

of nectarines, grown in the production area, are currently regulated pursuant to Nectarine Regulation 6 (40 F.R. 21693, 28462). The recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Nectarine Administrative Committee on April 29, 1976; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruit; compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 916.348 (Nectarine Regulation 6; 40 F.R. 21693, 28462) the provisions of paragraph (a) (2) (i) and (a) (4) (i) are amended to read as follows:

§ 916.348 Nectarine Regulation 6.

(a) * * *

(2) During the period May 10, 1976, through May 31, 1976, no handler shall handle any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 118 nectarines in the lug box;

(4) During the period May 10, 1976, through May 31, 1976, no handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Spring Grand, Sunbright, Armking, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

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

Dated May 4, 1976, to become effective May 10, 1976.

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

[FR Doc. 76-13398 Filed 5-6-76; 8:45 am]

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

[Lemon Reg. 38]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 9-15, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.338 Lemon Regulation 38.

(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 this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons was slightly easier early this week due to cool and rainy weather in several major markets. Average f.o.b. price was \$6.41 per carton the week ended May 1, 1976, compared to \$6.35 per carton the previous week. Track and rolling supplies at 150 cars were up 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available in-

formation, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 4, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 9, 1976 through May 15, 1976, is hereby fixed at 280,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: May 5, 1976.

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

[FR Doc. 76-13582 Filed 5-6-76; 11:51 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 33]

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Ohio Valley marketing area.

It is hereby found and determined that for the month of April 1976 the following provisions of the order do not tend to effectuate the declared policy of the Act: In § 1033.56 that part of paragraph (a) which reads:

"unless the following conditions are met:

(1) The plant is qualified as a pool plant pursuant to § 1033.12 during the current month and the preceding month; and

(2) A greater volume of fluid milk products, except filled milk, is disposed of from such plant as route disposition in the Ohio Valley marketing area and to pool plants qualified on the basis of route disposition in the Ohio Valley marketing area than is disposed of from such plant as route disposition in the marketing area regulated pursuant to the other order and to plants qualified as fully regulated plants under such other order on the basis of route disposition in its marketing area."

STATEMENT OF CONSIDERATION

This suspension action eliminates for April 1976 the provisions that would pool under this order a plant that qualified for pooling under this order and another order in the same month. The action was requested by cooperative associations representing a substantial majority of producers under the Indiana order. Cooperatives representing a substantial majority of the producers under the Ohio Valley order joined in the request. Without such action the plant of a major handler under the Indiana order, whose sales in April in the Ohio Valley marketing area were more than in the Indiana marketing area, would be pooled for the one month under the Ohio Valley order. The handler's greater sales in the Ohio Valley marketing area than in the Indiana marketing area in April was due to an unusual circumstance. It is expected that the handler's sales in the future will result in his plant being continuously pooled under the Indiana order.

Both the Ohio Valley and Indiana orders contain "Louisville plan" provisions with April being the first month for withholding producer money from the pool. Absent the suspension, the money withheld from producers regularly supplying the plant in Indiana would be included in the set aside under the Ohio Valley or-

der. This would result in unduly enhancing the Louisville plan pay out under the Ohio Valley order and unduly depressing the pay out under the Indiana order in the fall months. Unless this suspension action is taken, the aberrations in producer prices for April, and for the pay back, months under the Louisville plans, that would result under the Ohio Valley and Indiana orders would result in gross inequities to producers and would be disruptive to the maintenance of orderly marketing conditions.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area; and

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective April 1, 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for April 1976.

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

Effective date. April 1, 1976.

Signed at Washington, D.C., on: May 4, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-13328 Filed 5-6-76;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS

Brucellosis Indemnity Regulations; Clarification

The purpose of this amendment is to clarify the rate of Federal indemnity which may be paid for cattle destroyed because of brucellosis when herds are depopulated in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Statement of considerations. Prior to June 26, 1975, regulations governing the payment of Federal indemnity for cattle destroyed because of brucellosis, tuberculosis or paratuberculosis were contained in Part 51, Subchapter B, Title 9, Code of Federal Regulations—*Cattle Destroyed Because of Brucellosis (Bang's Disease), Tuberculosis, or Paratuberculosis*.

On June 26, 1975 (40 FR 27009-27014) Part 51 was separated into two parts—Part 50, *Cattle Destroyed Because of Tuberculosis* and Part 51, *Cattle Destroyed Because of Brucellosis*, thus establishing a separate set of indemnity regulations for each disease.

Among changes made when new Part 51 was placed in effect, were provisions intended to clarify existing authority for the payment of brucellosis indemnity for cattle destroyed when certain herds are depopulated. In separating and revising Part 51 the exception made for the payment of indemnity for affected cattle destroyed because of brucellosis in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, where no payment for any animal destroyed shall exceed \$100 was inadvertently not included in the provisions of § 51.3(b) which applies to herd depopulation, and is now being included in that section.

Accordingly, Part 51, Title 9, Code of Federal Regulations, is amended in the following respect:

In § 51.3, in paragraph (b) the first sentence is amended to read:

§ 51.3 Payment to owners for cattle destroyed.

(b) *Herd depopulation.* The Deputy Administrator may authorize the payment of Federal indemnity to owners whose cattle are destroyed because of brucellosis not to exceed \$50 for any non-registered animal or \$100 for any registered animal which has been found to be exposed, is a part of a known infected herd, and it has been determined by the Deputy Administrator that the destruction of all cattle in the herd will contribute to the brucellosis eradication program, except in Alaska, Hawaii, Puerto Rico, and the Virgin Islands where no payment for any such animal so destroyed shall exceed \$100. * * *

(Secs. 3 and 11, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2 and 11, 76 Stat. 129, 132 (21 U.S.C. 111, 114, 114a, 134a, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective May 7, 1976.

Insofar as the amendment relieves certain restrictions presently imposed but no longer deemed necessary, it must be made effective immediately to be of maximum benefit to affected persons.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 3rd day of May 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-13401 Filed 5-6-76;8:45 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines Cheshire, Rockingham, and Hillsborough Counties in New Hampshire because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, a new paragraph (e) (2) relating to the State of New Hampshire is added to read:

(e) * * *

(2) *New Hampshire.*

All of Cheshire, Rockingham, and Hillsborough Counties.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective April 29, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, DC, this 29th day of April 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 76-19110 Filed 5-6-76; 8:45 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes Camden and Gloucester Counties in New Jersey from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in the State of New Jersey remain under quarantine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, paragraph (e) (1) relating to the State of New Jersey is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective May 4, 1976.

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

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

Done at Washington, DC, this 4th day of May 1976.

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 76-13400 Filed 5-6-76; 8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Further Extension of Interim Price Rule for Retail Sales of Gasoline in Alaska

In its rulemaking proceedings relating to the amount which may be added to

the retail price of gasoline to reflect operating cost increases, FEA determined that a special interim rule permitting a maximum markup of 5 cents per gallon to reflect operating cost increases in retail sales of gasoline in Alaska was justified for a period of 90 days, effective November 19, 1975 (40 FR 54561, November 25, 1975), pending further review by FEA of data indicating that substantially higher cost levels currently prevail in Alaska. In all other states, the maximum "markup allowed to reflect operating (nonproduct) cost increases remains 3 cents per gallon.

The interim rule was continued in effect for an additional 60 days, effective February 17, 1976 (41 FR 7495, February 19, 1976) when it was found that collection of relevant cost data in Alaska had proved more time-consuming and difficult than anticipated. At that time the FEA estimated that an additional 60 days would be required to complete that aspect of its rulemaking and found it to be appropriate to continue the interim rule in effect in view of its preliminary findings relating to the high cost levels prevalent in Alaska.

Further progress toward the compilation and analysis of relevant data has been made but the FEA has been unable to complete the analysis because of manpower limitations and the unusually high level of analytical and rulemaking effort associated with the implementation of the Energy Policy and Conservation Act. Progress made to date tends to substantiate the FEA's preliminary conclusions regarding the markup required in Alaska but no final determination can be made until all data are received and examined. FEA believes that, pending the completion of its consideration, it would be appropriate to continue in effect the interim rule applicable to retail sales of gasoline in Alaska for an additional period of two months. Accordingly, the amendments adopted today increase from 150 days to 210 days the period during which the special rule for Alaska is effective.

Since rulemaking proceedings in this matter have been expressly continued with respect to Alaska, and since public hearings in this matter were held in Anchorage as well as in Washington, D.C., no further compliance with the requirements for notice and opportunity for comment under Section 7(i) (1) (B) and (C) of the Federal Energy Administration Act appears necessary.

(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; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective April 17, 1976.

Issued in Washington, D.C., May 3, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

§ 212.83 [Amended]

1. Section 212.83 is amended in paragraph (c) (2) (iii), in the definition of the "F" factor, by deleting "150-day" and substituting therefor "210-day."

§ 212.93 [Amended]

2. Section 212.93 is amended in paragraph (b) (1) (ii) (B) by deleting "150-day" and substituting therefor "210-day."

[FR Doc. 76-13256 Filed 5-4-76; 9:26 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12352]

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

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

Program for Allocation of Responsibility To Inspect for Compliance With Financial Responsibility Rules

The Securities and Exchange Commission today announced the adoption of Rule 17d-1 [17 CFR § 240.17d-1], effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. § 551 et seq.) and pursuant to Sections 17(d) (1) and 19(g) (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)] and Section 9(c) of the Securities Investor Protection Act of 1970 [15 U.S.C. 78aaa et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)]. Rule 17d-1 [17 CFR § 240.17d-1] provides that, where a member of the Securities Investor Protection Corporation ("SIPC") is a member of more than one self-regulatory organization, the Commission will designate to one of these organizations the responsibility for inspection of that member for compliance with applicable financial responsibility rules.

The Commission also announced the proposal of Rule 17d-2 which permits self-regulatory organizations having members in common to file with the Commission for its consideration plans for allocating among themselves specified regulatory responsibilities for such members. See proposed Rule 17d-2 in this issue.¹

The Commission also has determined, pursuant to Section 15(b) (2) (C) of the Act, to authorize and direct registered securities associations and national securities exchanges to conduct inspections of newly-registered member brokers and dealers within six months of registration.

Background. In recent years Congress, the Commission, and the securities industry as well as the investing public have become increasingly aware that there may be duplication or overlaps in

regulation. Reacting to this concern, the Securities Acts Amendments of 1975 ("1975 Amendments") [Pub. L. No. 94-29 (June 4, 1975)] interpreted in light of its legislative history mandated that the Commission coordinate the operation of the unique system of self-regulation existing in the securities industry within the framework of Section 17(d) of the Act, as amended, and Section 26 of the 1975 Amendments. These provisions are intended to permit the Commission to respond effectively in adapting regulatory patterns to the requirements of the evolving national market system.

Section 9(c) of the Securities Investor Protection Act of 1970 [15 U.S.C. 78aaa et seq.] was amended by Section 26 of the 1975 Amendments to transfer from SIPC to the Commission the power to assign to a single self-regulatory organization pursuant to Section 17(d) of the Act the responsibility for assuring compliance with applicable financial responsibility rules by members of more than one such organization.

Section 17(d) (1) of the Act, as amended, authorizes the Commission, by rule or order, in a manner consistent with the public interest, to relieve any self-regulatory organization of the responsibility imposed by Section 19(g) (1) of the Act with respect to any person which is a member or participant of more than one self-regulatory organization. Conferring broader authority than Section 26 of the 1975 Amendments, Section 17(d) (1) (A) permits the Commission to relieve any self-regulatory organization of the responsibility to receive regulatory reports and to examine for or enforce compliance not only with financial responsibility rules but also with the Act, its rules and regulations as well as for any other regulatory functions the Commission may specify. Section 17(d) directs the Commission, in granting such relief, to consider the regulatory capabilities of the self-regulator, including its procedures, staffing, and location and any other factors the Commission determines to be relevant.

Delegation of Authority Under Rule 17d-1 [17 CFR § 240.17d-1] to the Director of the Division of Market Regulation. Effective immediately, the Commission amends Article 30-3 of the Commission's Statement of Organization; Conduct and Ethics; and Information and Requests [17 CFR 200.30-3] pursuant to Pub. L. No. 87-592, 76 Stat. 394 [15 U.S.C. 78d-1, 78d-2] to delegate to the Director of the Division of Market Regulation the authority to review and approve requests for designation made pursuant to Rule 17d-1 [17 CFR § 240.17d-1].

Since the foregoing amendment involves matters of agency organization, procedure or practice, pursuant to Section (b) (3) (B) of the Administrative Procedure Act (5 U.S.C. § 551), notice and public procedure are not required.

Rule 17d-1 [17 CFR § 240.17d-1]. Rule 17d-1 [17 CFR § 240.17d-1] is applicable where a member of SIPC is a member of more than one self-regulatory organization and, by virtue of this membership, more than one self-regulatory organiza-

tion has the obligation under Section 19 (g) (1) of the Act to enforce the provisions of the Act, its rules and regulations, as well as its own rules, as to the same broker or dealer. Paragraph (a) of this section provides that, in such cases, the Commission will designate which of these self-regulatory organizations will be responsible for inspecting the member in order to assure its compliance with applicable financial responsibility rules.

As a necessary counterpart to this designation, under paragraph (b) of the section, all other self-regulatory organizations of which this broker or dealer is a member would be relieved of the regulatory responsibilities designated under paragraph (a). The section permits, but does not require, a self-regulator relieved of responsibility under paragraph (b) to notify customers of the member broker or dealer of the limited nature of its responsibility.

Inspection of Newly-Registered Brokers and Dealers. Section 15(b) (2) (C) requires the Commission to conduct, or to authorize and direct a registered securities association or national securities exchange to conduct, an examination of a broker or dealer within six months from the date of the granting of its registration to determine compliance with the Act, its rules and regulations.

Where a broker or dealer will be subject to inspection for compliance with the Act, its rules and regulations by the self-regulatory organization of which it is a member, an additional inspection by the Commission would constitute an unnecessary duplication of regulatory effort.

Therefore, pursuant to Section 15(b) (2) (C), the Commission authorizes and directs any registered securities association or national securities exchange of which a newly-registered broker or dealer is a member to conduct an inspection of such member broker or dealer within six months of the effective date of its registration. If such a broker or dealer is a member of more than one such self-regulatory organization, the Commission will authorize and direct, based on a consideration of the factors enumerated in Section 17(d), one of such organizations to conduct the examination.

Impact on Competition. Following the mandate of Section 23(a) of the Act, as amended, the Commission has considered the impact of the allocation program, including Rule 17d-1 [17 CFR § 240.17d-1] and the authorization and direction of inspection responsibility to the self-regulatory organizations. The Commission finds that the adoption of these measures will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Effective Dates. Both Rule 17d-1 [17 CFR § 240.17d-1] and the amendment to Rule 30-3 of the Commission's Rules of General Organization [17 CFR § 200.30-3] are effective immediately.

The Commission finds, pursuant to the Administrative Procedure Act (5 U.S.C. § 551 et seq.), that notice and public procedure are unnecessary and that the section may go into effect immediately

¹ See FR Doc. 76-13279 (17 CFR Part 240) appearing in the Proposed Rules section, *infra*.

by reason of following. The section interprets and clarifies the manner in which the Commission exercises the authority expressly granted by Section 17(d) of the Act and by Section 9(c) of the Securities Investor Protection Act of 1970 and further has the effect of granting a partial exemption from Section 19 (g) (1) of the Act for self-regulatory organizations not designated pursuant to paragraph (a) of the section. Further, the section primarily affects self-regulatory organizations already subject to designations made by the Securities Investor Protection Corporation prior to the amendment of Section 9(c) or made, and to be made, by the Commission thereafter. Moreover, any delay between the announcement of the section and its effective date would not serve the public interest but would merely result in some uncertainty and confusion as to the application of the statutory provisions during the period of any such delay.

Statutory Basis and Competitive Considerations. Rule 17d-1 [17 CFR § 240.17d-1] and amendments to Rule 30-3 of the Commission Rules of General Organization [17 CFR § 200.30-3] are adopted pursuant to Section 17(d), 19 (g) (2), and 23 of the Securities Exchange Act of 1934 and Sections 78d-1 and 78d-2 of Title 15 of the United States Code, and Section 9(c) of the Securities Investor Protection Act of 1970, as amended by Section 26 of the Securities Acts Amendments of 1975.

Comments. The Commission invites comment on the allocation program, specifically on Rule 17d-1 [17 CFR § 240.17d-1].

All communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and should refer to File S7-624. These comments will be available for public inspection.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1976.

1. Commission action. Pursuant to sections 17(d) (1) and 23(a) of the Securities Exchange Act of 1934, and sections 78d-1 and 78d-2 of Title 15 of the United States Code, the Securities and Exchange Commission adopts amended § 200.30-3 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 200.30-3 Delegation of Authority to Director of Division of Market Regulation.

(a) With respect to the Securities Exchange Act of 1934 (15 U.S.C. § 78a, et seq.): * * *

(19) Pursuant to Rule 17d-1 (§ 240.17d-1 of this chapter) to designate one self-regulatory organization responsible for the examination of brokers and dealers which are members of more than one such organization to insure compliance with applicable financial responsibility rules.

2. Commission action. Pursuant to sections 17(d), 19(g) (2), and 23 of the

Securities Exchange Act of 1934 and section 9(c) of the Securities Investor Protection Act of 1970, as amended by section 26 of the Securities Acts Amendments of 1975, the Securities and Exchange Commission adopts Rule 17d-1 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17d-1 Examination for compliance with applicable financial responsibility rules.

(a) Where a member of SIPC is a member of more than one self-regulatory organization, the Commission shall designate by written notice to one of such organizations responsibility for examining such member for compliance with applicable financial responsibility rules. In making such designations the Commission shall take into consideration the regulatory capabilities and procedures of the self-regulatory organizations, availability of staff, convenience of location, unnecessary regulatory duplication, and such other factors as the Commission may consider germane to the protection of investors, the cooperation and coordination among self-regulatory organizations, and the development of a national market system and a national system for the clearance and settlement of securities transactions.

(b) Upon designation of responsibility pursuant to paragraph (a), all other self-regulatory organizations of which such person is a member shall be relieved of such responsibility to the extent specified.

(c) After the Commission has acted pursuant to paragraphs (a) and (b), any self-regulatory organization relieved of responsibility with respect to a member may notify customers of, and persons doing business with, such member of the limited nature of its responsibility for such member's compliance with applicable financial responsibility rules.

[FR Doc.76-13278 Filed 5-6-76; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-127]

PART 153—ANTIDUMPING

Primary Lead Metal From Australia

A finding of dumping with respect to primary lead metal from Australia was published as Treasury Decision 74-128 in the FEDERAL REGISTER of April 17, 1974 (39 FR 13783). On January 8, 1976, there was published in the FEDERAL REGISTER (41 FR 1502) a "Notice of Receipt and Referral of Petition for Revocation of Dumping Finding" with respect to this merchandise.

The above-referenced notice stated that a petition was received on February 4, 1975, on behalf of several large U.S. consumers of lead metal requesting a revocation of the dumping finding on primary lead metal from Australia and further that such allegations as were made in the petition concerned solely alleged changes in circumstances claimed

to affect the earlier injury determination by the Tariff Commission (now the United States International Trade Commission). The notice also stated that, having gathered and analyzed additional price information, this matter was being referred to that Commission for whatever review it deemed appropriate.

In a notice published in the FEDERAL REGISTER of April 27, 1976 (41 FR 17628), the United States International Trade Commission announced that on the basis of its investigation into the matter, the Commission had determined that if the finding of dumping were revoked, an industry in the United States would not likely be injured by reason of the importation of primary lead metal from Australia at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Accordingly, I hereby revoke the finding of dumping published as T.D. 74-128, supra, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the Commission's determination in the FEDERAL REGISTER.

§ 153.43 [Amended]

Accordingly, § 153.43 of the Customs Regulations (19 CFR 153.43) is hereby amended by deleting from the column headed "Merchandise", the words "Primary lead metal", from the column headed "Country", the word "Australia", and from the column headed "T.D." reference to T.D. "74-128".

This determination is published pursuant to section 153.41 (b), Customs Regulations (19 CFR 153.41 (b)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Dated: May 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-13165 Filed 5-6-76; 8:45 am]

[T.D. 76-128]

PART 153—ANTIDUMPING

Primary Lead Metal From Canada

A finding of dumping with respect to primary lead metal from Canada was published as Treasury Decision 74-127 in the FEDERAL REGISTER of April 17, 1974 (39 FR 13783). On January 8, 1976, there was published in the FEDERAL REGISTER (41 FR 1502) a "Notice of Receipt and Referral of Petition for Revocation of Dumping Finding" with respect to this merchandise.

The above-referenced notice stated that a petition was received on February 4, 1975, on behalf of several large U.S. consumers of lead metal requesting a revocation of the dumping finding on primary lead metal from Canada and further that such allegations as were made in the petition concerned solely alleged changes in circumstances claimed to affect the earlier injury determination by the Tariff Commission (now the United States International Trade Commission). The notice also stated that,