Nonlawyers	60,000	50,000	26,000	40,000	-	176,000	188,000
	889,000	494,000	287,000	130,000	-	1,800,000	1,663,000
Fringe benefits (Note 3)	98,000	53,000	29,000	11,500	-	191,500	171,400
Legal consultants	38,000	100,000	20,000	25,000	-	178,000	102,000
Contracts services	30,000	82,500	9,000	8,200	-	129,700	110,000
Travel	29,000	20,500	18,400	9,600	-	77,500	81,700
Space	90,000	45,000	45,000	40,000	-	220,000	213,000
Consumable supplies	31,500	22,000	16,600	15,400	-	89,500	84,900
Rent of lease of equipment	34,000	26,000	18,000	7,800	-	85,800	86,900
Depreciation of property and equipment	-	-	-	-	23,900	23,900	20,100
Other direct expenses	7,500	6,000	3,000	4,000	-	20,500	14,000
	1,247,000	849,000	446,000	246,500	23,900	2,812,400	2,546,000
	3,000	32,000	54,000	13,500	7,100	109,600	83,900
Acquisition of property and equipment	(43,000)	(32,000)	(16,000)	(18,000)	109,000	-	-
Transfer of proceeds from sale of equipment	-	-	-	20,000	(20,000)	-	-
FUND BALANCE, beginning of year	49,400	-	2,000	51,300	766,100	868,800	785,300
FUND BALANCE, end of year	$ 9,400	$ -	$ 40,000	$ 64,800	$862,200	$ 976,400	$ 868,800

The accompanying notes are an integral part of this statement.

MULTI-SERVICE CORPORATION

Notes to Financial Statement for the Years Ended December 31, 1975 and 1974

(1) Summary of significant accounting policies

(a) Operations—Multi-Service Corporation ("MSC") is a nonprofit corporation organized for the purpose of providing legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance in the metropolitan Washington, D.C. area.

(b) Grant/Contract Support—Legal Services Corporation ("LSC"), a nonprofit corporation organized by Congress to administer the Federal government's legal assistance program, and the Brown Foundation provide continued support to MSC through annual grants. MSC recognizes grant/contract funds from LSC and the Brown Foundation as support on a straight-line basis over the grant/contract period. Funds remaining unused at the end of an accounting period are carried in the applicable fund balance. In accordance with the terms of its grants/contracts from LSC and the Brown Foundation, MSC may retain unused funds for use in future periods provided expenses incurred are in compliance with the specified terms of each grant/contract, as defined. LSC and the Brown Foundation may, at their discretion, request reimbursement for expenses or return of funds, or both, as a result of noncompliance by MSC with the terms of the grants/contracts. In addition, if MSC terminates its legal assistance activities, all unused funds are to be returned to the funding services.

MSC recognizes support from the Department of Health, Education and Welfare ("HEW"), a cost reimbursable grant, as costs are incurred. A receivable is recognized to the extent costs have been incurred under the grant and not reimbursed. Conversely, a liability is recorded when grant advances exceed eligible costs incurred.

(c) Contributions—Contributions represent cash donations to the program from private organizations and individuals and are recognized as support when received.

(d) Property and Equipment Accounting—Property acquired with LSC and Brown Foundation funds is considered to be owned by MSC. However, the funding sources have a reversionary interest in the property as well as the determination of use of any proceeds from the sale of those assets.

MSC follows the practice of capitalizing all expenditures for property and equipment in excess of $100. Depreciation of all property and equipment is computed on a straight-line basis over the estimated service lives of the assets. The following lives have been assigned to fixed assets: Building, 50 years; improvements to land and buildings, 10 to 50 years; furniture, fixtures and equipment, 5 years.

Property donated to MSC is recorded at its market value as determined by the Board of Directors. Office equipment totaling $17,000 was donated in 1975.

(e) Law Library—MSC capitalizes the costs of books, reference materials, and multiple volume sets of law books. MSC estimates the salvage value of its law library approximates the original cost and, accordingly, depreciation expense is not recorded.

(f) Allocation of Expenses—In some cases, expenses are incurred which support the work performed under more than one grant or contract. Such expenses are allocated among LSC, HEW and the Brown Foundation as agreed by these funding sources or, in the absence of an agreement, on the basis which appears most reasonable to MSC. Space costs shown in the accompanying financial statements were allocated 46 percent to LSC, 23 percent to HEW, 23 percent to Brown Foundation and 8 percent to general funds, a basis which has been approved by the funding sources. Portions of consumable supplies, and other direct expenses have been allocated 50 percent to LSC, 25 percent to HEW, 15 percent to the Brown Foundation and 10 percent to the general fund, approximately in the ratio of number of employees authorized by each funding source.

(2) Summary of funding: MSC is funded through general purpose grants from LSC, HEW and the Brown Foundation. The following information summarizes MSC's grants and contract activity during 1975.

	Number	Period	Amount	1975 support	Unrecognized support
LSC	100300 74-1	July 1, 1974 to June 30, 1975	$1,000,000	$500,000	
	100300 75-1	July 1, 1975 to June 30, 1976	1,500,000	750,000	$750,000
		Total	2,500,000	1,250,000	750,000
HEW	19132	Jan. 1, 1974 to Dec. 31, 1975	1,900,000	831,000	93,000
BF[1]	7501	June 30, 1974 to Mar. 31, 1976	875,000	500,000	125,000
		Total	5,275,000	2,031,000	978,000

[1] Brown Foundation.

(3) Pension plan: MSC has a noncontributory pension and disability plan for all full time employees. MSC's policy is to fund normal costs and amortization of past service costs on a current basis. Expense of the plan in the accompanying financial statements was $51,300 for 1975 and $47,200 for 1974. As of December 31, 1975, the plan's net assets aggregated $230,000 and vested benefits were $143,000. Unfunded past service costs of $93,500 at December 31, 1975 were being amortized over ten years. MSC has been informed by its plan administrator that its plan is in compliance with the Employee Retirement Income Security Act of 1974.

(4) Commitments and contingencies: MSC has been named as a defendent in a lawsuit initiated by an employee injured while working for MSC. The employee is seeking $150,000 in damages from MSC in regards to this suit. The suit is currently in the preliminary stages and in the opinion of management and its legal counsel, the suit has no merit and will not result in any significant liability to MSC.

(5) Income taxes: MSC is exempt from Federal income taxes under section 501(c)(3). MSC is also exempt from District of Columbia income taxes and therefore, has made no provision for Federal or District of Columbia income taxes. In addition MSC has been determined by the Internal Revenue Service not to be a "private foundation" within the meaning of section 509(a) of the Code.

(6) Donated services: Donated services represent services rendered by various attorneys in the Washington, D.C. area at no charge to MSC in connection with MSC's legal assistance program. The value of donated services is based upon an estimated average fee normally charged by the professionals rendering the services. Donated services are recognized both as support and costs in the accompanying financial statements and therefore do not add to MSC's general fund balance.

(7) 1974 financial information: The amounts shown for 1974 in the accompanying statement of support and expense and changes in fund balances are included to provide a basis for comparison with 1975 and, other than for the balance sheet, present summarized totals only. Accordingly, the 1974 amounts are not intended to present all information necessary for a fair presentation in accordance with generally accepted accounting principles.

(8) Management, general and fund raising expenses: MSC estimates its management and general expenses (which include overall direction, accounting, budgeting, general board activities and related items) were approximately $330,000 in 1975 and $250,000 in 1974. In addition, MSC has determined that fund raising expenses are not material.

(9) Vacation leave: Accumulated earned vacation leave amounting to $75,000 at December 31, 1975, is not recorded in the accompanying financial statements. If accumulated vacation leave had been recorded at the beginning and end of 1975, expenses in the statement of support and expenses would not have been materially affected.

(10) Property and equipment: Property and equipment in the accompanying financial statements is detailed as follows:

	Legal Services Corp.	HEW grant	Brown Foundation	General	Donated	Total	1974
Asset description:							
Land				$100,000		$100,000	$100,000
Buildings			$100,000	500,000		600,000	600,000
Improvements to land and buildings	$20,400	$18,900	61,000	81,000		182,700	83,700
Furniture, fixtures, and equipment	52,600	13,400	500	1,100	$7,000	70,000	93,000
Total	72,400	32,300	162,000	733,000	7,000	1,006,700	891,700
Less accumulated depreciation	(18,500)	(9,000)	(24,900)	(150,100)	(2,000)	(234,500)	(210,600)
Net property balance	53,900	23,300	137,100	582,900	5,000	772,200	681,100

(11) Law library. MSC's law library totaling $30,000 at Dec. 31, 1975, was purchased with $20,000 of LSC funds and $30,000 from the general fund.

NOTE.—These footnotes are purely illustrative in nature and should be read in that context. No LSC policies are established herein. The appropriate disclosure determination must be made for each individual program.

APPENDIX 4.—ILLUSTRATIVE AUDITORS' SUPPLEMENTAL LETTER

Economic Legal Aid Corporation Recipient Number 300100

AUDITORS' COMMENTS FOR THE YEAR ENDED DECEMBER 31, 1975

MARCH 15, 1976.

TO THE BOARD OF DIRECTORS OF ECONOMIC LEGAL AID CORPORATION:

We have examined the financial statements of Economic Legal Aid Corporation ("ELAC") for the year ended December 31, 1975, and have issued our report thereon dated March 15, 1976. As a part of our examination, we reviewed and tested ELAC's system of internal accounting control to the extent we considered necessary to evaluate the system as required by generally accepted auditing standards. Under these standards the purpose of such evaluation is to establish a basis for reliance thereon in determining the nature, timing and extent of other auditing procedures that are necessary for expressing an opinion on the financial statements.

The objective of internal accounting control is to provide reasonable, but not absolute, assurance as to the safeguarding of assets against loss from unauthorized use or disposition, and the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that the cost of a system of internal accounting control should not exceed the benefits derived and also recognizes that the evaluation of these factors necessarily requires estimates and judgments by management.

There are inherent limitations that should be recognized in considering the potential effectiveness of any system of internal accounting control. In the performance of most control procedures, errors can result from misunderstanding of instructions, mistakes of judgment, carelessness or other personal factors. Control procedures whose effectiveness depends upon segregation of duties can be circumvented by collusion. Similarly, control procedures can be circumvented intentionally by management with respect either to the execution and recording of transactions or with respect to the estimates and judgments required in the preparation of financial statements. Further, projection of any evaluation of internal accounting control to future periods is subject to the risk that the procedures may become inadequate because of changes in conditions and that the degree of compliance with the procedures may deteriorate.

Our study and evaluation of ELAC's system of internal accounting control for the year ended December 31, 1975, which was made for the purpose set forth in the first paragraph above, would not necessarily disclose all weaknesses in the system. However, such study and evaluation which included the procedures specified in the Legal Services Corporation "Audit and Accounting Guide for Recipients and Auditors" issued in August 1976, disclosed the following conditions that we believe to be significant.

1. Certain deficiencies in internal control procedures were noted as follows:

a. Material weaknesses—

(1) Bank reconciliations are prepared by the bookkeeper who also posts entries to the general ledger. We recommend that the Controller review and approve bank reconciliations after completion by the bookkeeper.

(2) ELAC does not require dual signatures on disbursements.

b. Additional weaknesses—

(1) Petty cash reimbursement checks are made payable to "cash." Such checks should be made payable to the petty cash custodian.

(2) Invoices and supporting documents are not cancelled to prevent reuse after being paid.

2. Significant and unusual transactions noted during the accounting period were as follows:

a. Severance pay, which accrues at a rate of ½ day's salary per month for professional personnel, is paid currently to the project director and assistant director.

b. The office space, currently being rented by the program, is owned in part by ELAC's board chairman.

c. ELAC is approximately two months behind in paying its accounts payable because of an extended illness and absence from work by the bookkeeper.

3. ELAC was in compliance with the terms and conditions of the contract except as follows:

The reports required under Chapter 5 of LSC's Audit and Accounting Guide were not filed with LSC within the prescribed due dates.

4. Costs incurred under the LSC grant/contract were tested by us in accordance with generally accepted auditing standards to the extent such costs came within the scope of our work necessary to issue an opinion on the financial statements. As a result of the examination above, $9,960 of costs have been questioned and listed in Exhibit I as not being in accordance with the contractural terms of the LSC grant/contract.

5. With respect to items disclosed in the previous audit's supplemental letter, the following is a list of those items for which corrective action has not been implemented.

a. Items (a) and (b) of section 1 of this letter (deficiencies in intetrnal control) were included in the previous supplemental letter.

b. Support for a $250 airplane ticket, noted as unsupported in previous report has not been obtained by the program nor has the exception been cleared to the satisfaction of the LSC regional director.

* * * * *

This letter of comments is furnished solely for the information of management and Legal Services Corporation, and is not to be used for any other purpose.

Very truly yours,

STEWART, BROWN & COMPANY.

EXHIBIT I.

ECONOMIC LEGAL AID CORPORATION

RECIPIENT NUMBER 300100

SUMMARY OF QUESTIONED COSTS AND COMMENTS OF OFFICIALS

JANUARY 1, 1975, TO DECEMBER 31, 1975

	Costs Questioned	Amount	Funding Source	Comments of Officials
1.	Individual salaries in excess of amounts authorized under approved LSC wage comparability studies for professional staff.	$3,500	LSC	Wage comparability study updated in the last quarter of 1975. Obtainment of necessary approvals for increases were inadvertently overlooked.
2.	Purchase of supplies from Waldorf Distributing Company (Check #362) not supported by invoice.	850	ACE	Invoice was erroneously lost or misplaced. A copy has been requested from the vendor.
3.	Purchase of automobile for executive director not autorized in the grant.	5,250	LSC	Automobile needed for new branch opened during the year. Contract amendment request submitted to LSC on February 20, 1976.
4.	Internal Revenue Service, penalty and interest for late payment of withholding taxes.	360	LSC	Due to illness of bookkeeper, payment of withholding taxes was made late for the third quarter of 1975.
		$9,960		

EXHIBIT II

ECONOMIC LEGAL AID CORPORATION

RECIPIENT NUMBER 300100

STATEMENT OF COSTS INCURRED UNDER THE LEGAL SERVICES GRANT COMPARED TO BUDGET

FOR THE PERIOD JANUARY 1, 1975, THROUGH DECEMBER 31, 1975

	1975 Legal Services Corporation Budget					
*Budget Category	Initial Approved Budget	(1)Amendments to Initial Budget	Reprogramming of Prior-Years' Funds	Total Available	Actually Incurred	Actual Over (Under) Budget
Personnel:						
Lawyers	$315,800	$25,000	$ (800)	$340,000	$330,000	$(10,000)
Nonlawyers	26,600	-	5,400	32,000	30,000	(2,000)
	342,400	25,000	4,600	372,000	360,000	(12,000)
Fringe benefits	27,500	2,000	-	29,500	26,000	(3,500)
Consultants' and contract services	62,600	5,000	2,400	70,000	62,000	(8,000)
Travel	23,200	1,000	1,800	26,000	27,000	1,000
Space	68,000	-	(1,500)	66,500	80,000	13,500
Consumable supplies	28,500	-	500	29,000	27,000	(2,000)
Rent or lease of equipment	8,800	-	200	9,000	7,500	(1,500)
Total operating expenses	561,000	33,000	8,000	602,000	589,500	(12,500)
Purchase of property	6,000	-	-	6,000	5,000	(1,000)
	$567,000	$33,000	$ 8,000**	$608,000	$594,500	$(13,500)**
	$600,000***					

(1) Represents a retroactive increase to the original grant award to allow ELAC to achieve parity with other LSC programs in the region.

* *

*Budget categories must agree with LSC approved budget. If they are significantly different from the financial statements, an appropriate reconciliation should be prepared.

**Represents LSC fund balances at December 31, 1974 and December 31, 1975 respectively (see balance sheet, Appendix 2).

***Represents current-year award (see statement of support and expenses, Appendix 2).

APPENDIX 5.—ILLUSTRATIVE CHART OF ACCOUNTS

MEDIUM-SIZED RECIPIENTS

The following sample chart of accounts for a medium-sized recipient utilizes the basic chart of accounts described in paragraph 2-3. This chart of account demonstrates how account details can be used to accumulate certain costs necessary for adequate financial management. Also it shows how responsibility center activity is accumulated for the various funding sources by assigning the prefixes (1.) LSC; (2.) ACE Foundation; (3.) HEW; (4.) General Fund and (5.) Donated. Programs may wish to have further details by location which can be achieved by adding an additional number in the prefix to indicate locations. Each program should adopt a chart of accounts best suited to its needs. This sample chart of accounts can be used for reference purposes but it does not dictate the accounts and detail required of recipients.

Account description:	Account No.
Assets (100 series):	
Cash accounts operating—	
First National Bank (general disbursing account)	100.1
First National Bank (payroll imprest account)	100.2
Town & Country National Bank (disbursing account, HEW grant)	100.3
Petty cash	100.4
Cash account, escrow—Farmers & Mechanics Bank, client deposits	105.1
Certificates of deposit	110.1
Due from grantors and contractors—	
Due from Legal Services Corporation	115.1
Due from ACE Foundation	115.2
Due from HEW	115.3
Other receivables	125.1
Travel advances to employees—	
Bill Smith	130.1
Tom Cattlet	130.2
Tony Johnson	130.3
Mary Thomas	130.4
Property and equipment—	
Furniture, fixtures and equipment—	
Legal Services Corporation	1.140.1
ACE Foundation	2.140.1
HEW	3.140.1
General	4.140.1
Donated	5.140.1
Leasehold improvements—	
Legal Services Corporation	1.140.2
ACE Foundation	2.140.2
HEW	3.140.2
General	4.140.2
Law Library—	
Legal Services Corporation	1.145
ACE Foundation	2.145
HEW	3.145

Account description:	Account No.
General	4.145
Donated	5.145
Property and equipment accumulated depreciation and amortization—	
Furniture, fixtures and equipment accumulated depreciation—	
Legal Services Corporation	1.155.1
ACE Foundation	2.155.1
HEW	3.155.1
General	4.155.1
Donated	5.155.1
Leasehold improvements accumulated amortization—	
Legal Services Corporation	1.155.2
ACE Foundation	2.155.2
HEW	3.155.2
General	4.155.2
Liabilities (200 series):	
Accounts payable—	
Vendors	200.1
Employer FICA	200.2
Employee withholdings payable—	
Federal income tax	205.1
State income tax	205.2
FICA	205.3
Group health and medical insurance	205.4
Accrued expenses—	
Accrued payroll	210.1
Accrued electricity	210.2
Accrued audit fees	210.3
Client deposits	215
Fund Balance (300 series):	
Grants and Contracts—	
Legal Services Corporation	1.301
ACE Foundation	2.301
HEW	3.301
General	305
Property and equipment	310
Support (400 series):	
Grant and contract support—	
Legal Services Corporation	1.400
ACE Foundation	2.400
HEW	3.400
Contributions—	
Individuals	405.1
United Way of City	405.2
Donated property and services	410
Expenses (500 series):	
Lawyers—	
Legal Services Corporation	1.505
ACE Foundation	2.505
HEW	3.505
General	4.505
Donated	5.505
Nonlawyers—	
Legal Services Corporation	1.510
ACE Foundation	2.510
HEW	3.510
General	4.510
Donated	5.510
Fringe benefits—	
Legal Services Corporation:	
Employer FICA	1.515.1
Pension and retirement	1.515.2
ACE Foundation:	
Employer FICA	2.515.1
Pension and retirement	2.515.2
HEW:	
Employer FICA	3.515.1
Pension and retirement	3.515.2
General:	
Employer FICA	4.515.1
Pension and retirement	4.515.2
Legal consultants—	
Legal Services Corporation	1.520
ACE Foundation	2.520
HEW	3.520
General	4.520
Contract services—	
Legal Services Corporation	1.525
ACE Foundation	2.525
HEW	3.525
General	4.525
Travel—	
Legal Services Corporation:	
Local travel	1.530.1
Meals/entertainment	1.530.2
Airfare	1.530.3
Lodging	1.530.4
Program	1.530.5
Conference	1.530.6
ACE Foundation:	
Local travel	2.530.1
Meals/entertainment	2.530.2
Airfare	2.530.3
Lodging	2.530.4
Program	2.530.5
Conference	2.530.6
HEW Foundation:	
Local travel	3.530.1
Meals/entertainment	3.530.2
Airfare	3.530.3
Lodging	3.530.4
Program	3.530.5
Conference	3.530.6
General:	
Local travel	4.530.1
Meals/entertainment	4.530.2
Airfare	4.530.3
Lodging	4.530.4
Program	4.530.5
Conference	4.530.6
Space—	
Legal Services Corporation:	
Electricity	1.535.1
Rent	1.535.2
Gas	1.535.3
ACE Foundation:	
Electricity	2.535.1
Rent	2.535.2
Gas	2.535.3
HEW:	
Electricity	3.535.1
Rent	3.535.2
Gas	3.535.3
General:	
Electricity	4.535.1
Rent	4.535.2
Gas	4.535.3
Consumable supplies—	
Legal Services Corporation	1.540
ACE Foundation	2.540
HEW	3.540
General	4.540
Rent or lease of equipment—	
Legal Services Corporation	1.545
ACE Foundation	2.545
HEW	3.545
Depreciation of property	550
Other direct expenses—	
Legal Services Corporation:	
Telephone	1.555.1
Repairs and improvements	1.555.2
Litigation costs	1.555.3
Other	1.555.4
ACE Foundation:	
Telephone	2.555.1
Repairs and improvements	2.555.2
Litigation costs	2.555.3
Other	2.555.4
HEW:	
Telephone	3.555.1
Repairs and improvements	3.555.2
Litigation costs	3.555.3
Other	3.555.4
General:	
Telephone	4.555.1
Repairs and improvements	4.555.2
Litigation costs	4.555.3
Other	4.555.4
(Where charges to other direct expenses are significant, separate accounts should be established and adequate disclosure made in the financial statements.)	
Asset purchases (600 series):	
Acquisition of property—	
Legal Services Corporation:	
Office equipment	1.600.1
Furniture	1.600.2
Furnishings	1.600.3
Leasehold improvements	1.600.4
Law library	1.600.5
ACE Foundation:	
Office equipment	2.600.1
Furniture	2.600.2
Furnishings	2.600.3
Leasehold improvements	2.600.4
Law library	2.600.5
HEW:	
Office equipment	3.600.1
Furniture	3.600.2
Furnishings	3.600.3
Leasehold improvements	3.600.4
Law library	3.600.5
General:	
Office equipment	4.600.1
Furniture	4.600.2
Furnishings	4.600.3
Leasehold improvements	4.600.4
Law library	4.600.5

APPENDIX 6.—ACCOUNTING PROCEDURES AND INTERNAL CONTROL CHECKLIST

The essence of an effective system of internal control is the segregation of duties in such a way that the persons responsible for the custody of assets and conduct of operations have no part in the keeping of, and do not have access to, the records which establish accounting control over the assets and the operations. Duties of individuals should be so divided as to minimize the possibility of colusion, perpetration of irregularities and falsification of the accounts. The objective is to provide the maximum safeguards practicable in the circumstances, giving due consideration to the risks involved and the cost of maintaining the controls.

The following checklist is provided as a guideline for recipient's management to direct attention to practicable revisions of accounting procedures or internal controls which can be made to strengthen, improve, or simplify the existing system. This checklist should not be considered all-inclusive nor are all items considered necessary for all recipients. This is an area where recipients should utilize the expertise of their auditors in a continuing relationship to maximize the services an auditor can provide.

A. GENERAL

*1. Has a system of authorizations and approvals been established to require appropriate managerial approval for all significant actions or financial transactions of the organization?

*2. Has a chart of accounts been established to identify all accounts in the accounting system?

*3. Does the organization use a double-entry accounting system?

*4. Are entries in the accounting records properly authorized, as evidenced by supporting documentation containing the appropriate approving official's signature?

*5. Are bank accounts properly authorized by the Board of Directors?

* Considered a fundamental and essential element of internal control for all programs.

*6. Are employees and officers who handle assets or perform significant financial duties bonded?
*7. Are adequate budget controls established to allow the program director adequately control expenditures and properly manage the program?
*8. Are adequate controls established to provide a clean cutoff between periods with respect to the recording of support and expenses?
9. Has a general policy with respect to insurance coverage been defined and procedures instituted to insure that all significant business risks have been covered? Is insurance coverage periodically reviewed with a competent insurance agent?
*10. Are journal entries adequately explained, supported and approved by a responsible officer or employee?
11. Does the recipient prepare and use an annual overall financial plan or operating budget to allocate its resources and provide a system of evaluation and control?
12. Is there a separation of duties, so no individual has complete authority over an entire financial transaction?
*13. Are organization policies, procedures and charts established to show definite lines of responsibility and authority?
14. Are employees required to take annual vacations, and are duties assigned to others in the absence of an employee on vacation or otherwise?
*15. Are the accounting policies followed by the organization in agreement with those stipulated by their grants and contracts?
16. Where feasible, are common or indirect costs accumulated into cost pools for later allocation of costs to each project, contract and grant?
17. Are bases used to allocate cost pools equitable and approved by the various funding organizations?

B. PERSONNEL AND PAYROLL

*1. Are salary and wage rates approved by a responsible officer in writing and are procedures adequate to provide that employees are paid in accordance with approved budget, wage or salary rates?
*2. Do procedures provide for the proper withholding and payment of applicable Federal, State, and local income and payroll taxes?
3. Are employees furnished information as to their earnings, deductions from earnings, etc., on their payroll check stubs?
4. When employees are initially hired, do procedures provide for reference checks and confirmation of prior salary and employment data and is documentation made of these procedures and maintained as part of the employees file?
5. Are payroll checks signed by persons having no part in preparing the payroll?
6. Are there personnel policies prohibiting employment of individuals which could result in:
   a. Nepotism.
   b. Conflict of interest.
7. Are the payroll bank accounts reconciled by employees who have no other functions with respect to the payrolls?
8. Do procedures followed in reconciling payroll bank accounts include the checking of names on pay checks against payroll records and the examination of endorsements on checks?
*9. Is the reconciliation reviewed critically each month by an officer or responsible employee?
10. Is an independent test made of hours, rates or other bases of payment by reference to attendance records, employment authorizations, approved rate changes, etc., by someone not connected with the preparation or distribution of the payroll?
11. Are personnel policies established in writing?
*12. Are employee hours worked approved by the employees' supervisor?
*13. Are records kept on personnel actions including hiring, promotion, dismissal, and resignation of both full-time and part-time employees?
14. Are labor hours charged (distributed) to projects, contracts and grants based on time distribution records, which identify the total time actually spent by all individuals who charged time directly to projects, contracts and grants?
15. Are payroll totals checked against labor distribution totals which are compiled from the original time records?
*16. Are payrolls disbursed from an imprest bank account restricted to that purpose?
*17. Do the personnel and/or payroll records include the following or similar forms:
   a. A daily attendance record?
   b. Vacation, sick and other excused leave forms?
   c. Individual payroll record form?
   d. A payroll register?
   e. A notification concerning appointments, terminations, position classifications, and salary rates?
*18. When employees work overtime, are there procedures to provide for (where applicable):
   a. Authorizing and paying overtime only to employees entitled to receive overtime pay?
   b. Recording earned and used compensatory time in lieu of overtime pay?
19. Where duties require employees to spend time away from their offices, do they prepare reports disclosing their weekly or monthly activities (e.g., number of persons contacted, interviewed, referrals)?
20. Are duties of those preparing the payroll rotated?
*21. Is a. "tax return calendar" or other method used to insure timely preparation and filing of various payroll tax returns?

C. PROPERTY CONTROL

*1. Are records maintained for fixed assets purchased in excess of $50 which provide the following information:
   a. Date of purchase.
   b. Description of item, including model and serial number.
   c. Cost of item and check number for disbursement.
   d. Identification of funds used to purchase assets.
   e. Depreciation lives assigned to assets.
   f. Identification number and location of asset.
*2. Are fixed-asset records balanced to the general ledger control accounts periodically?
3. Are fixed assets tagged for easy identification with fixed-asset records?
*4. Are physical inventories taken periodically and compared to fixed-asset records?
5. Are adjustments to fixed-asset records and general ledger control accounts reviewed and approved by an appropriate organization employee or officer who does not have responsibility for maintaining fixed-asset records (includes adjustments resulting from theft, retirement and sale of assets)?

D. PROCUREMENT

*1. Are supplies in storage reasonably protected from theft, deterioration and damage?
2. Do procedures provide for the solicitation of prices for purchase, rent and/or lease of fixed assets?
3. Do procedures provide that consideration will be given to the cost advantages of renting versus buying equipment and other nonexpendable property?
4. Are approved vendor lists used for recurring purchases?
*5. Does the recipient have a systematic method for determining what supplies are needed and in what quantities?
6. Are prenumbered purchase orders used and appropriate authorization obtained prior to purchase, rent or lease of equipment and supplies?
7. Are prenumbered receiving documents prepared (e.g., receiving log or ticket) and inspection of goods made without reference to purchase orders?
8. Are invoices, purchase orders and receiving documents compared and accounted for by a person not having any other purchase or receiving functions?
9. Are purchase orders outstanding for long periods of time investigated?

E. LEGAL CONSULTANTS/CONTRACT SERVICES

*1. Are procedures in effect to provide for formal approval by the Board of Directors or other high level authority of consultant and contract service contracts over prescribed limits?
*2. Are there adequate procedures to insure that all necessary funding source approvals are obtained prior to entering into contracts?
3. Do procedures provide or the solicitation of proposals or bids prior to contract award?
*4. Are contracts written so that the services to be rendered are clearly defined?
5. Does the organization have controls for determining whether contracts are properly executed?

F. TRAVEL

*1. Does the organization have formal written travel policies?
*2. Is adequate support (e.g., lodging receipts, air fare tickets) received from employee before reimbursement for travel expenses is made?
*3. Are there adequate controls over the accounting for advances and reimbursements for travel expenses made to employees?
4. For out-of-town travel, do employees prepare trip reports summarizing the results of the trip?

G. CONTROLS OVER CASH DISBURSEMENTS

*1. Are all checks prenumbered?
*2. Are all payments, except those made from petty cash, made by check?
*3. Are persons who sign checks designated by the Board of Directors?
*4. When checks (except payroll) are presented for signatures, are the supporting vouchers and invoices also presented?

*5. Are there appropriate controls to assure that payments are made only for allowable items of cost, as defined by the terms of their respective contracts and grants?
*6. Are there procedures to insure that checks are never drawn payable to:
a. Officers or employees with the understanding that the cash is to be used for organization purposes (other than for travel reimbursements, petty cash reimbursements,
b. Cash, bearer or similar payee which renders the check payable to bearer?
c. Other payee when the payee named is not intended as the party to retain the funds?
7. Are written accounting policies and procedures established to describe the accounting system and assure that similar transactions are processed in the same manner?
*8. Are there procedures to insure that blank checks are never signed in advance?
*9. Have there been procedures adopted to insure that the names of individuals once authorized as check signers are not retained in the signature lists on file with the banks after the individuals have left the employ of the recipient or have been transferred to duties incompatible with check signing?
*10. Is there an appropriate system for cross-referencing payments to supporting documents and are supporting documents filed in such a manner so as to be readily located?
11. Are supporting documents marked paid or otherwise cancelled and the check number and date of payment indicated to prevent duplicate payments?
12. Is a check protector used?
13. Where a mechanical check signer is used, is the signature die under adequate control?

H. CONTROLS OVER CASH RECEIPTS

*1. Are cash receipts deposited daily and intact?
*2. Does the accounting system identify the receipt and expenditure of program funds separately for each contract and grant?
3. Are bank-stamped duplicate deposit slips compared with the Cash Receipts Journal?
*4. Does the employee who opens the mail list the receipts in detail and is this record used by someone independent of other accounting functions to verify the amount recorded and deposited?

BANK RECONCILIATION PROCEDURES

*1. Are bank accounts reconciled monthly?
2. Does the reconciliation procedure include:
*a. Comparison of checks with cashbook as to number, date, payee, and amount?
b. Examination of signatures and endorsements, and procedures for the return of inadequately endorsed checks, paid by banks, to the banks for proper endorsements?
*c. Examination of voided checks?
*d. Accounting for serial numbers of checks?
e. Comparison of dates and amounts of daily deposits as shown by the cash receipts records with the bank statements?
f. Test-check of details shown on authenticated duplicate deposit slips obtained directly from the banks against the corresponding details in the cash receipts records?
*3. Are bank statements and paid checks delivered directly to the person preparing the reconciliation?

J. SEGREGATION OF DUTIES

*1. Does the bookkeeper's duties exclude the following functions:
a. Receive cash or checks?
b. Open the incoming mail?
c. Prepare bank deposits?
2. Does an individual other than the person who prepares the bank deposit slip actually deposit the cash in the bank?
3. Is the mail opened by a person who does not prepare the blank deposit?
4. Do the duties of the person preparing the bank reconciliation exclude:
a. Posting to the books of account?
b. Handling cash?
c. Signing checks?
5. Are checks, after being signed, controlled and mailed out by an individual who does not have any other accounting duties?

K. PETTY CASH CONTROLS

*1. Is responsibility for the petty cash fund vested in only on person?
*2. Are petty cash vouchers:
a. Required for each petty cash disbursement?
b. Prenumbered?
c. Signed by the recipient of the cash disbursed?
d. Executed in ink?
e. Approved by a responsible person?
3. Are petty cash disbursements evidenced by properly approved supporting data?
*4. Are supporting data for petty cash disbursements checked at time of reimbursement?
*5. Are petty cash reimbursements made payable directly to the petty cash custodian rather than to cash, bearer, etc.?
*6. Are petty cash disbursements made from working funds maintained on an imprest basis?
*7. Are there procedures to insure that the cash receipts are not comingled with the petty cash fund?
8. When the petty cash fund is reimbursed, is a notation of payment made on supporting data to prevent duplicate payment?
9. Is the petty cash bank account reconciled by an employee independent of the custodian?
10. Are petty cash funds audited by frequent and surprise counts by an independent person to insure the fund does not include personal checks, IOU's etc., and that the petty cash fund balances?

L. CLIENT DEPOSIT CONTROLS

*1. Are client funds deposited into a bank account used only for the client's intended purpose?
*2. Was the bank account approved by the Board of Directors?
3. Are two signatures required on checks?
4. Is the account reconciled by an individual not involved with client deposit operations?
*5. Are prenumbered receipts given to clients for all checks and cash received?
*6. Are the following records maintained for the accounts?
a. A receipts book with prenumbered receipts.
b. A cash disbursements journal.
c. A detailed record of client deposits.

APPENDIX 7.—ACCOUNTING FOR PROPERTY

This appendix illustrates the property accounting procedures recommended in this Guide.

CAPITALIZATION

The following illustrates the accounting for the hypothetical purchase of equipment costing $1,000 and purchased with LSC funds:

1. At the time of purchase and disbursement of cash, the following entry is made to record the purchase as a charge to the LSC fund.

Debit: Acquisition of property—LSC equipment (account No. 1.600.1)..... $1,000
Credit: Cash..... $1,000

For accounting purposes this account is treated as an expense account and closed to fund balance along with all support and expenses at year end.

2. A second entry is required (normally made quarterly or at the end of the year) to recognize the asset purchased with LSC funds.

Debit: Equipment—LSC..... $1,000
Credit: Fund balance—property and equipment..... $1,000

Where more than one funding source is used, identification of the source of the funds used to purchase the asset must be incorporated into the accounting records. As discussed previously, separate property records must be maintained for each funding source with a reversionary interest in property in addition to property acquired from the general fund.

When a recipient has historically expensed property when purchased and such property is still in use, an entry to capitalize these assets is made by debiting the appropriate property accounts and crediting the property and equipment fund for the original cost, less accumulated depreciation. In the absence of accurate historical cost records for these assets, an appraisal or other estimate of the cost will be satisfactory. A cost based appraisal contemplates valuing property on the basis of catalog prices, vendor price lists, or other reasonable sources for prices of such property or comparable property in effect around the time of purchase. The amounts capitalized and basis for valuation should be disclosed in footnotes to the financial statements.

DEPRECIATION

It is suggested that the straightline depreciation method with the following guidelines for estimated useful lives be followed. Internal Revenue Service guidelines may also be used to determine alternative useful lives for specific items, if the recipient believes the criteria below are not appropriate for the program's assets. Furniture, fixtures and equipment, 5 to 10 years; leasehold improvements, term of lease or life of improvements, whichever is shorter.

Using the earlier example, assuming a useful life of five years, no salvage value and computing depreciation on the straightline method, depreciation on the equipment for one year is $200 ($1,000÷5) and would be recorded in the property fund as follows:

Debit: Depreciation expense..... $200
Credit: Accumulated depreciation..... $200

Depreciation may be computed on an item-by-item or group basis. The group basis consolidates similar type items (i.e.—all furniture, all office equipment, etc.) purchased during a year (vintage-year) and considers them as one group (i.e., furniture, equipment, etc.). Therefore, depreciation records are maintained for the group instead of each individual item within the group. The clerical effort required is significantly reduced.

However, a schedule detailing original cost of each item within the group should be developed by year to be used if particular items are sold or retired before they are fully depreciated (this subject will be discussed later). Depreciation for groups of assets is computed identically as depreciation for an individual item illustrated in the previous paragraph. For example, the first year's depreciation of a ten item vintage-year group; five year life; and costing a total of $1,000 with no estimated salvage value would be:

Debit: Depreciation expense	$200	
Credit: Accumulated depreciation		$200

SALES

Gains or losses from the sale of property and equipment should be reported as support in the property and equipment fund. Gain or loss on a transaction is defined as the difference between the sales proceeds, and the net book value (original cost reduced by accumulated depreciation to the date of sale) of the asset.

The fund balance of the property and equipment fund includes only the acquisition value of property and equipment reduced by accumulated depreciation. Proceeds from the sale of property are not, as a general policy, required by LSC to be reinvested in property and equipment. Proceeds should be transferred to the general fund balance and used for general program purposes which would not increase annualized spending. If significant proceeds are received (i.e., in excess of $500) the Regional Director must approve the general policy to be followed. The following illustrates the recording of a sale when a gain (Illustration 1) is realized or a loss (Illustration 2) incurred:

Illustration 1.—Sale of equipment at more than net book value.

Assumptions:

a. Equipment was originally purchased for $100.

b. At time of sale, accumulated depreciation was $50.

c. Asset was sold for $60.

Two entries are required to record the transaction as follows:

1. The first entry records the sale.

Debit: Cash	$60	
Debit: Accumulated depreciation	50	
Credit: Equipment—LSC		$100
Credit: Gain on sale (property and equipment fund)		10

2. The second entry is required to transfer the proceeds to the general fund.

Debit: Fund balance—property and equipment	60	
Credit: Fund balance—general		60

Illustration 2.—Sale of equipment at less than net book value.

Assumptions:

a. Same as illustration 1 except that cash received was only $40.

1. The first entry records the sale.

Debit: Cash	$40	
Debit: Accumulated depreciation	50	
Debit: Loss on sale (property and equipment fund)	10	
Credit: Equipment—LSC		$100

2. The second entry transfers the proceeds to the general fund.

Debit: Fund balance—property and equipment	40	
Credit: Fund balance—general		40

VINTAGE-YEAR ADJUSTMENTS

When the group (vintage-year) method is used, gains or losses are recorded similarly. As discussed earlier, historical cost records for vintage-year assets are required for the gain or loss computation. For example, if an item is included in a group being depreciated over ten years, and four years depreciation have been recorded at the time of the sale, then the basis (i.e., cost less accumulated depreciation) for the item is 6/10th of its historical cost.

It should be noted that when an item is removed from a "group" account, the annual depreciation of that group must be adjusted for the item deleted. For example, assume a group originally consisted of ten items costing $1,000 and depreciated over ten years (depreciation expense is $100 per year). If one item costing $100 was sold after five years (50% of useful life) for $60, the entry to record the sale and the computation of subsequent years' depreciation would be as follows:

Entry		
Debit: Cash	$60	
Debit: Accumulated depreciation of property	50	
Credit: Gain on sale		$10
Credit: Property		100

Computation of future years' depreciation:

Cost of property ($1,000−$100)	$900
Less: Accumulated depreciation ($500−$50)	(450)
Net value	450

$$\text{Annual depreciation} = \frac{\text{Years left to depreciate} - 5 \quad \text{net value} \quad 450}{\text{remaining years} \quad 5} = \$90$$

WRITE-OFFS

Amounts required to be written off through abandonment and obsolescence should be recognized as expenses in the property and equipment fund balance. The following illustrates the write-off of equipment originally costing $100 and accumulated depreciation of $75 at date of abandonment:

Debit: Loss on abandonment of equipment (property and equipment fund)	$25	
Debit: Accumulate depreciation	75	
Credit: Equipment		$100

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federal register

TUESDAY, JULY 20, 1976

PART III:

SECURITIES AND EXCHANGE COMMISSION

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SECURITY HOLDERS AND SHAREHOLDERS

Proposals

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release Nos. 34-12598, 35-19602, IC-9343; File No. S7-643]

PROPOSALS BY SECURITY HOLDERS

Notice of Proposed Amendments to Rule

The Commission today invited public comment on proposed amendments to Rule 14a-8 [17 CFR 240.14a-8] under section 14(a) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)][1]. Rule 14a-8 is the provision in the Commission's proxy rules which sets forth the requirements applicable to proposals submitted by security holders for inclusion in the proxy soliciting materials of issuers. The proxy rules are promulgated under the Exchange Act but also are applicable to the solicitation of proxies under the Public Utility Holding Company Act of 1935 [15 U.S.C. 79a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] and the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)].

The amendments are being proposed because of the Commission's belief that they will asisst both issuers and their security holders in understanding Rule 14a-8 and complying with its requirements. The proposed amendments, which among other things would clarify the requirements applicable to both proponents of shareholder proposals and managements, are discussed below in the order in which they appear in the rule.

PROCEDURAL REQUIREMENTS FOR PROPONENTS—RULE 14a-8(a) [17 CFR 240.-14a-8(a)]

Paragraph (a) of the existing rule is concerned primarily with the procedural requirements that must be satisfied by proponents. In its amended form, the paragraph would contain four subparagraphs, each dealing with a specific procedural requirement, as discussed below.

(1) *Eligibility.* Under the existing rule a proponent must be a "security holder entitled to vote at a meeting of security holders" in order to be eligible to have his proposal included in the issuer's proxy materials. This basic standard of eligibility would be retained in paragraph (a)(1) of the amended rule. Provisions would be added, however, to make clear three interpretations of the existing rule which heretofore have not been specifically stated therein:

(a) A proposal may be submitted not only by a record owner of a security of the issuer, but also by a beneficial owner as well.[2] However, if a proponent claims to have a beneficial ownership interest, he must be prepared to document that interest within 10 business days after receiving a request for appropriate documentation from the management.

(b) The security owed by the proponent must be one which would enable him to vote on his proposal at the meeting of security holders. Thus, under this provision a proponent could not submit a proposal that goes beyond the scope of his voting rights. For example, a proponent who owned a security that could be voted on the election of some of the issuer's directors but on no other matters, could not submit a proposal relating to the issuer's business activities, since he would not be able to vote on it personally.

(c) A proponent must own a voting security at the time he submits a proposal, and he must continue to own that security through the date on which the meeting is held. In this regard, the amended rule also would provide that in the event the management included a proponent's proposal in its proxy materials for a particular meeting and the proponent failed to comply with the requirement that he continuously own his security through the meeting date, the management could then exclude from its proxy materials for any meeting held in the following two calendar years any proposals submitted by that proponent. The purpose of this latter provision is to assure that the proponent will maintain an investment interest in the issuer through the meeting date.

(2) *Notice.* The existing rule states that the proponent must accompany his proposal with "notice of his intention to present the proposal for action at the meeting." The Commission believes the notice requirement serves a useful purpose in that it provides some degree of assurance that the proponent's proposal will indeed be presented for action at the meeting. Accordingly, the Commission proposes to retain the notice requirement in substantially the same form in which it now exists.

Notwithstanding the above, the Commission recognizes that many proponents are unaware of the notice requirement when they submit their proposals and consequently do not comply with it at that time. As a result, the Commission proposes in paragraph (a)(2) of the rule to permit a proponent who is unaware of the notice requirement at the time of submission to furnish the requisite notice within a reasonable time after being made aware of the requirement by the management.

Paragraph (a)(2) also would make clear that a proponent who furnishes the requisite notice in good faith but subsequently determines that he will be unable to appear at the meeting, may arrange to have another security holder of the issuer present his proposal on his behalf at the meeting. This proposed revision is in accord with existing practice and is intended, again, to provide some assurance that a proponent's proposal will indeed be presented for action at the meeting.

Finally, the Commission proposes to add a sentence at the end of paragraph (a)(2) which will have essentially the same effect as paragraph (c)(3) of the existing rule. That is, the proposed sentence provides that in the event the proponent or his proxy fails without good cause to present his proposal at the meeting, the management need not include any proposals submitted by the proponent in its proxy materials for any meeting held in the following two calendar years. This provision is in keeping with the overall purpose of the notice requirement, which is to avoid putting the issuer and its security holders to considerable expense for no valid purpose.

(3) *Timeliness.* Under the existing rule, a proposal to be presented at an annual meeting must be received by the management no later than 70 days in advance of the anniversary of the mailing date for the previous year's proxy materials. Proposals submitted for other meetings must be received a reasonable time in advance of the mailing date. The Commission proposes to extend the timeliness deadline for annual meetings from 70 to 90 days and to leave unchanged the requirement for other meetings. The 20-day advance in the deadline for annual meetings is being proposed in conjunction with a similar 20-day advance in the deadline date under paragraph (d) of the rule for the filing by managements of the reasons why they believe specific proposals may properly be excluded from their proxy materials. Currently, paragraph (d) requires that the management file such reasons, as well as any related materials, at least 30 days prior to the filing of its preliminary proxy materials, unless the Commission permits them to be filed within a shorter period.

The two changes are being proposed because of the Commission's belief that they would benefit both managements and proponents. With respect to managements, the Commission believes that advancing the filing requirement under paragraph (d) from 30 to 50 days largely would eliminate the disruptions in the printing schedules for their proxy materials that occasionally have resulted under the existing 30-day filing requirement. Such disruptions generally have occurred when the staff of the Commission was unable, due to its workload, to express within the 30-day period its informal enforcement views on the management's reasons for omitting a proposal. Although there is no requirement that managements adhere to the staff's comments, the Commission is aware that most managements are interested in those comments and will delay their printing schedules, if necessary, in order to consider them. Based on past experience, the Commission believes the additional 20 days proposed above would eliminate almost all such delays.

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[1] The Commission also has issued on this day a release discussing the informal procedures applicable to the rendering of staff advice with respect to shareholder proposals. See Securities Exchange Act Release No. 34-12599, in Rules and Regulations in this issue at page 29989.

[2] The term "beneficial owner", when used in the context of the proxy rules, and in light of the purposes of those rules, may be interpreted to have a broader meaning than it would for certain other purposes under the federal securities laws, such as reporting pursuant to the Williams Act. See, for example, proposed Rule 13d-3 [17 CFR 240.13d-3] of Regulation 13D, Securities Exchange Act Release No. 11616 (August 25, 1975).

Insofar as proponents are concerned, the Commission is aware that advancing the deadline for submitting proposals from 70 to 90 days may be inconvenient to some. However, it believes that the inconvenience will be minimal, and is outweighed by the fact that the new timeliness deadlines would provide an additional 20 days for proponents to explore all possible alternatives in connection with a management's intention to omit their proposals. One of these alternatives is to institute an action in a U.S. District Court to compel the management to include the proposals in the issuer's proxy materials, and the change in the timelines deadlines will provide an additional 20 days to prepare for, and institute such a suit.

The Commission also proposes to make certain minor revisions to the Note in the existing rule which suggests that proponents submit their proposals by Certified Mail—Return Receipt Requested. Although the proposed revisions would clarify the Note, they would not alter its substance.

(4) *Number and Length of Proposals.* The existing rule does not contain any limitation on either the number of proposals which a proponent may submit to an issuer or the length of such proposals. The Commission, however, has noted that in recent years several proponents have exceeded the bounds of reasonableness either by submitting excessive numbers of proposals to issuers (one proponent submitted 21 proposals ot an issuer, and many have submitted 10 or more) or by submitting proposals that are extreme in their length (there have been two occasions in which proposals exceeding 3,000 words in length have been submitted). The Commission is concerned about such practices not only because they appear to be an unreasonable exercise of the right to submit proposals, but also because they tend to obscure other material matters in the proxy statements of issuers, thereby reducing the effectiveness of such documents. In light of these concerns, the Commission proposes to add a new paragraph (a)(4) to the rule which would limit a proponent to a maximum of two proposals of not more than 300 words each to an issuer.

The Commission believes that the above limitations are reasonable and would serve the interests of security holders. Moreover, it appears that they would not adversely affect the vast majority of proponents. In arriving at this view, the Commission has examined data compiled on those proposals during the past three fiscal years that were objected to by managements pursuant to paragraph (d) of Rule 14a-8. This data indicates that approximately 83 percent of the time, a proponent submitted no more than two proposals to an issuer. The data also indicates that approximately 86 percent of the proposals at issue were 300 words or less in length. In light of this information, as well as the concerns expressed above, the Commission believes the limitations proposed in paragraph (a)(4) would constitute reasonable and appropriate restraints on the right to submit proposals.

Paragraph (a)(4) also would provide that in those instances in which a proponent fails to comply with either of the above requirements or with the 200-word limit on statements in support of a proposal, the management shall so notify the proponent and provide him with a reasonable time to reduce the items submitted by him to the limits set forth in the rule. This provision is being proposed in the interest of fairness because the Commission recognizes that many proponents, due to lack of awareness of the proposed limitations, may inadvertently exceed them at the time they submit their proposals.

SUPPORTING STATEMENTS FOR PROPOSALS—RULE 14a-8(b) [17 CFR 240.14a-8(b)]

Paragraph (b) of the current rule deals with statements that may be submitted by proponents in support of their proposals. The Commission proposes to make only two changes in that paragraph, neither of which is substantive in nature.

The first change is the deletion of the following sentence now contained in the existing paragraph:

> Any statements in the text of a proposal, such as a preamble or "whereas" clauses, which are in effect arguments in support of the proposal, shall be deemed part of the supporting statement and subject to the 200-word limitation thereon.

The above sentence was intended to curtail the tendency of proponents to evade the 200-word limitation on supporting statements by submitting lengthy proposals which contained supporting argumentation within the text of the proposals themselves. However, since the Commission now proposes to place a limit on the length of proposals that would encompass any introductory preambles or "whereas" clauses, there no longer seems to be any need to police the length of supporting statements in the manner envisioned by the above sentence.

The second change relates to the last two sentences of the current paragraph. These sentences, which provide that the proponent shall furnish his supporting statement to the management at the time the proposal is furnished, and that neither the management nor the issuer shall be responsible for such statement, often are overlooked by the proponents. Accordingly, in order to highlight them, they have been combined into a single sentence and repositioned in the paragraph.

SUBSTANTIVE BASES FOR OMISSION OF PROPOSALS—RULE 14a-8(c) [17 CFR 240.14a-8(c)]

Paragraph (c) of the current rule sets forth various grounds for excluding a proposal from an issuers' proxy materials. Most of these grounds for omission are substantive in nature and have been retained in some form in the revised paragraph. In addition, the Commission proposes to include in the paragraph several other bases for omitting proposals. Many of these additional grounds for omission, however, are not new, since they reasonably may have been implied from the existing rule.

In its amended form, paragraph (c) would contain 13 separate grounds for omitting a proposal. Each of these grounds is discussed below in the order in which it appears in the revised paragraph.

(1) *State Law.* Paragraph (c)(1) of the current rule presently allows the management to omit a proposal "If the proposal as submitted is, under the laws of the issuer's domicile, not a proper subject for action by security holders." This provision is based on the theory that no purpose is served by including in an issuer's proxy materials proposals which the issuer's security holders cannot properly act upon.

Although the Commission intends to retain paragraph (c)(1) in essentially its present form, it proposes to omit therefrom the words "as submitted." The deletion of these two words will make clear the Commission's belief that a proponent is not bound by the original text of his proposal under this provision, but may revise the proposal in those instances in which a nonsubstantive change (such as a change in form) will bring it into compliance with the applicable state law.

The change proposed above is in accord with the longstanding interpretative view of the Commission and its staff under paragraph (c)(1). In this regard, it is the Commission's understanding that the laws of most states do not, for the most part, explicitly indicate those matters which are proper for security holders to act upon, but instead provide only that "the business and affairs of every corporation organized under this law shall be managed by its board of directors," or words to that effect. Under such a statute, the board may be considered to have exclusive discretion in corporate matters, absent a specific provision to the contrary in the statute itself, or the corporations' charter or bylaws. Accordingly, proposals by security holders that mandate or direct the board to take certain action may constitute an unlawful intrusion on the board's discretionary authority under the typical statute. On the other hand, however, proposals that merely recommend or request that the board take certain action would not appear to be contrary to the typical state statute, since such proposals are merely advisory in nature and would not binding on the board even if adopted by a majority of the security holders.

In recognition of the foregoing, the Commission proposes to add a Note to paragraph (c)(1) of the rule alerting proponents to the fact that the propriety of their proposals under the applicable state law may depend upon the form in which the proposal appears. Thus, the Note states that "A proposal that may be improper under the applicable state law when framed as a mandate or directive, may be proper when framed as a recommendation or request." By so alerting proponents, the Commission believes there no longer will be a

need to refer to the form of proposals in any other provision of Rule 14a–8. Accordingly, all such references, including those contained in paragraphs (c) (2) (ii) and (c) (5) of the present rule, have been omitted from the revised rule.

(2) *Federal Law.* The Commission proposes to formalize in paragraph (c) (2) of the revised rule a view that its staff has expressed informally on numerous occasions in the past. That is, a proposal by a security holder that would, if implemented, be violative of a federal law of the United States may properly be excluded from an issuer's proxy materials. Although this restriction on proposals reasonably may be implied from paragraph (c) (1) of the present rule, since both federal and state law are applicable in an issuer's domicile, the Commission proposes to remove all doubt in this area by promulgating a separate exclusionary provision for proposals that violate U.S. laws.

(3) *Proxy Rules and Regulations.* The Commission is aware that on many occasions in the past proponents have submitted proposals and/or supporting statements that contravene one or more of its proxy rules and regulations. Most often, this situation has occurred when proponents have submitted items that contain false or misleading statements. Statements of that nature are prohibited from inclusion in proxy soliciting materials by Rule 14a–9 [17 CFR 240.14a–9] of the proxy rules. Other rules that occasionally have been violated are Rule 14a–4 [17 CFR 240.14a–4] concerning the form of an issuer's proxy card, and Rule 14a–11 [17 CFR 240.14a–11] relating to contests for the election of directors.

In light of the foregoing, the Commission proposes to add a new paragraph (c) (3) to Rule 14a–8 expressly providing that a proposal or supporting statement may not be contrary to any of the Commission's proxy rules and regulations, including Rule 14a–9. This provision, if adopted, would simply formalize a ground for omission that the Commission believes is inherent in the existing rule.

(4) *Personal Claim or Grievance.* Paragraph (c) (2) (i) of the current rule allows a proposal to be excluded from an issuer's proxy materials if it "relates to the enforcement of a personal claim or the redress of a personal grievance against the issuer, its management, or any other person." Because the Commission does not believe an issuer's proxy materials are a proper forum for airing personal claims or grievances, it intends to retain this provision in its present form in paragraph (c) (4) of the revised rule.

(5) *Insignificant Matters.* Paragraph (c) (2) (ii) of the existing rule permits an issuer to omit a proposal if it "consists of a recommendation, request or mandate that action be taken with respect to any matter, including a general economic, political, racial, religious, social or similar cause, that is not significantly related to the business of the issuer . . ." The Commission proposes to retain the substance of this provision in paragraph (c) (5) of the revised rule. However, the reference in the existing rule to the form in which proposals appear and the illustrative reference to various general causes have been deleted on the ground they are superfluous and unnecessary. Accordingly, the provision, as proposed to be amended, simply states that a proposal may be omitted if it "deals with a matter that is not significantly related to the issuer's business."

A number of persons have expressed the view that the Commission should revise the rule to allow the omission of a proposal whenever the matter involved therein does not bear a significant economic relation to the issuer's business. The Commission, however, does not believe that the insertion of the word "economic" is appropriate at this time. Its view is based on the fact that there are many instances in which the matter involved in a proposal is significant to an issuer's business, even though such significance may not be apparent from an economic viewpoint. For example, proposals dealing with cumulative voting rights or the ratification of auditors may not be economically significant to an issuer's business, but they nevertheless have a significance to security holders that would preclude their being omitted under this provision.

Notwithstanding the foregoing, the Commission recognizes that there are circumstances in which economic data may indicate a valid basis for omitting a proposal under this provision. The Commission wishes to emphasize, however, that the significance of a particular matter to an issuer's present or prospective business depends upon that issuer's individual circumstances, and that there is no specific quantitative standard that is applicable in all instances. Moreover, the burden is on the issuer to demonstrate that this provision, or any other provision of Rule 14a–8 for that matter, may properly be relied upon to omit a particular proposal.

(6) *Matters Beyond Issuer's Power.* Paragraph (c) (6) of the proposed amended rule provides that a proposal may be omitted from an issuer's proxy materials if it deals with a matter that is "beyond the issuer's power to effectuate." This provision is derived from that part of paragraph (c) (2) (ii) of the current rule and the Note thereto that allow a proposal to be omitted if it deals with a matter that is not within the control of the issuer. In terms of scope and effect, the provision is unchanged from the current rule and Note. However, since the Note does nothing more than define the term used in the subparagraph, it has been incorporated into the subparagraph itself.

(7) *Routine Matters.* Paragraph (c) (5) of the existing rule permits an issuer to omit a proposal from its proxy materials if the proposal "consists of a recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the issuer." This provision frequently has been relied upon by issuers to exclude proposals that involve matters of considerable importance to the issuer and its security holders. As a result, the Commission is concerned that it may not be operating completely in accord with the purposes for which section 14(a) of the Exchange Act was enacted. That Section, which provides the statutory authority for the Commission's proxy rules and regulations, of which Rule 14a–8 is a part, was enacted to promote corporate suffrage and to limit those situations in which public corporations are controlled by a small number of persons.[3] As the Court of Appeals for the D.C. Circuit pointed out, the overriding purpose of section 14(a) "is to assure to corporate shareholders the ability to exercise their right—some would say their duty—to control the important decisions which affect them in their capacity as stockholders and owners of the corporation."[4]

In light of the above considerations, the Commission proposes to delete paragraph (c) (5) and replace it with a new paragraph (c) (7). The new paragraph would permit the omission of a proposal only if it deals with a "routine, day-to-day matter relating to the conduct of the ordinary business operations of the issuer." Because matters of the type described in the new provision generally are of little interest or importance to most security holders, the Commission believes it is appropriate to retain an exclusionary provision for proposals dealing with them. The proposed new subparagraph, however, could not be relied upon to exclude proposals involving important business matters, notwithstanding the fact that such matters generally would relate to the conduct of the issuer's ordinary business operations.

With respect to the standard which would be used to distinguish between routine and important matters for purposes of the new proposed paragraph, the Commission suggests the following for consideration and comment. Will it be necessary for the board of directors (or other governing body of the issuer, such as the board of trustees) to act on the matter involved in the proposal? Under the proposed standard, mundane matters that would be handled by management personnel without referral to the board of directors generally would be excludable under this provision, but matters that would require action by the board would not be.

ALTERNATE TO PROPOSED SUBPARAGRAPHS (c) (5) AND (c) (7) [17 CFR 240.14A–8 (c) (5) AND (c) (7)]

In connection with proposed subparagraphs (c) (5) and (c) (7), the Commission also wishes to elicit comments on the following questions: 1) whether it would be more beneficial to issuers and security holders not to adopt either or both of these proposed subparagraphs, or 2) whether it would be more beneficial

[3] See House Report No. 1383, 73d Cong., 2nd Sess. (1934), 13–14, and Senate Report No. 792, 73d Cong., 2nd Sess. (1934), 12.

[4] "Medical Committee for Human Rights v. S.E.C.," 432 F.2d 659, 680–681 (D.C. Cir. 1970), vacated and dismissed as moot, 404 U.S. 403 (1972).

to replace or supplement them with a provision which would allow the omission of a proposal if it:

> Deals with a matter that the governing body of the issuer (such as the Board of Directors) is not required to act upon pursuant to the applicable State law or the issuer's governing instruments (such as the Charter or By-Laws).

The proposed alternate standard described above is being put forth for comment because the Commission recognizes that proposed paragraphs (c)(5) and (c)(7) may create interpretative difficulties that might not arise under the proposed alternative provision.

(8) *Elections to Office.* The last sentence of paragraph (a) of the existing rule states that Rule 14a–8 does not apply to elections to office or to counter proposals to matters to be submitted by the management. Both of the grounds for omission mentioned in that sentence are substantive in nature, and the Commission believes they more properly belong in paragraph (c) of the rule, which contains all of the substantive grounds for omitting stockholder proposals. Accordingly, they have been restated in proposed paragraphs (c)(8) and (c)(9) of the amended rule.

Paragraph (c)(8) states simply that a proposal can be omitted if it "relates to a corporate, political or other election to office." The words "corporate, political or other . . ." have been added to make clear that the proposed subparagraph would apply to a proposal relating to any type of election to office. Notwithstanding its applicability to any election to office, the principal purpose of the provision is to make clear, with respect to corporate elections, that Rule 14a–8 is not the proper means for conducting campaigns or effecting reforms in elections of that nature, since other proxy rules, including Rule 14a–11, are applicable thereto.

(9) *Counter Proposals.* As noted above, paragraph (c)(9) of the revised rule would merely restate a ground for omission already set forth in the existing rule. That is, a proposal that is counter to a proposal to be presented by the management may be omitted from an issuer's proxy materials.

(10) *Moot Proposals.* The Commission proposes to set forth in paragraph (c)(10) of the amended rule a ground for omission that has been implied in the existing rule but not specifically stated therein. The new subparagraph would provide that a proposal which has been rendered moot by the actions of the management may be omitted from the issuer's proxy materials. This provision is designed to avoid the possibility of shareholders having to consider matters which already have been favorably acted upon by the management and would be applicable, for instance, whenever the management agrees prior to a meeting of security holders to implement a proponent's proposal in its entirety.

(11) *Similar Proposals in Current Year.* As with paragraph (c)(10) above, paragraph (c)(11) would formalize a ground for omission that is not mentioned in the current rule but reasonably has been implied therefrom. Specifically, the new subparagraph would provide that the management may omit a proposal that is substantially duplicative of a proposal previously submitted by another proponent which the management intends to include in its proxy materials. The purpose of the provision is to eliminate the possibility of shareholders having to consider two or more substantially identical proposals submitted to an issuer by proponents acting independently of each other.

(12) *Similar Proposals in Prior Years.* With one exception, paragraph (c)(12) of the proposed rule is identical to paragraph (c)(4) of the existing rule. The exception is set forth in the first two lines of the new provision, and it amounts to a change in the standard for applying this ground for omission.

Paragraph (c)(4) presently states that a proposal submitted by a security holder may be omitted from an issuer's proxy soliciting materials if it is "substantially the same" as a prior shareholder proposal that failed on its most recent submission to receive a specified minimum percentage of the total votes cast. The purpose of the provision is to prevent matters of little interest from consistently being placed before an issuer's security holders. The Commission has observed that in recent years the provision has been effectively circumvented by some proponents who have been able to present essentially the same subject matter to a company's security holders in successive years, even though their prior proposals on the matter failed to receive the minimum percentage of votes specified in the rule. This evasion of the rule has been accomplished by recasting the form of the proposal, expanding its coverage, or otherwise changing its language in a manner that precludes one from saying that it is "substantially the same" as the prior proposal.

In recognition of the foregoing, and in order to prevent further frustration of the intent of the provision discussed above, the Commission proposes to revise the rule to permit the omission of a proposal if it "deals with substantially the same subject matter as a proposal previously submitted to security holders . . ." The Commission believes the proposed change would effectively limit the scope of shareholder proposals submitted under Rule 14a–8 to those matters that either have not been acted upon by an issuer's security holders within the period specified in the rule, or, if acted upon, have evoked a significant shareholder vote during that period.

It should be noted that the proposed change would permit a proposal to be omitted even if only part of it dealt with the same subject matter as a prior proposal. Accordingly, should the proposed new subparagraph eventually be adopted by the Commission, it would be incumbent upon proponents to delete from their proposals any material dealing with substantially the same subject matter as a prior proposal that failed to receive the minimum percentage of votes specified in this provision.

(13) *Specific Dividend Amounts.* In paragraph (c)(13) of the revised rule, the Commission proposes to permit issuers to omit from their proxy materials any proposals relating to "specific amounts of cash or stock dividends." Under Rule 14a–8 as it now exists, almost all dividend proposals are excludable either on the ground that they are contrary to the applicable state law, or on the ground that they relate to the conduct of the issuer's ordinary business operations. (The latter result is based on the fact that the management, as an ordinary business matter, determines not only whether any dividends should be paid, but also the amount of such dividends.)

Because the Commission already has proposed herein to narrow considerably the "ordinary business" test of paragraph (c)(5) of the current rule (see the discussion of proposed paragraph (c)(7) relating to "routine matters"), it appears likely that many dividend proposals no longer would be excludable under that standard. The Commission does not believe this would be an unwelcome result, inasmuch as dividend matters, including an issuer's dividend policy, are extremely important to most security holders. It recognizes, however, that unless some restrictions are placed on the types of dividends proposals that are submitted, issuers could be inundated with numerous proposals of a conflicting nature on such matters. For instance, the possibility would exist that several proponents independently would submit to an issuer proposals asking that differing amounts of dividends be paid. Accordingly, in order to prevent security holders from being burdened with a multitude of conflicting dividend proposals, the Commission is proposing paragraph (c)(13) in the form described above.

In arriving at the foregoing position on dividend proposals, the Commission has given consideration to the view advanced by some managements that dividend matters are not appropriate for discussion by security holders. This view is based on the fact that decisions on dividends traditionally have been within the exclusive province of the board of directors under most state laws, and the fact that individual directors can be held personally liable under many state laws if they pay dividends in excess of accumulated earnings. The Commission, however, is not persuaded that these reasons provide a valid basis for excluding all dividend proposals. In this regard, it is noted that mandatory dividend proposals would continue to be excludable under paragraph (c)(1) of the revised rule, to the extent that they would intrude on the board's exclusive discretionary authority under the applicable state law to make decisions on dividends. But to the extent that such proposals were advisory in nature, and therefore non-binding on the board even if adopted, the Commission is unable to agree that proponents should be denied the opportunity to present them, within the limits of this provision, to their fellow security holders for consideration.

PROCEDURAL REQUIREMENTS FOR MANAGEMENTS—RULE 14a-8(d) [17 CFR 240.14a-8(d)]

Paragraph (d) of the existing rule deals with the procedural requirements applicable to managements who intend to omit stockholder proposals from their proxy materials. The Commission proposes to make the following changes in that paragraph:

(1) It proposes to insert the words "for any reason" in the forepart of the paragraph to make clear that the notification and filing requirements of paragraph (d) are applicable "Whenever the management asserts, for any reason, . . ." that it may omit a proposal and/or supporting statement from its proxy materials. The purpose of the proposed revision is to dispel the erroneous belief of some managements that they need not comply with the requirements of paragraph (d) when a proposal is clearly excludable for a procedural reason (e.g., timeliness).

(2) The Commission proposes to advance the deadline for managements to submit materials under paragraph (d) from 30 days in advance of the date on which their preliminary proxy materials will be filed to 50 days prior to such date. As previously noted in the discussion of proposed paragraph (a)(3) relating to the timeliness requirements for proponents, this change is being proposed in conjunction with a corresponding 20-day advance in the deadline date for the submission of proposals by proponents.

(3) It proposes to revise the paragraph to state that the materials required by paragraph (d) must be submitted not later than 50 days in advance of the filing date for the issuer's preliminary proxy materials, "or such shorter period prior to such date as the Commission or its staff may permit * * *" The addition of the words "or its staff" would make clear that the staff may act on a request for a waiver of the 50-day filing requirement without the necessity for referring the request to the full Commission.

(4) The Commission proposes to require that five copies (rather than one, as at present) of all materials required by the paragraph be filed with it. The additional copies are needed to fulfill the public availability requirements applicable to such materials and to provide the Commission's staff with an adequate number of copies for working purposes and for its files.

TEXT OF PROPOSED REVISED RULE 14a-8 [17 CFR 240.14a-8]

Rule 14a-8 is proposed to be revised to read as follows:

§ 240.14a-8 Proposals of security holders.

(a) If any security holder of an issuer notifies the management of the issuer of his intention to present a proposal for action at a forthcoming meeting of the issuer's security holders, the management shall set forth the proposal in its proxy statement and identify it in its form of proxy and provide means by which security holders can make the specification required by § 240.14a-4(b). Notwithstanding the foregoing, the management shall not be required to include the proposal in its proxy statement or form of proxy unless the security holder (hereinafter, the "proponent") has complied with the requirements of this paragraph and paragraphs (b) and (c) hereof:

(1) *Eligibility.* At the time he submits the proposal, the proponent shall be a record or beneficial owner of a security entitled to be voted at the meeting on his proposal, and he shall continue to own such security through the date on which the meeting is held. If the management requests documentary support of a proponent's claim that he is a beneficial owner of a voting security of the issuer, the proponent shall furnish appropriate documentation within 10 business days after receiving the request. In the event the management includes the proponent's proposal in its proxy soliciting materials for the meeting and the proponent fails to comply with the requirement that he continuously be a voting security holder through the meeting date, the management shall not be required to include any proposals submitted by the proponent in its proxy soliciting materials for any meeting held in the following two calendar years.

(2) *Notice.* The proponent shall notify the management in writing of his intention to appear personally at the meeting to present his proposal for action. The proponent shall furnish the requisite notice at the time he submits the proposal, except that if he was unaware of the notice requirement at that time, he shall comply with it within a reasonable time after being informed of it by the management. If the proponent, after furnishing in good faith the notice required by this provision, subsequently determines that he will be unable to appear personally at the meeting, he shall arrange to have another security holder of the issuer present his proposal on his behalf at the meeting. In the event the proponent or his proxy fails, without good cause, to present the proposal for action at the meeting, the management shall not be required to include any proposals submitted by the proponent in its proxy soliciting materials for any meeting held in the following two calendar years.

(3) *Timeliness.* The proponent shall submit his proposal sufficiently far in advance of the meeting so that it is received by the management within the following time periods:

(i) *Annual Meetings.* A proposal to be presented at an annual meeting shall be received by the management at the issuer's principal executive offices not less than 90 days in advance of a date corresponding to the date set forth on the management's proxy statement released to security holders in connection with the last annual meeting of security holders, except that if the date of the annual meeting has been changed as a result of a change in the fiscal year, a proposal shall be received by the management a reasonable time before the solicitation is made.

(ii) *Other Meetings.* A proposal to be presented at any meeting other than an annual meeting shall be received a reasonable time before the solicitation is made.

NOTE.—In order to curtail controversy as to the date on which a proposal was received by the management, it is suggested that proponents submit their proposals by Certified Mail-Return Receipt Requested.

(4) *Number and Length of Proposals.* The proponent may submit a maximum of two proposals of not more than 300 words each for inclusion in the management's proxy materials for a meeting of security holders. If the proponent fails to comply with either of these requirements, or if he fails to comply with the 200-word limit on supporting statements mentioned in paragraph (b), he shall be provided the opportunity by the management to reduce, within a reasonable time, the items submitted by him to the limits required by this rule.

(b) If the management opposes any proposal received from a proponent, it shall also, at the request of the proponent, include in its proxy statement a statement of the proponent of not more than 200 words in support of the proposal, which statement shall not include the name and address of the proponent. The statement and request of the proponent shall be furnished to the management at the time that the proposal is furnished, and neither the management nor the issuer shall be responsible for such statement. The proxy statement shall also include either the name and address of the proponent or a statement that such information will be furnished by the issuer or by the Commission to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the name and address of the proponent are omitted from the proxy statement they shall be furnished to the Commission at the time of filing the management's preliminary proxy material pursuant to § 240.14a-6(a).

(c) The management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(1) If the proposal is, under the laws of the issuer's domicile, not a proper subject for action by security holders;

NOTE.—A proposal that may be improper under the applicable state law when framed as a mandate or directive, may be proper when framed as a recommendation or request.

(2) If the proposal is contrary to a federal law of the United States;

(3) If the proposal or the supporting statement is contrary to any of the Commission's proxy rules and regulations, including § 240.14a-9, which prohibits false or misleading statements in proxy soliciting materials;

(4) If the proposal relates to the enforcement of a personal claim or the redress of a personal grievance against the issuer, its mangement, or any other person;

(5) If the proposal deals with a matter that is not significantly related to the issuer's business;

(6) If the proposal deals with a matter that is beyond the issuer's power to effectuate;

(7) If the proposal deals with a routine, day-to-day matter relating to the conduct of the ordinary business operations of the issuer;

(8) If the proposal relates to a corporate, political or other election to office;

(9) If the proposal is counter to a proposal to be submitted by the management at the meeting;

(10) If the proposal has been rendered moot by the actions of the management;

(11) If the proposal is substantially duplicative of a proposal previously submitted to the management by another proponent, which proposal will be included in the management's proxy material for the meeting;

(12) If the proposal deals with substantially the same subject matter as a prior proposal submitted to security holders in the management's proxy statement and form of proxy relating to any annual or special meeting of security holders held within the preceding 5 calendar years, it may omitted from the management's proxy material relating to any meeting of security holders held within 3 calendar years after the latest such previous submission:

Provided, That (i) If the prior proposal was submitted at only one meeting during such preceding period, it received less than 3 percent of the total number of votes cast in regard thereto; or

(ii) If the prior proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 6 percent of the total number of votes cast in regard thereto; or

(iii) If the prior proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 10 percent of the total number of votes cast in regard thereto; and

(13) If the proposal relates to specific amounts of cash or stock dividends.

(d) Whenever the management asserts, for any reason, that a proposal and any statement in support thereof received from a proponent may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than 50 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a–6(a), or such shorter period prior to such date as the Commission or its staff may permit, five copies of the following items: (1) The proposal; (2) any statement in support thereof as received from the proponent; (3) a statement of the reasons why the management deems such omission to be proper in the particular case; and (4) where such reasons are based on matters of law, a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the proponent of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

TEXT OF ALTERNATIVE TO PROPOSED SUBPARAGRAPHS (c) (5) AND (c) (7) [17 CFR 240.14a–8(c) (5) AND 240.14a–8(c) (7)]

With the exception of the alternative provision to paragraphs (c) (5) and (c) (7) previously discussed herein, the complete text of the proposed revised rule is set forth above. The alternative provision would, if adopted, either replace or supplement proposed paragraph (c) (5) and (c) (7).

The alternative provision to paragraphs (c) (5) and (c) (7) is proposed to read as follows:

§ 240.14a–8 Proposals of security holders.

* * * * *

(c) * * *

(5, 7 or 14) If the proposal deals with a matter that the governing body of the issuer (such as the Board of Directors) is not required to act upon pursuant to the applicable State law or the issuer's governing instruments (such as the Charter or By-Laws).

* * * * *

(Secs. 14(a), 23(a), 48 Stat. 895, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570; sec. 18, 89 Stat. 155; 15 U.S.C. 78n(a), 78w(a); secs. 12(e), 20(a), 49 Stat. 823, 833; 15 U.S.C. 79l(e), 79t(a); secs. 20(a), 38(a), 54 Stat. 822, 841; 15 U.S.C. 80a–20(a), 80a–37(a))

COST DATA

In addition to seeking comments on the above proposed amendments, the Commission is interested in obtaining information about the costs to issuers of including stockholder proposals in their proxy soliciting materials. This information is being sought with respect to proposals that are included in proxy materials from the date of this release through June 30, 1977. Any issuers willing to furnish such information to the Commission are requested to indicate not only the total cost of including each proposal in their proxy materials, but also the amount of each component part of the overall cost (such as printing, postage and legal expenses). This information should be submitted to Peter J. Romeo, Special Counsel, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

AUTHORITY

The Commission is proposing the amendments to Rule 14a–8 that are discussed herein pursuant to section 14(a) and 23(a) of the Securities Exchange Act of 1934, sections 12(e) and 20(a) of the Public Utility Holding Company Act of 1935, and sections 20(a) and 38(a) of the Investment Company Act of 1940. To assist interested persons in comparing the proposed revised rule to the existing rule, the complete text of the existing rule appears at the end hereof.

All interested persons are invited to submit their views and comments on the proposed amendments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before September 7, 1976. All such communications should be submitted with three copies and should refer to File No. S7–643, and will be available for public inspection.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JULY 7, 1976.

TEXT OF EXISTING RULE

§ 240.14a–8 Proposals of security holders.

(a) If any security holder entitled to vote at a meeting of security holders of the issuer shall submit to the management of the issuer, within the time hereinafter specified, a proposal which is acompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify it in its form of proxy and provide means by which security holders can make the specification provided for by Rule 14a–4(b) [§ 240.14a–4(b)]. The management of the issuer shall not be required by this rule to include the proposal in its proxy statement or form of proxy for an annual meeting unless the proposal is received by the management at the issuer's principal executive offices not less than 70 days in advance of a date corresponding to the date set forth on the management's proxy statement released to security holders in connection with the last annual meeting of security holders, except that if the date of the annual meeting has been changed as a result of a change in the fiscal year, a proposal shall be received by the management a reasonable time before the solicitation is made. A proposal to be presented at any other meeting shall be received by the management of the issuer a reasonable time before the solicitation is made. This rule does not apply, however, to elections to office or to counter proposals to matters to be submitted by the management.

NOTE.—In order to curtail controversy as to the date that a security holder's proposal was received by the management, it is suggested that security holders submit their proposals by Certified Mail-Return Receipt Requested.

(b) If the management opposes any proposal received from a security holder, it shall also, at the request of the security holder, include in its proxy statement a statement of the security holder, in not more than 200 words, in support of the proposal, which statement shall not include the name and address of the security holder. Any statements in the text of a proposal, such as a preamble or "whereas" clauses, which are in effect arguments in support of the proposal, shall be deemed part of the supporting statement and subject to the 200-word limitation thereon. The proxy statement shall also include either the name and address of the security holder or a statement that such information will be furnished by the issuer or by the Commission to any person, orally, or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the name and address of the security holder is omitted from the proxy statement, it shall be furnished to the Commission at the time of filing the management's preliminary proxy material pursuant to Rule 14a–6(a) [§ 240.14a–6(a)]. The statement and request of the security holder shall

be furnished to the management at the time that the proposal is furnished. Neither the management nor the issuer shall be responsible for such statement.

(c) Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(1) If the proposal as submitted is, under the laws of the issuer's domicile, not a proper subject for action by security holders; or

(2) If the proposal:

(i) relates to the enforcement of a personal claim or the redress of a personal grievance against the issuer, its management, or any other person; or

(ii) consists of a recommendation, request or mandate that action be taken with respect to any matter including a general economic, political, racial, religious, social or similar cause, that is not significantly related to the business of the issuer or is not within the control of the issuer;

NOTE.—Proposals not within an issuer's control are those which are beyond its power to effectuate.

(3) If the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to either the last two annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings and such security holder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting; or

(4) If substantially the same proposal has previously been submitted to security holders in the management's proxy statement and form of proxy relating to any annual or special meeting of security holders held within the preceding 5 calendar years, it may be omitted from the management's proxy material relating to any meeting of security holders held within the 3 calendar years after the latest such previous submission: *Provided,* That (i) If the proposal was submitted at only one meeting during such preceding period, it received less than 3 percent of the total number of votes cast in regard thereto; or

(ii) If the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 6 percent of the total number of votes cast in regard thereto; or

(iii) If the proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 10 percent of the total number of votes cast in regard thereto; or

(5) If the proposal consists of a recommendation or request the management take action with respect to a matter relating to the conduct of the ordinary business operations of the issuer.

(d) Whenever the management asserts that a proposal and any statement in support thereof received from a security holder may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than 30 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to Rule 14a-6(a) [§ 240.14a-6(a)], or such shorter period prior to such date as the Commission may permit, a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and where such reasons are based on matters of law a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

[FR Doc.76-20842 Filed 7-19-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-12599, 35-19603, IC-9344]

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Statement of Informal Proposals for the Rendering of Staff Advice With Respect to Shareholder Proposals

In connection with its proposals to revise Securities Exchange Act Rule 14a-8 [17 CFR 240.14a-8], issued this day,[1] the Commission deems it appropriate to publish this statement describing the purposes of the Commission's rules regarding shareholder proposals and the informal advisory assistance available to members of the public, from the Commission's staff, with respect to those shareholder proposals management has indicated it intends to omit from its proxy materials pursuant to Rule 14a-8(d) [17 CFR 240.14a-8(d)].

Since the earliest days of its existence, the Commission has utilized informal administrative action rather than formal administrative proceedings in situations where the need for speed and the character of the agency's function normally made such formal proceedings inappropriate.[2] The first of the federal securities laws, the Securities Act of 1933 [15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)], requires that a registration statement covering securities to be publicly sold must be filed with the Commission 20 days before its effective date.[3] If the Commission concludes that a statement is false or misleading, it can initiate formal administrative proceedings in which, after notice and hearing, it can deny or revoke the effectiveness of the statement.[4]

The Commission quickly realized, however, that it would be impossible for it as a practical matter to take such formal action in any substantial number of cases.[5] As a result, there evolved the informal deficiency letter or letter of comment, in which the staff indicates to the issuer its views as to any deficiencies in the statement and gives the issuer the opportunity to correct them before the statement becomes effective. This procedure aids compliance with the disclosure requirements of the Act without the need for protracted formal administrative proceedings, the very initiation of which could cause serious problems in selling the securities.[6]

Unlike the Securities Act of 1933, which requires the filing of registration statements prior to their effective date and specifies in considerable detail the information they must contain,[7] the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] merely prohibits the solicitation of proxies "in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors."[8] Congress thus left it to the Commission to prescribe not only the substantive standards governing the solicitation of proxies, but also the procedures to be followed. That Act, however, differs from the Securities Act of 1933, in that Congress made no provision for the Commission to initiate formal administrative procedures to prevent violation of the proxy rules;[9] the only sanction available to the Commission to prohibit a violation is to initiate a district court suit for an injunction, under section 21(e) of the Act.[10]

The Commission's first proxy rules, adopted in 1935, did not require that the materials be filed with the agency before distribution; they merely specified certain information that had to be disclosed.[11] This arrangement proved unsatisfactory, however, because there were a number of instances in which the Commission, upon examining the material that had been distributed, concluded that the material had not complied with the rules and requested the company to make a supplemental solicitation.[12]

In 1938, the Commission advised persons "desiring informal opinions or suggestions" in connection with proxy material to present the request "as far in advance of the solicitation as practicable."[13] The procedure did not materially reduce the number of proxy solicitations in violation of the rules, however, and, in 1940, the Commission amended its rules to require, as they have provided ever since, that proxy materials be filed with the Commission for its inspection prior to solicitation.[14]

The prefiling requirement enables the Commission to examine and comment upon the proposed proxy material before distribution to security holders. In accordance with our practice,[15] the examination ordinarily is made by the staff, with participation by the Commission itself only in those relatively rare cases where unusual problems exist and the staff or an interested person requests it.

The Commission's rules with respect to security holder proposals underwent a similar development, reflecting the Commission's practical experience in dealing with them. In 1938, the Commission took the view that a proxy statement was misleading if management did not indicate any security holder proposals which it knew would be presented at the meeting and against which it intended to vote the proxy it was soliciting.[16] It provided a requirement for such disclosure in an amendment to the rules in 1940, which also required that the proxy itself provide a space for the shareholder to vote on

[1] See Securities Exchange Act Rel. No. 12598, in Proposed Rules in this issue at page 29982.

[2] The Commission's rendering of informal advice through such procedures has been commended as an "excellent practice in administrative procedure." Commission on Organization of the Executive Branch of the Government, "Task Force Report on Legal Services and Procedures (1955)," p. 189. See also, Report of the Committee on Administrative Procedure, "Administrative Procedure in Government Agencies," S. Doc. No. 8, 77th Cong., 1st Sess. 39-40 (1941); Aranow & Einhorn, "Proxy Contests for Corporate Control" 294-297 (2d ed., 1968); III Loss, "Securities Regulation" 1894-1896 (2d ed., 1961), VI Loss, *id.* 4023-4026 (Supp. 1969); 1 Davis, "Administrative Law Treatise" Section 4.09 (1958); Cary, "Administrative Agencies and the Securities and Exchange Commission," 29 Law & Contemp. Prob. 653, 660 (1964); Cohen & Rabin, "Broker-Dealer Selling Practice Standards: The Importance of Administrative Adjudication in Their Development," 29 Law & Contemp. Prob. 691, 692 (1964); Von Mehren & McCarroll, "The Proxy Rules: A Case Study in the Administrative Process," 29 Law & Contemp. Prob. 728, 748 (1964).

[3] 15 U.S.C. 77h(a).

[4] 15 U.S.C. 77h(b) and (d).

[5] Report of the Committee on Administrative Procedure, "Administrative Procedure in Government Agencies," S. Doc. No. 8, 77th Cong., 1st Sess. 40 (1941).

[6] *Cf.* 17 CFR 202.3(a). See generally, Blair-Smith, "Forms of Administrative Interpretation Under the Securities Laws, 26 Iowa L. Rev. 241, 249-250 (1941); Johnson & Jackson, "The Securities and Exchange Commission: Its Organization and Functions Under the Securities Act of 1933," 4 Law & Contemp. Prob. 3, 10-11 (1937).

[7] 15 U.S.C. 77g.

[8] Section 14(a), 15 U.S.C. 78n(a).

[9] Company section 12(e) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79l(e).

[10] 15 U.S.C. 78u(e). See II Loss, "Securities Regulation" 931 (2d ed., 1961). "Hearings before a Subcommittee of the Senate Committee on Banking and Currency on S. 879, Stock Market Study (Corporate Proxy Contests)," 84th Cong., 1st Sess. Pt. 3 (1956) pp. 1540-1542; see also Aranow & Einhorn, "Corporate Proxy Contests: Enforcement of SEC Proxy Rules by the Commission and Private Parties," 31 N.Y.U.L. Rev. 875, 876, 886-887, and n. 50 (1956); Armstrong, "The SEC and Proxy Contests," 182 Comm. & Fin. Chron. 875, 888 (1955); Loss, "The SEC Proxy Rules in the Courts," 73 Harv. L. Rev. 1041, 1043-1044 (1960); "Hearings before the House Committee on Interstate and Foreign Commerce on H.R. 1493 (SEC Proxy Rules)," 78th Cong., 1st Sess. 81-82 (1943) (hereafter cited as "1943 Hearings") (Statement of Commission Chairman Purcell).

[11] Securities Exchange Act Release No. 378 (Sept. 24, 1935) (Class A).

[12] "1943 Hearings" at p. 15 (Statement of Commission Chairman Purcell).

[13] Securities Exchange Act Release No. 1823 (Aug. 11, 1938), p. 2.

[14] Securities Exchange Act Release No. 2376 (Jan. 12, 1940), p. 2. See "1943 Hearings," supra, n. 11, pp. 15-16.

[15] 17 CFR 202.3(a), 202.1(d).

[16] "1943 Hearings," pp. 16, 118, 169, 170; Securities Exchange Act Release No. 1823 (Aug. 11, 1938), p. 14. As Commission Chairman Purcell explained at the "1943 Hearings" (p. 170):

"The proxy statement purports to tell the stockholders everything that is going to be taken up at the meeting. The management knew these proposals were going to be taken up at the meeting. It knew that it intended to oppose them. Any statement which did not include those proposals and the position of the management was obviously misleading, because the soliciting material purported to tell the stockholders everything that is going to be taken up at a meeting that the management knew about."

the proposal.[17] Two years later, the rules were amended to require the company to include proposals of which it had been given reasonable notice by the security holder.[18] A 1947 amendment required the company to notify the Commission, when it filed its preliminary material, of any security holder proposal it intended to omit;[19] in 1954, a further amendment required the company to give such notice to the Commission before it filed its materials.[20] Amendments in 1948, 1952 and 1954 specified circumstances in which the company was not required to include security holder proposals.[21]

Thus, over the years the information required to be included in proxy solicitation materials, the time for filing such materials with the Commission and company obligations with respect to security holder proposals underwent significant development and improvement. But, two interrelated aspects of the Commission's review of proxy materials remained the same:

(a) The Commission's sole purpose in conducting such review has been to insure full disclosure to public investors; and

(b) The Commission has never purported or attempted definitively to determine whether particular proxy material complied with the rules.

The Commission, of course, has no interest in the merits of particular security holder proposals; the right of security holders to present proposals at the meeting, as distinguished from the right to include such proposals in management's proxy materials, turns upon state law.[22] The Commission's sole concern is to insure that public investors receive full and accurate information about all security holder proposals that are to, or should, be submitted to them for their action. If the company fails to include in its proxy materials a security holder proposal that it should have included, the other security holders have not only been denied necessary information and the opportunity to vote for a proposal they favor, but unwittingly may have been given a proxy that management would vote against the proposal.

Staff review of proxy solicitation materials is concentrated in the two or three months in the spring, when most corporate meetings are held. In the 1974 fiscal year, the Commission reviewed more than 6,700 proxy statements.[23] With its limited staff and the need for rapid examination, the Commission necessarily cannot do more in each case than make a quick analysis of the material submitted that, perforce, lacks the kind of in-depth study that would be essential to a definitive determination whether a particular filing complies with the rules.

In processing proxy materials, the Commission's staff makes a prompt judgment, based upon the limited information available to it, whether the information disclosed appears to be adequate, accurate and understandable and whether the solicitation seems to comply with the rules. The staff then explains to the company the respects in which it believes that the materials are deficient, in an attempt to persuade the company to change them to conform with the rules, and thereby to provide better information to public investors.[24] If, on the other hand, the proxy materials as filed appear to the staff to satisfy the rules, it informs the company that it would not recommend action to the Commission if the proposal is omitted from management's proxy material. The latter thereby obtains some measure of assurance that, if it distributes the materials as filed, the Commission will not seek to enjoin the solicitation by filing an injunctive suit.

Accordingly, the Commission and its staff do not purport in any way to issue "rulings" or "decisions" on shareholder proposals management indicates it intends to omit, and they do not adjudicate the merits of a management's posture concerning such a proposal. As a result, the informal advice and suggestions emanating from the staff in this area are not binding on either managements or proponents. And, nothing the Commission or its staff does or omits to do in connection with such proposals affects the right of the proponent, or any shareholder for that matter, to institute a private action with respect to the management's intention to omit that proposal from its proxy materials. In summary, the sole purpose of staff review and comment with respect to proxy matters, including stockholder proposals, is to promote compliance with the proxy rules and to assist both management and the Commission in avoiding the possibility of unnecessary litigation between them.

Consistent with the foregoing, the Commission does not engage in any formal proceedings in connection with shareholder proposal matters, nor has it adopted any formal procedures in that regard. While paragraph (d) of Rule 14a–8 requires that a management inform both the Commission and the proponent whenever it intends to omit a proposal from its proxy materials, this requirement is informational only, and is also intended to alert the shareholder proponent of management's likely course of action so that the shareholder can pursue any remedy believed available in a federal court. No response or other action by the Commission or its staff is required in regard to such communications, although the notification requirement of paragraph (d) may alert the Commission that enforcement action may be appropriate in the event the management follows through on its announced intention to omit the proposal at issue, and that action would violate the Commission's rules.[25]

Although there is no requirement that the Commission or its staff respond to submissions by managements under Rule 14a–8(d), the staff, as a convenience to both managements and proponents, has for many years engaged in the informal practice of expressing its enforcement position on such submissions. This is

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[17] Securities Exchange Act Rel. No. 2376 (Jan. 12, 1940), p. 3.

[18] Securities Exchange Act Rel. No. 3347 (Dec. 18, 1942). The 1942 amendment also required the company to distribute a 100-word statement submitted by the shareholder in support of his proposal. As Chairman Purcell explained ("1943 Hearings," p. 112):

"* * * the company will then present them [the proposals], or usually does, with their preliminary proxy material * * *. [W]e take the facts which are submitted to us either by the company or which we can get anywhere else, and if it appears right from the fact of the statements, in the light of the facts that we know that the [100-word] statement is false or misleading, we will tell the company they need not carry it.

On the other hand, he pointed out:

"If we * * * believed that * * * the statement [in support of the shareholder proposal] was not false or libelous, we would advise the management that in our opinion it was necessary for them to include the 100-word statement. Under those circumstances, if the management insisted on sending out its material without the 100-word statement, we would sue for an injunction restraining them from sending out their material without including the 100-word statement. In such a proceeding the court would, of course, determine definitively whether we were correct in our position."

Id. at 118.

[19] 12 FR 8768 (Dec. 24, 1947) at p. 8770.

[20] Securities Exchange Act Rel. No. 4979 (Jan. 6, 1954), at p. 2.

[21] See Securities Exchange Act Rel. No. 4114 (Jul. 6, 1948), p. 2 (proposed amendment), and Securities Exchange Act Rel. No. 4185 (Nov. 5, 1948) (amendment as adopted); Securities Exchange Act Rel. No. 4775 (Dec. 11, 1952); pp. 7–9; and Securities Exchange Act Rel. No. 4979 (Jan. 6, 1954), pp. 4–5.

[22] As former Chairman Demmler stated:

"The stuff of these controversies [under the Securities and Exchange Commission's proxy rules] is the sort of thing which courts have been adjudicating since corporate elections began. The injury to the complainant, real or fancied, may, and usually does, include substantive matters unrelated to the proxy rule violation."

Demmler, "Private Suits Based on Violation of the Proxy Rules", 20 U. Pitt. L. Rev. 587, 591 (1959), cited in Loss, "The SEC Proxy Rules and State Law", 73 Harv. L. Rev. 1249 (1960). Accord, "1943 Hearings", pp. 133–134, 172, 180, 181.

See, also, "1943 Hearings", pp. 99–100 (Commission Chairman Purcell):

"Of course, the rules govern the solicitation of the proxies.

"I do not want to appear to hammer this, but it is a fact they govern the solicitation of proxies and not what happened at the meeting, and it is rather difficult to give you good answers to questions concerning actions which do not in the main concern our Commission * * *."

[23] Securities and Exchange Commission, Fortieth Annual Report, p. 33.

[24] Staff review also "make[s] it possible for the staff to advise the Commission whether it appears that the person soliciting is or is not complying with the [proxy] requirements, and in the event of noncompliance, to permit an appropriate recommendation as to what action to enforce the rules the Commission might wish to pursue." "Hearings before a Subcommittee of the Senate Committee on Banking and Currency on SEC Enforcement Problems," 85th Cong., 1st Sess. Pt. 1 (1957), pp. 17–18 (testimony of Commission Chairman Armstrong).

[25] See "Securities and Exchange Commission v. Transamerica Corp.," 163 F. 2d 511 (C.A. 3), certiorari denied, 332 847 (1951).

done in order to provide guidance as to the staff's enforcement views and to assist both managements and proponents in complying with the proxy rules. It must again be emphasized, however, that the staff's views are advisory only, and that there is no requirement that managements or proponents adhere to them. The ultimate decision as to whether a shareholder proposal will be omitted from an issuer's proxy materials must be made by the management, although, as previously noted, that decision is subject to review by a district court in the event appropriate enforcement action is instituted by either the Commission or the proponent.

As is true in all instances in which persons otherwise subject to the requirements of the federal securities laws claim they are exempt from such requirements, in making the required filing under Rule 14a–8(d), the management must, of course, have a valid basis for omitting the particular proposal involved.[26] If management does not have such a basis, that fact may, in appropriate circumstances, result in the Commission or the proponent instituting an action in a district court to compel the management to include the proposal in its proxy materials.

Proponents and other interested persons often voluntarily submit letters and other materials to the staff concerning a management's intention to omit a proposal from its proxy materials. While Rule 14a–8 does not provide for any communications from such persons to the Commission's staff, the staff will always consider information concerning alleged violations of the statutes or rules administered by the Commission, and this may include arguments as to why it is believed that the intended omission of a shareholder proposal would be violative of the proxy rules. However, neither the receipt of such information or arguments, nor the acknowledgement of them by the staff in its response to the management's submission under Rule 14a–8(d), should be construed as changing the staff's informal procedures and proxy review into a formal or adversary procedure or proceeding.

Because the staff's advice on contested proposals is informal and nonjudicial in nature, it does not have precedential value with respect to identical or similar proposals submitted to other issuers in the future. Many factors are considered by the staff in formulating such advice in a particular instance, including the reasons for omission advanced by the particular management. Moreover, the staff's views on certain issues may change from time-to-time, in light of reexamination, new considerations, or changing conditions which indicate that its earlier views are no longer in keeping with the objectives of Rule 14a–8. Accordingly, managements should not consider the prior enforcement positions of the staff on proposals submitted to other issuers to be dispositive of identical or similar proposals submitted to them.

From time-to-time, the staff receives requests from either managements or proponents that it reconsider the informal view previously expressed by it on a proposal management has indicated it intends to omit. When such requests are accompanied by material information that has not been previously furnished (for example, the management has raised a new ground for omission), the staff gives consideration to them. This is in keeping with its function of determining whether enforcement action appears to be necessary or appropriate in a particular instance. Again, however, it must be emphasized that the receipt of such a request, or the subsequent response to it by the staff, should not be construed as changing the staff's informal procedures into a formal or adversary procedure or proceeding.

The staff endeavors to act upon a request for reconsideration within a reasonable time, giving due consideration to the demands of the management's schedule for printing its proxy materials. However, the primary concern with respect to such request is that the other person affected by it (for example, the proponent, if the management has made the request) be provided with adequate notice in order that he may have sufficient time to take whatever action he deems appropriate. Accordingly, a request for reconsideration ordinarily is not acted upon until all affected persons have had an adequate opportunity to consider the implications of the request.

On some occassions in the past, requests have been made by either proponents or managements that the Commission consider the staff's informal advice on proposals management intends to omit. There are no formal procedures applicable to such proposals, and, concomitantly, there is no "right" to such Commission consideration. Nor is there any requirement that such requests be presented by the staff to the Commission. The staff, however, endeavors to forward all such requests to the Commission, provided they are received sufficiently far in advance of the scheduled printing date for the management's definitive proxy materials to avoid a delay in the printing process.

As stated in 17 CFR 202.1(d), the Commission, in its discretion, either may grant such requests for consideration, or it may deny them.[27]

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JULY 7, 1976.

[FR Doc.76-20343 Filed 7-19-76;8:45 am]

[26] See in this regard Securities Exchange Act Rel. No. 4979 (Jan. 6, 1954).

[27] 17 CFR 202.1(d) provides in pertinent part that

"In certain instances an informal statement of the views of the Commission may be obtained. The staff, upon request or on its own motion, will generally present questions to the Commission which involve matters of substantial importance and where the issues are novel or highly complex, although the granting of a request for an informal statement by the Commission is entirely within its discretion."

federal register

TUESDAY, JULY 20, 1976

PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

PROFESSIONAL STANDARDS REVIEW

Notification and Polling of Doctors in Redesignated Areas

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 101]

PROFESSIONAL STANDARDS REVIEW

Notification and Polling of Doctors in Redesignated Areas

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subpart B of Part 101 of Title 42, Code of Federal Regulations as set out below.

This amendment is proposed in order to provide specifically for notification and polling under section 1152(f) of the Social Security Act in a redesignated area prior to entering into an agreement designating an organization as the Professional Standards Review Organization (PSRO) for such redesignated area. Where it is proposed to designate as the PSRO for the redesignated area a PSRO which has been formerly designated as the PSRO for part of the redesignated area, and where the number of doctors in the area to be added to the former area in which the PSRO operated does not exceed ten percent of the total number of doctors in the entire redesignating area, the notification and polling procedures would be inapplicable. In such case, doctors in the area for which the PSRO had previously been designated will already have been given an opportunity to express their position on the representativeness of the organization and even if all the doctors in the area to be added objected to the organization the number of doctors would not be sufficient to require the Secretary to conduct a poll under section 1152(f) and the regulations of Subpart B.

Where the area for which a PSRO has been designated is decreased in size, no notification on polling will be conducted, since the doctors in such area will already have been given an opportunity to express their position on the representativeness of the organization.

Interested parties are invited to submit written comments, suggestions or objections concerning this amendment to the Director, Bureau of Quality Assurance, Health Services Administration, Room 16-A-55, 5600 Fishers Lane, Rockville, Maryland 20852, on or before August 19, 1976. All comments received in timely response will be considered and will be available for public inspection in the above-named office during regular business hours.

It is proposed to make this amendment effective upon republication in the FEDERAL REGISTER.

It is proposed to amend Subpart B of Part 101 of Title 42, Code of Federal Regulations, as set out below:

Dated: June 3, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: July 7, 1976.

DAVID MATTHEWS,
Secretary.

1. Section 101.104 would be amended by adding a new paragraph (d) as follows:

§ 101.104 Notification of doctors.

* * * * *

(d) *Redesignated Areas.* (1) Where the Secretary proposes to redesignate an area by extending its boundaries to include all or part of one or more previously designated areas pursuant to § 101.2 of this Part, prior to entering into an agreement with an organization designating it as the PSRO for the redesignated area the Secretary will notify and poll the doctors in such redesignated area pursuant to this Subpart, except where:

(i) He intends to enter into an agreement with an organization to be designated as the Professional Standards Review Organization for such redesignated area and the organization has previously been designated as the Professional Standards Review Organization for all or part of an area included in the redesignated area; and

(ii) He has determined, in accordance with § 101.103, that the total number of doctors of medicine and osteopathy in active practice in the geographical territory to be added to the area for which the organization was previously designated does not exceed 10 percent of the total number of doctors of medicine and osteopathy in active practice in the entire redesignated area.

(2) Where the Secretary proposes to redesignate an area by decreasing its boundaries, prior to entering into an agreement with an organization designating it as the Professional Standards Review Organization for the redesignated area, the Secretary will notify and poll the doctors in such redesignated area pursuant to this Subpart, except where he intends to enter into such agreement with an organization which has been designated as the Professional Standards Review Organization for the area prior to such redesignation.

(e) Notice of a determination that the provisions for notification and polling will not be applicable, as provided in paragraphs (1) and (2) will be published in the FEDERAL REGISTER prior to entering into an agreement designating the PSRO for the redesignated area.

[FR Doc.76-20393 Filed 7-19-76;8:45 am]

federal register

TUESDAY, JULY 20, 1976

PART V:

DEPARTMENT OF JUSTICE

■

IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Interpretation Guidelines

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 655–76]

PART 55—IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Interpretative Guidelines

On April 21, 1976, a document was published in the FEDERAL REGISTER (41 FR 16774) proposing Interpretative Guidelines on the Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups. Interested parties were given the opportunity to comment on the proposed Interpretative Guidelines on or before May 21, 1976. All comments received with respect to the proposed Interpretative Guidelines were given due consideration. As a result of these comments a number of language clarifications have been made.

Accordingly, 28 CFR Part 55 is revised as set forth below.

Effective date: These Interpretative Guidelines shall become effective on July 20, 1976.

Dated: July 9, 1976.

EDWARD H. LEVI,
Attorney General.

Subpart A—General Provisions

Sec.
55.1 Definitions.
55.2 Purpose; standards for measuring compliance.
55.3 Statutory requirements.

Subpart B—Nature of Coverage

55.4 Effective date; list of covered jurisdictions.
55.5 Coverage under Section 4(f)(4).
55.6 Coverage under Section 203(c).
55.7 Termination of coverage.
55.8 Relationship between Section 4(f)(4) and Section 203(c).
55.9 Coverage of political units within a county.
55.10 Types of elections covered.

Subpart C—Determining the Exact Language

Sec.
55.11 General.
55.12 Language used for written material.
55.13 Language used for oral assistance and publicity.

Subpart D—Minority Language Materials and Assistance

55.14 General.
55.15 Affected activities.
55.16 Standards and proof of compliance.
55.17 Targeting.
55.18 Provision of minority language materials and assistance.
55.19 Written material.
55.20 Oral assistance and publicity.
55.21 Record keeping.

Subpart E—Preclearance

55.22 Requirements of Section 5 of the Act.

Subpart F—Sanctions

55.23 Enforcement by the Attorney General.

Subpart G—Comment on This Part

55.24 Procedure.

APPENDIX—JURISDICTIONS COVERED

AUTHORITY: 5 U.S.C. 301, 28 U.S.C. 509, 510, Pub. L. 94–73.

Subpart A—General Provisions

§ 55.1 Definitions.

For purposes of this Part—

(a) "Act" means the Voting Rights Act of 1965, 79 Stat. 437, as amended by the Voting Rights Act Amendments of 1970, 84 Stat. 314, and the Voting Rights Act Amendments of 1975, Pub. L. 94–73, 42 U.S.C. 1973 *et seq.* Section numbers, such as "Section 14(c)(3)," refer to the Act.

(b) "Attorney General" means the Attorney General of the United States.

(c) "Language minority" or "Language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. Sections 14(c)(3), 203(e). For the purposes of the Act, the following Asian American groups are considered language minority groups: Chinese Americans, Filipino Americans, Japanese Americans, and Korean Americans. As used in this Part, "applicable language minority group" refers to the group or groups listed in the determinations as to coverage published in the FEDERAL REGISTER. As used in this Part, each of the seven following groups is considered a "single language minority group": American Indians, Alaskan Natives, persons of Spanish heritage, Chinese Americans, Filipino Americans, Japanese Americans, and Korean Americans.

(d) "Political subdivision" means: "* * * any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting." Section 14(c)(2).

§ 55.2 Purpose; standards for measuring compliance.

(a) The purpose of this Part is to set forth the Attorney General's interpretation of the provisions of the Voting Rights Act, as amended by Public Law 94–73 (1975), which require certain States and political subdivisions to conduct elections in the language of certain "language minority groups" in addition to English.

(b) In the Attorney General's view the objective of the Act's provisions is to enable members of applicable language minority groups to participate effectively in the electoral process. This Part establishes two basic standards by which the Attorney General will measure compliance: (1) that materials and assistance should be provided in a way designed to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities; and (2) that an affected jurisdiction should take all reasonable steps to achieve that goal.

(c) The determination of what is required for compliance with Section 4(f)(4) and Section 203(c) is the responsibility of the affected jurisdiction. These guidelines should not be used as a substitute for analysis and decision by the affected jurisdiction.

(d) Jurisdictions covered under Section 4(f)(4) of the Act are subject to the preclearance requirements of Section 5. See Part 51 of this Chapter. Such jurisdictions have the burden of establishing to the satisfaction of the Attorney General or to the United States District Court for the District of Columbia that changes made in their election laws and procedures in order to comply with the requirements of Section 4(f)(4) are not discriminatory under the terms of Section 5. However, Section 5 expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the changes.

(e) Jurisdictions covered solely under Section 203(c) of the Act are not subject to the preclearance requirements of Section 5, nor is there a Federal apparatus available for preclearance of Section 203(c) compliance activities. The Attorney General will not preclear jurisdictions' proposals for compliance with Section 203(c).

(f) Consideration by the Attorney General of a jurisdiction's compliance with the requirements of Section 4(f)(4) occurs in the review pursuant to Section 5 of the Act of changes with respect to voting, in the consideration of the need for litigation to enforce the requirements of Section 4(f)(4), and in the defense of suits for termination of coverage under Section 4(f)(4). Consideration by the Attorney General of a jurisdiction's compliance with the requirements of Section 203(c) occurs in the consideration of the need for litigation to enforce the requirements of Section 203(c).

(g) In enforcing the Act—through the Section 5 preclearance review process, through litigation, and through defense of suits for termination of coverage under Section 4(f)(4)—the Attorney General will follow the general policies set forth in this Part.

(h) This Part is not intended to preclude affected jurisdictions from taking additional steps to further the policy of the Act. By virtue of the Supremacy Clause of Art. VI of the Constitution, the provisions of the Act override any inconsistent State law.

§ 55.3 Statutory requirements.

The Act's requirements concerning the conduct of elections in languages in addition to English are contained in Section 4(f)(4) and Section 203(c). These sections state that whenever a jurisdiction subject to their terms "provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in * * * English. * * *"

Subpart B—Nature of Coverage

§ 55.4 Effective date; list of covered jurisdictions.

(a) The 1975 Amendments took effect upon the date of their enactment, August 6, 1975.

(1) The requirements of Section 4(f)(4) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census

and the Attorney General. Such determinations are not reviewable in any court.

(2) The requirements of Section 203 (c) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census. Such determinations are not reviewable in any court.

(b) Jurisdictions determined to be covered under Section 4(f) (4) or Section 203(c) are listed, together with the language minority group with respect to which coverage was determined, in the Appendix to this Part. Any additional determinations of coverage under either Section 4(f) (4) or Section 203(c) will be published in the FEDERAL REGISTER.

§ 55.5 Coverage under Section 4(f) (4).

(a) *Coverage formula.* Section 4(f) (4) applies to any State or political subdivision in which (1) over five percent of the voting-age citizens were, on November 1, 1972, members of a single language minority group, (2) registration and election materials were provided only in English on November 1, 1972, and (3) fewer than 50 percent of the voting-age citizens were registered to vote or voted in the 1972 Presidential election.

All three conditions must be satisfied before coverage exists under Section 4(f) (4).[1]

(b) Coverage may be determined with regard to Section 4(f) (4) on a statewide or political subdivision basis.

(1) Whenever the determination is made that the bilingual requirements of Section 4(f) (4) are applicable to an entire State, these requirements apply to each of the State's political subdivisions as well as to the State. In other words, each political subdivision within a covered State is subject to the same requirements as the State.

(2) Where an entire State is not covered under Section 4(f) (4), individual political subdivisions may be covered.

§ 55.6 Coverage under Section 203(c).

There are two ways in which coverage under Section 203(c) may be established.[2]

(a) Under the first method, a preliminary determination is made by the Director of the Census of States in which more than five percent of the voting-age citizens are members of a single language minority group the illiteracy rate of which, in the particular State, is greater than the national illiteracy rate. In these States, a particular political subdivision is covered with respect to the State's applicable language minority group if five percent or more of the voting-age citizens of the political subdivision are members of the applicable language minority group.

(b) The second method of establishing coverage is used with respect to language minority groups not reached by the preliminary determination based on statewide data. Under the second method, covered political subdivisions are those in which more than five percent of the voting-age citizens are members of a single language minority group the illiteracy rate of which, in the particular political subdivision, is greater than the national illiteracy rate.

(c) For the purpose of determinations of coverage under Section 203(c), "illiteracy means the failure to complete the fifth primary grade." Section 203(b).

§ 55.7 Termination of coverage.

(a) *Section 4(f) (4).* A covered jurisdiction may terminate coverage under Section 4(f) (4) (via Section 4(a)) by obtaining from the United States District Court for the District of Columbia a declaratory judgment that there has been no discriminatory use of a test or device for a period of ten years. The term "test or device" is defined in Section 4(c) and Section 4(f) (3). When an entire State is covered in this regard, only the State, and not individual political subdivisions within the State, may bring an action to terminate coverage.

(b) *Section 203(c).* The requirements of Section 203(c) apply until August 6, 1985. A covered jurisdiction may terminate such coverage earlier if it can prove in a declaratory judgment action in a United States district court, that the illiteracy rate of the applicable language minority group is equal to or less than the national illiteracy rate.

§ 55.8 Relationship between Section 4 (f) (4) and Section 203(c).

(a) The statutory requirements of Section 4(f) (4) and Section 203(c) regarding minority language material and assistance are essentially identical.

(b) Jurisdictions subject to the requirments of Section 4(f) (4)—but not jurisdictions subject only to the requirements of Section 203(c)—are also subject to the Act's special provisions, such as Section 5 (regarding preclearance of changes in voting laws) and Section 6 (regarding Federal examiners).[3] See Part 51 of this Chapter.

(c) Although the coverage formulas applicable to Section 4(f) (4) and Section 203(c) are different, a political subdivision may be included within both of the coverage formulas. Under these circumstances, a judgment terminating coverage of the jurisdiction under one provisions would not have the effect of terminating coverage under the other provision.

§ 55.9 Coverage of political units within a county.

Where a political subdivision (e.g., a county) is determined to be subject to Section 4(f) (4) or Section 203(c), all political units that hold elections within that political subdivision (e.g., cities, school districts) are subject to the same requirements as the political subdivision.

§ 55.10 Types of elections covered.

(a) *General.* The language provisions of the Act apply to registration for and voting in any type of election, whether it is a primary, general or special election. Section 14(c) (1). This includes elections of officers as well as elections regarding such matters as bond issues, constitutional amendments and referendums. Federal, State and local elections are covered as are elections of special districts, such as school districts and water districts.

(b) *Elections for statewide office.* If an election conducted by a county relates to Federal or State offices or issues as well as county offices or issues, a county subject to the bilingual requirements must insure compliance with those requirements with respect to all aspects of the election, i.e., the minority language material and assistance must deal with the Federal and State offices or issues as well as county offices or issues.

(c) *Multi-county districts.* Regarding elections for an office representing more than one county, e.g., State legislative districts and special districts that include portions of two or more counties, the bilingual requirements are applicable on a county-by-county basis. Thus, minority language material and assistance need not be provided by the government in counties not subject to the bilingual requirements of the Act.

Subpart C—Determining the Exact Language

§ 55.11 General.

The requirements of Section 4(f) (4) or Section 203(c) apply with respect to the languages of language minority groups. The applicable groups are indicated in the determinations of the Attorney General or the Director of the Census. This Subpart relates to the view of the Attorney General concerning the determination by covered jurisdictions of precisely the language to be employed. In enforcing the Act, the Attorney General will consider whether the languages, forms of languages, or dialects chosen by covered jurisdictions for use in the electoral process enable members of applicable language minority groups to participate effectively in the electoral process. It is the responsibility of covered jurisdictions to determine what languages, forms of languages, or dialects will be effective.

§ 55.12 Language used for written material.

(a) *Language minority groups having more than one language.* Some language minority groups, for example, Filipino Americans, have more than one language other than English. A jurisdiction required to provide election materials in the language of such a group need not provide materials in more than one language other than English. The Attorney General will consider whether the language that is used for election materials is the one most widely used by the juris-

[1] Coverage is based on Sections 4(b) (third sentence), 4(c), and 4(f) (3).

[2] The criteria for coverage are contained in Section 203(b).

[3] In addition, a jurisdiction covered under Section 203(c) but not under Section 4(f) (4) is subject to the Act's special provisions if it was covered under Section 4(b) prior to the 1975 Amendments to the Act.

diction's voting-age citizens who are members of the language minority group.

(b) *Languages with more than one written form.* Some languages, for example, Japanese, have more than one written form. A jurisdiction required to provide election materials in such a language need not provide more than one version. The Attorney General will consider whether the particular version of the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(c) *Unwritten Languages.* Many of the languages used by language minority groups, for example, by some American Indians and Alaskan Natives, are unwritten. With respect to any such language, only oral assistance and publicity are required. Even though a written form for a language may exist, a language may be considered unwritten if it is not commonly used in a written form. It is the responsibility of the covered jurisdiction to determine whether a language should be considered written or unwritten.

§ 55.13 Language used for oral assistance and publicity.

(a) *Languages with more than one dialect.* Some languages, for example, Chinese, have several dialects. Where a jurisdiction is obligated to provide oral assistance in such a language, the jurisdiction's obligation is to ascertain the dialects that are commonly used by members of the applicable language minority group in the jurisdiction and to provide oral assistance in such dialects. (See § 55.20.)

(b) *Language minority groups having more than one language.* In some jurisdictions members of an applicable language minority group speak more than one language other than English. Where a jurisdiction is obligated to provide oral assistance in the language of such a group, the jurisdiction's obligation is to ascertain the languages that are commonly used by members of that group in the jurisdiction and to provide oral assistance in such languages. (See § 55.20.)

Subpart D—Minority Language Materials and Assistance

§ 55.14 General.

(a) This Subpart sets forth the views of the Attorney General with respect to the requirements of Section 4(f)(4) and Section 203(c) concerning the provision of minority language materials and assistance and some of the factors that the Attorney General will consider in carrying out his responsibilities to enforce Section 4(f)(4) and Section 203(c). Through the use of his authority under Section 5 and his authority to bring suits to enforce Section 4(f)(4) and Section 203(c), the Attorney General will seek to prevent or remedy discrimination against members of language minority groups based on the failure to use the applicable minority language in the electoral process. The Attorney General also has the responsibility to defend against suits brought for the termination of coverage under Section 4(f)(4) and Section 203(c).

(b) In discharging these responsibilities the Attorney General will respond to complaints received, conduct on his own initiative inquiries and surveys concerning compliance, and undertake other enforcement activities.

(c) It is the responsibility of the jurisdiction to determine what actions by it are required for compliance with the requirements of Section 4(f)(4) and Section 203(c) and to carry out these actions.

§ 55.15 Affected activities.

The requirements of Sections 4(f)(4) and 203(c) apply with regard to the provision of "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots." The basic purpose of these requirements is to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities. Accordingly, the quoted language should be broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections, including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process.

§ 55.16 Standards and proof of compliance.

Compliance with the requirements of Section 4(f)(4) and Section 203(c) is best measured by results. A jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group. In planning its compliance with Section 4(f)(4) or Section 203(c), a jurisdiction may, where alternative methods of compliance are available, use less costly methods if they are equivalent to more costly methods in their effectiveness.

§ 55.17 Targeting.

The term "targeting" is commonly used in discussions of the requirements of Section 4(f)(4) and Section 203(c). "Targeting" refers to a system in which the minority language materials or assistance required by the Act are provided to less than all persons or registered voters. It is the view of the Attorney General that a targeting system will normally fulfill the Act's minority language requirements if it is designed and implemented in such a way that language minority group members who need minority language materials and assistance receive them.

§ 55.18 Provision of minority language materials and assistance.

(a) *Materials provided by mail.* If materials provided by mail (or by some comparable form of distribution) generally to residents or registered voters are not all provided in the applicable minority language, the Attorney General will consider whether an effective targeting system has been developed. For example, a separate mailing of materials in the minority language to persons who are likely to need them or to residents of neighborhoods in which such a need is in the general mailing in English and in the applicable minority language likely to exist, supplemented by a notice of the availability of minority language materials and by other publicity regarding the availability of such materials, may be sufficient.

(b) *Public notices.* The Attorney General will consider whether public notices and announcements of electoral activities are handled in a manner that provides members of the applicable language minority group an effective opportunity to be informed about electoral activities.

(c) *Registration.* The Attorney General will consider whether the registration system is conducted in such a way that members of the applicable language minority group have an effective opportunity to register. One method of accomplishing this is to provide, in the applicable minority language, all notices, forms and other materials provided to potential registrants and to have only bilingual persons as registrars. Effective results may also be obtained, for example, through the use of deputy registrars who are members of the applicable language minority group and the use of decentralized places of registration, with minority language materials available at places where persons who need them are most likely to come to register.

(d) *Polling place activities.* The Attorney General will consider whether polling place activities are conducted in such a way that members of the applicable language minority group have an effective opportunity to vote. One method of accomplishing this is to provide all notices, instructions, ballots, and other pertinent materials and oral assistance in the applicable minority language. If very few of the registered voters scheduled to vote at a particular polling place need minority language materials or assistance, the Attorney General will consider whether an alternative system enabling those few to cast effective ballots is available.

(e) *Publicity.* The Attorney General will consider whether a covered jurisdiction has taken appropriate steps to publicize the availability of materials and assistance in the minority language. Such steps may include the display of appropriate notices, in the minority language, at voter registration offices, polling places, etc., the making of announcements over minority language radio or television stations, the publication of no-

tices in minority language newspapers, and direct contact with language minority group organizations.

§ 55.19 Written materials.

(a) *Types of materials.* It is the obligation of the jurisdiction to decide what materials must be provided in a minority language. A jurisdiction required to provide minority language materials is only required to publish in the language of the applicable language minority group materials distributed to or provided for the use of the electorate generally. Such materials include, for example, ballots, sample ballots, informational materials, and petitions.

(b) *Accuracy, completeness.* It is essential that material provided in the language of a language minority group be clear, complete and accurate. In examining whether a jurisdiction has achieved compliance with this requirement, the Attorney General will consider whether the jurisdiction has consulted with members of the applicable language minority group with respect to the translation of materials.

(c) *Ballots.* The Attorney General will consider whether a jurisdiction provides the English and minority language versions on the same document. Lack of such bilingual preparation of ballots may give rise to the possibility, or to the appearance, that the secrecy of the ballot will be lost if a separate minority language ballot or voting machine is used.

(d) *Voting machines.* Where voting machines that cannot mechanically accommodate a ballot in English and in the applicable minority language are used, the Attorney General will consider whether the jurisdiction provides sample ballots for use in the polling booths. Where such sample ballots are used the Attorney General will consider whether they contain a complete and accurate translation of the English ballots, and whether they contain or are accompanied by instructions in the minority language explaining the operation of the voting machine. The Attorney General will also consider whether the sample ballots are displayed so that they are clearly visible and at the same level as the machine ballot on the inside of the polling booth, whether the sample ballots are identical in layout to the machine ballots, and whether their size and typeface are the same as that appearing on the machine ballots. Where space limitations preclude affixing the translated sample ballots to the inside of polling booths, the Attorney General will consider whether language minority group voters are allowed to take the sample ballots into the voting booths.

§ 55.20 Oral assistance and publicity.

(a) *General.* Announcements, publicity, and assistance should be given in oral form to the extent needed to enable members of the applicable language minority group to participate effectively in the electoral process.

(b) *Assistance.* The Attorney General will consider whether a jurisdiction has given sufficient attention to the needs of language minority group members who cannot effectively read either English or the applicable minority language and to the needs of members of language minority groups whose languages are unwritten.

(c) *Helpers.* With respect to the conduct of elections, the jurisdiction will need to determine the number of helpers (i.e., persons to provide oral assistance in the minority language) that must be provided. In evaluating the provision of assistance, the Attorney General will consider such facts as the number of a precinct's registered voters who are members of the applicable language minority group, the number of such persons who are not proficient in English, and the ability of a voter to be assisted by a person of his own choice. The basic standard is one of effectiveness.

§ 55.21 Record keeping.

The Attorney General's implementation of the Act's provisions concerning language minority groups would be facilitated if each covered jurisdiction would maintain such records and data as will document its actions under those provisions, including, for example, records on such matters as alternatives considered prior to taking such actions, and the reasons for choosing the actions finally taken.

Subpart E—Preclearance

§ 55.22 Requirements of Section 5 of the Act.

For many jurisdictions, changes in voting laws and practices will be necessary in order to comply with Section 4(f)(4) or Section 203(c). If a jurisdiction is subject to the preclearance requirements of Section 5 (see § 55.8(b)), such changes must either be submitted to the Attorney General or be made the subject of a declaratory judgment action in the United States District Court for the District of Columbia. Procedures for the administration of Section 5 are set forth in Part 51 of this Chapter.

Subpart F—Sanctions

§ 55.23 Enforcement by the Attorney General.

(a) The Attorney General is authorized to bring civil actions for appropriate relief against violations of the Act's provisions, including Section 4 and Section 203. See Sections 12(d) and 204.

(b) Also, certain violations may be subject to criminal sanctions. See Sections 11(a)–(c) and 205.

Subpart G—Comment on This Part

§ 55.24 Procedure.

These guidelines may be modified from time to time on the basis of experience under the Act and comments received from interested parties. The Attorney General therefore invites public comments and suggestions on these guidelines. Any party who wishes to make such suggestions or comments may do so by sending them to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530.

APPENDIX.—*Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.*

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Alaska	Alaskan Natives[1].	
Election District 1		Alaskan Natives.
Election District 2		Do.
Election District 3		Do.
Election District 4		Do.
Election District 5		Do.
Election District 14.		Do.
Election District 15.		Do.
Election District 16.		Do.
Election District 17.		Do.
Election District 18.		Do.
Election District 19.		Do.
Election District 21.		Do.
Election District 22.		Do.
Arizona	Spanish heritage[1].	
Apache County	American Indian.	Spanish heritage, American Indian.
Cochise County		Spanish heritage.
Coconino County	American Indian.	American Indian, Spanish heritage.
Gila County		Do.
Graham County		Do.
Greenlee County		Spanish heritage.
Maricopa County		Do.
Mohave County		Do.
Navajo County	American Indian.	American Indian, Spanish heritage.
Pima County		Spanish heritage.
Pinal County	American Indian.	American Indian, Spanish heritage.
Santa Cruz County.		Spanish heritage.
Yavapai County		Do.
Yuma County		Do.
California:		
Alameda County		Do.
Amador County		Do.
Colusa County		Do.
Contra Costa County.		Do.
Fresno County		Do.
Imperial County		Do.
Inyo County		American Indians.

[1] Statewide coverage.

APPENDIX.—*Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.*

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
California—Continued		
Kern County		Spanish heritage.
Kings County	Spanish heritage.	Do.
Lassen County		Do.
Los Angeles County.		Do.
Madera County		Do.
Merced County	Spanish heritage.	Do.
Monterey County		Do.
Napa County		Do.
Orange County		Do.
Placer County		Do.
Riverside County		Do.
Sacramento County.		Do.
San Benito County		Do.
San Bernardino County.		Do.
San Diego County		Do.
San Francisco County.		Spanish heritage. Chinese American.
San Joaquin County.		Spanish heritage.
San Luis Obispo County.		Do.
San Mateo County		Do.
Santa Barbara County.		Do.
Santa Clara County.		Do.
Santa Cruz County		Do.
Sierra County		Do.
Solano County		Do.
Sonoma County		Do.
Stanislaus County		Do.
Sutter County		Do.
Tulare County		Do.
Tuolumne County		Do.
Ventura County		Do.
Yolo County		Do.
Yuba County	Spanish heritage.	Do.
Colorado:		
Adams County		Do.
Alamosa County		Do.
Archuleta County		Do.
Bent County		Do.
Boulder County		Do.
Chaffee County		Do.
Clear Creek County.		Do.
Conejos County		Do.
Costilla County		Do.
Crowley County		Do.
Delta County		Do.
Denver County		Do.
Eagle County		Do.
El Paso County	Spanish heritage.	Do.
Fremont County		Do.
Huerfano County		Do.
Jackson County		Do.
Lake County		Do.
La Plata County		Do.
Las Animas County.		Do.
Mesa County		Do.
Moffat County		Do.
Montezuma County.		Spanish heritage, American Indian.
Montrose County		Spanish heritage.
Morgan County		Do.
Otero County		Do.
Prowers County		Do.
Pueblo County		Do.
Rio Grande County.		Do.
Saguache County		Do.
San Juan County		Do.
San Miguel County		Do.
Sedgwick County		Do.
Weld County		Do.
Connecticut: Bridgeport Town (Fairfield County).		Do.
Florida:		
Collier County		Do.
Dade County		Do.
Glades County		American Indian.
Hardee County	Spanish heritage.	Spanish heritage.
Hendry County		Do.
Hillsborough County.	Spanish heritage.	Do.
Monroe County	do	Do.
Hawaii:		
Hawaii County		Filipino American, Japanese American.
Honolulu County		Chinese American, Filipino American.
Kauai County		Filipino American, Japanese American.
Maui County		Do.
Idaho:		
Bingham County		American Indian.
Cassia County		Spanish heritage.
Kansas:		
Finney County		Do.
Grant County		Do.
Wichita County		Do.
Louisiana: St. Bernard Parish.		Do.
Maine: Perry Town (Washington County).		American Indian.
Michigan:		
Orangeville Township (Barry County).		Spanish heritage.
Sugar Island Township (Chippewa County).		American Indian.
Imlay Township (Lapeer County).		Spanish heritage.
Adrian City (Lenawee County).		Do.
Madison Township (Lenawee County).		Do.
Grant Township (Newaygo County).		Do.
Buena Vista Township (Saginaw County).		Do.
Saginaw City (Saginaw County).		Do.
Minnesota:		
Beltrami County		American Indian.
Cass County		Do.
Mahnomen County		Do.
Mississippi: Neshoba County.		Do.
Montana:		
Blaine County		Do.
Glacier County		Do.
Hill County		Do.
Lake County		Do.
Roosevelt County		Do.
Rosebud County		Do.
Valley County		Do.
Nebraska:		
Scotts Bluff County.		Spanish heritage.
Thurston County		American Indian.
Nevada:		
Elko County		Spanish heritage, American Indian.
Mineral County		American Indian.
Nye County		Spanish heritage.
White Pine County		Do.
New Mexico:		
Bernalillo County		Do.
Catron County		Do.
Chaves County		Do.
Colfax County		Do.
Curry County	Spanish heritage.	Do.
De Baca County		Do.
Dona Ana County		Do.
Eddy County		Do.
Grant County		Do.
Guadalupe County		Do.
Harding County		Do.
Hidalgo County		Do.
Lea County		Do.
Lincoln County		Do.
Los Alamos County.		Do.
Luna County		Do.
McKinley County	American Indian, Spanish heritage.	American Indian, Spanish heritage.
Mora County		Spanish heritage.
Otero County	Spanish heritage.	Do.
Quay County		Do.
Rio Arriba County		American Indian Spanish heritage.
Roosevelt County		Spanish heritage.
Sandoval County		American Indian, Spanish heritage.
San Juan County		Do.
San Miguel County		Spanish heritage.
Santa Fe County		Do.
Sierra County		Do.
Socorro County		Do.
Taos County		American Indian, Spanish heritage.
Torrance County		Spanish heritage.
Union County		Do.
Valencia County		American Indian, Spanish heritage.
New York:		
Bronx County	Spanish heritage.	Spanish heritage.
Kings County	do	Do.
New York County		Do.
North Carolina:		
Hoke County		American Indian.
Jackson County	American Indian.	Do.
Robeson County		Do.
Swain County		Do.
North Dakota:		
Benson County		Do.
Dunn County		Do.
McKenzie County		Do.
Mountrail County		Do.
Rolette County		Do.
Oklahoma:		
Adair County		Do.
Baline County		Do.
Caddo County		Do.
Cherokee County		Do.
Choctaw County	American Indian.	Do.
Coal County		Do.
Craig County		Do.
Delaware County		Do.
Harmon County		Spanish heritage.
Hughes County		American Indian.
Johnston County		Do.
Latimer County		Do.
McCurtain County	American Indian.	Do.
McIntosh County		Do.
Mayes County		Do.
Okfuskee County		Do.
Okmulgee County		Do.
Osage County		Do.
Ottawa County		Do.
Pawnee County		Do.
Pushmataha County.		Do.
Rogers County		Do.
Seminole County		Do.
Sequoyah County		Do.
Tillman County		Spanish heritage.
Oregon:		
Jefferson County		American Indian.
Malheur County		Spanish heritage.
South Dakota:		
Bennett County		American Indian.
Charles Mix County.		Do.
Corson County		Do.
Lyman County		Do.
Mellette County		Do.
Shannon County	American Indian.	Do.
Washabaugh County.		Do.
Todd County	American Indian.	

APPENDIX.—*Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.*

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Texas	Spanish heritage.[1]	
Andrews County		Spanish heritage.
Aransas County		Do.
Atascosa County		Do.
Bailey County		Do.
Bandera County		Do.
Bastrop County		Do.
Bee County		Do.
Bell County		Do.
Bexar County		Do.
Blanco County		Do.
Borden County		Do.
Brazoria County		Do.
Brazos County		Do.
Brewster County		Do.
Briscoe County		Do.
Brooks County		Do.
Burleson County		Do.
Burnet County		Do.
Caldwell County		Do.
Calhoun County		Do.
Cameron County		Do.
Castro County		Do.
Cochran County		Do.
Coke County		Do.
Colorado County		Do.
Comal County		Do.
Concho County		Do.
Coryell County		Do.
Cottle County		Do.
Crane County		Do.
Crockett County		Do.
Crosby County		Do.
Culberson County		Do.
Dallam County		Do.
Dawson County		Do.
Deaf Smith County.		Do.
De Witt County		Do.
Dickens County		Do.
Dimmit County		Do.
Duval County		Do.
Ector County		Do.
Edwards County		Do.
Ellis County		Do.
El Paso County		Do.
Falls County		Do.
Fisher County		Do.
Floyd County		Do.
Foard County		Do.
Fort Bend County		Do.
Frio County		Do.
Gaines County		Do.
Galveston County		Do.
Garza County		Do.
Gillespie County		Do.
Glasscock County		Do.
Goliad County		Do.
Gonzales County		Do.
Grimes County		Do.
Texas—Continued		
Guadalupe County		Do.
Hale County		Do.
Hall County		Do.
Hansford County		Do.
Harris County		Do.
Haskell County		Do.
Hays County		Do.
Hidalgo County		Do.
Hockley County		Do.
Howard County		Do.
Hudspeth County		Do.
Jackson County		Do.
Jeff Davis County		Do.
Jim Hogg County		Do.
Jim Wells County		Do.
Jones County		Do.
Karnes County		Do.
Kendall County		Do.
Kenedy County		Do.
Kerr County		Do.
Kimble County		Do.
Kinney County		Do.
Kleberg County		Do.
Knox County		Do.
Lamb County		Do.
Lampasas County		Do.
La Salle County		Do.
Live Oak County		Do.
Lubbock County		Do.
Lynn County		Do.
McCulloch County		Do.
McLennan County		Do.
McMullen County		Do.
Madison County		Do.
Martin County		Do.
Mason County		Do.
Matagorda County		Do.
Maverick County		Do.
Medina County		Do.
Menard County		Do.
Midland County		Do.
Milam County		Do.
Mitchell County		Do.
Moore County		Do.
Nolan County		Do.
Nueces County		Do.
Parmer County		Do.
Pecos County		Do.
Potter County		Do.
Presidio County		Do.
Reagan County		Do.
Real County		Do.
Reeves County		Do.
Refugio County		Do.
Robertson County		Do.
Runnels County		Do.
San Patricio County.		Do.
San Saba County		Do.
Schleicher County		Do.
Scurry County		Do.
Sherman County		Do.
Starr County		Do.
Sterling County		Do.
Sutton County		Do.
Swisher County		Do.
Taylor County		Do.
Terrell County		Do.
Terry County		Do.
Throckmorton County.		Do.
Tom Green County.		Do.
Travis County		Do.
Upton County		Do.
Uvalde County		Do.
Val Verde County		Do.
Victoria County		Do.
Ward County		Do.
Webb County		Do.
Wharton County		Do.
Willacy County		Do.
Williamson County		Do.
Wilson County		Do.
Winkler County		Do.
Yoakum County		Do.
Zapata County		Do.
Zavala County		Do.
Utah:		
Carbon County		Spanish heritage.
San Juan County		American Indian.
Tooele County		Spanish heritage.
Uintah County		American Indian.
Virginia: Charles City County.		Do.
Washington:		
Adams County		Spanish heritage.
Columbia County		Do.
Ferry County		American Indian.
Grant County		Spanish heritage.
Okanogan County		American Indian.
Yakima County		Spanish heritage.
Wisconsin:		
Nashville Town (Forest County).		American Indian.
Bovina Town (Outagamie County).		Spanish heritage.
Oneida Town (Outagamie County).		American Indian.
Hayward City (Sawyer County).		Do.
Wyoming:		
Carbon County		Spanish heritage.
Fremont County		American Indian.
Laramie County		Spanish heritage.
Sweetwater County		Do.
Washakie County		Do.

[1] Statewide coverage.

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