presidential documents

Title 3—The President

Executive Order 11957 • January 13, 1977

Designation of Certain Officers To Act as Secretary of Agriculture

By virtue of the authority vested in me by Section 3347 of Title 5 and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. During any period when, by reason of absence, disability, or vacancy in office, both the Secretary of Agriculture and the Deputy Secretary of Agriculture are not available to exercise the powers or perform the duties of the Office of Secretary, the officers from the Department of Agriculture whose appointments are vested in the President, by and with the advice and consent of the Senate, shall act as Secretary in such order as the Secretary of Agriculture may from time to time prescribe. If no such order of succession is in effect at that time, then such officers shall act as Secretary in the descending order of rank, as established by the listing of their offices in Sections 5314, 5315 or 5316 of Title 5 of the United States Code and, at each level of the Executive Schedule, in the order in which they shall have taken oath as such officers.

SEC. 2. Executive Order No. 11793 of July 10, 1974, is hereby revoked.

Gerald R. Ford

THE WHITE HOUSE,
January 13, 1977.

[FR Doc.77-1804 Filed 1-14-77;4:44 pm]

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 State

Section 213.3304 is amended to show that one position of Special Assistant to the Secretary is excepted under Schedule C.

Effective January 18, 1977, § 213.3304 (a) (25) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.*

* * * * *

(25) One Special Assistant to the Secretary.

(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.77-1593 Filed 1-17-77;8:45 am]

PART 610—HOURS OF DUTY

Amending Hours of Duty and Holiday Regulations

The Civil Service Commission is amending Part 610 to (1) reflect the statutory changes effected by sections 6 and 7, Pub. L. 92–392, making prevailing rate employees subject to hours of duty provisions of § 6101 of title 5, United States Code, and Subpart A of this Part; (2) update regulations to conform to Executive Order No. 11582, which now governs holiday observances, and (3) revoke a subsection which is no longer necessary pertaining to the observance of holidays.

Sections 610.101, 201, and 202 are amended, as set out below.

§ 610.101 Coverage.

This subpart applies to each employee to whom Subpart A of Part 550 applies and to each employee whose pay is fixed and adjusted from time to time under section 5343 or 5349 of title 5, United States Code, or by a wage board or similar administrative authority serving the same purpose.

§ 610.201 Identification of holidays.

In this subpart, "holiday" has the same meaning given that word in section 2(a) of Executive Order No. 11582.

§ 610.202 Determining the holiday.

For purposes of pay and leave, the day to be treated as a holiday is determined as follows:

(a) When a holiday falls on a workday in an employee's basic workweek (as defined in § 610.102(c)), that workday is his or her holiday.

(b) When a holiday falls on a nonworkday outside an employee's basic workweek, the day to be treated as his or her holiday is determined in accordance with section 6103(b) of title 5, United States Code, and Executive Order No. 11582.

(5 U.S.C. 6101; sec. 1(1) of E.O. 11228, 3 CFR 1964–1965 Comp., page 317.)

NOTE.—The Civil Service Commission has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

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

[FR Doc.77-1592 Filed 1-17-77;8:45 am]

Title 7—Agriculture

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

[Lemon Regulation 74, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 9–15, 1977. 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 74 (42 FR 1476). 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.

(b) *Order, as amended.* Paragraph (b) (1) of § 910.374 (Lemon Regulation 74 (42 FR 1476)) is hereby amended to read as follows:

§ 910.374 Lemon Regulation 74.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 9, 1977 through January 15, 1977, is hereby fixed at 225,000 cartons.

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

Dated: January 12, 1977.

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

[FR Doc.77-1502 Filed 1-17-77;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Release of Area Quarantined

This amendment releases a portion of Pinal County in Arizona from the areas

quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area. No areas remain under quarantine in Arizona.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

§ 731.a [Amended]

In § 73.1a, paragraph (c) relating to the State of Arizona 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; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective January 13, 1977.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should 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 the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of January 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-1591 Filed 1-17-77;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

"Country," "Country Style," or "Dry Cured" Hams and Pork Shoulders

• *Purpose.*—The purpose of this document is to establish standards of composition for "Country," "Country Style," or "Dry Cured" hams and pork shoulder products to become effective July 1, 1978. •

Statement of Considerations.—On September 5, 1975, there appeared in the FEDERAL REGISTER (40 FR 41139–41140) a notice of proposed rulemaking under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which proposed to amend the Federal meat inspection regulations (9 CFR Parts 317 and 319) to establish standards of composition for "Country Ham," "Country Style Ham," "Country Pork Shoulder," "Country Style Pork Shoulder," "Dry Cured Ham," and "Dry Cured Pork Shoulder."

As the result of such notice, a total of 203 comments were received from processors; industrial, national, and State associations; State Departments of Agriculture; academic institutions; consumers; and the political community. One hundred and fifty-eight comments favored the proposal, and 45 comments opposed the proposal or expressed objections or reservations to the proposal.

Those favoring the proposal offered these general reasons:

1. A standard would protect the integrity and traditional characteristics of those products and encourage participation in the marketplace by all processors, including the small processors who include long-term aging as part of their process.

2. The consumer is entitled to know that those products conform to certain requirements.

3. The requirements allow processors considerable flexibility for individual differences, such as longer aging time and varying smoking practices.

Twenty-five of the comments stated that the 95° F. internal temperature limit on product during drying and aging was unclear and could be interpreted to mean that individuals who smoke their product outdoors under natural climatic conditions would be subject to the temperature limitation. During the summer months, the natural climatic temperature may exceed 95° F.; therefore, these processors would exceed the 95° F. limits at times during the smoking phase. However, in view of the conditions and practices under which such products are prepared they would meet the minimum standard requirements for curing, salt equalization, and aging time prior to exceeding 95° F. The 95° F. maximum temperature was not intended to apply to such operations, and this matter has been clarified in the regulation.

Five comments opposed the proposal on the basis that the proposed minimum processing period of 70-days for "Country" or "Country Style Ham" was an inadequate time period for developing a finished product with characteristics traditionally associated with such hams, especially in some geographic areas. Some suggested that at least 6 months' time was needed and should be required. The Department has determined, on the basis of its review of considerable information in connection with the proposal, and that received during the comment period, that such a product can be prepared in 70 days with all the significant characteristics that have been associated with the product.

Some comments stated that an expressed requirement of a minimum of 4 percent salt in products containing certain nitrates or nitrites would cause unnecessary time and expense in connection with determinations of salt content.

This does not appear to be a valid objection since the Department has determined that a minimum of 4 percent salt is necessary to assure that such products would not develop bone sour or other deep tissue spoilage which would not be readily evident.

Eight comments from individual processors, one State processors' association, one industry trade organization, and a delegation of nine Congressional Representatives objected to the need for such a regulation. They expressed the belief that the Department should be concerned only with wholesomeness, and the processor should otherwise be free to prepare the product as desired. They stated, however, that if a standard were promulgated, it should be on the basis of finished product characteristics, such as percent moisture, rather than involving processing procedures.

In this connection it should be noted that section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c) authorizes the Secretary to promulgate standards of identity or composition for meat and meat food products whenever, after specified consultations, he determines that such action is necessary for the protection of the public and would not be inconsistent with any standard under the Federal Food, Drug, and Cosmetic Act. The Secretary has determined, after consultations pursuant to the Act, that the standards for hams and pork shoulders, established herein are necessary for the protection of the public in order to assure that such products labeled as "Country," "Country Style," or "Dry Cured" have those basic characteristics that consumers associate with such products so labeled and that said standards would not be inconsistent with any standard under the Federal Food, Drug, and Cosmetic Act. Further, the Department determined that specific processing procedures are necessary to be included in the standards in order to assure that the finished products have those characteristics associated with such hams and pork shoulders.

Product prepared in accordance with the methods of preparation specified in the standards will result in product capable of being distributed without refrigeration. Therefore, the specific provisions in the proposal regarding this matter are being deleted since they are unnecessary.

The Department recognizes that label changes would be required by the establishment of these standards and that the procurement of new labels takes time. Therefore, the standards will not become effective and labels in compliance with their provisions will not be required until July 1, 1978.

In considering the technical aspects of this rulemaking as it relates to trichinae treatment required for such products, the Department recognized that, should hams or pork shoulders be produced in the minimum time specified and at temperatures considerably lower than the maximum specified, the finished product may not have been adequately treated for the destruction of possible live trichinae. In this connection wording is added to emphasize that none of the provisions of the standards could be interpreted as discharging trichinae treatment requirements. The product will be required to be treated in accordance with such methods as may be approved by the Administrator upon request in specific instances.

The proposed requirement concerning the internal salt content of at least 4 percent in § 309.106(c)(3) was intended to apply whenever any combination of the specified nitrates or nitrites were used, and this has been clarified.

The proposal specified four nutritive sweeteners for use as optional ingredients in such products. The Department has determined upon further consideration that any of the class of "nutritive sweeteners" should be permitted to be used in such products. This would allow greater flexibility of formulation without changing the basic characteristics that consumers associate with such products.

Other minor changes have been made for purposes of clarification.

Based on all of the information available to the Department it has been determined to be in the public interest to amend the Federal meat inspection regulations to provide standards for the subject products as follows.

1. Subpart D of Part 319 is amended by adding thereto a new § 319.106 to read:

§ 319.106 "Country Ham," "Country Style Ham," "Dry Cured Ham," "Country Pork Shoulder," "Country Style Pork Shoulder," and "Dry Cured Pork Shoulder."

(a) "Country Ham," "Country Style Ham," or "Dry Cured Ham," and "Country Pork Shoulder," "Country Style Pork Shoulder," or "Dry Cured Pork Shoulder" are the uncooked, cured, dried, smoked or unsmoked meat food products made respectively from a single piece of meat conforming to the definition of "ham," as specified in § 317.8(b)(13) of this subchapter, or from a single piece of meat from a pork shoulder. They are prepared in accordance with paragraph (c) of this section by the dry application of salt (NaCl), or by the dry application of salt (NaCl) and one or more of the optional ingredients as specified in paragraph (d) of this section. They may not be injected with curing solutions nor placed in curing solutions.

(b) The product must be treated for the destruction of possible live trichinae in accordance with such methods as may be approved by the Administrator upon request in specific instances and none of the provisions of this standard can be interpreted as discharging trichinae treatment requirements.

(c)(1) The entire exterior of the ham or pork shoulder shall be coated by the dry application of salt or by the dry application of salt combined with other ingredients as permitted in paragraph (d) of this section.

(2) Additional salt, or salt mixed with other permitted ingredients, may be reapplied to the product as necessary to insure complete penetration.

(3) When sodium or potassium nitrate, or sodium or potassium nitrite, or a combination thereof, is used, the application of salt shall be in sufficient quantity to insure that the finished product has an internal salt content of at least 4 percent.

(4) When no sodium nitrate, potassium nitrate, sodium nitrite, potassium nitrite or a combination thereof is used, the application of salt shall be in sufficient quantity to insure that the finished product has a brine concentration of not less than 10 percent or a water activity of not more than 0.92.

(5) For hams or pork shoulders labeled "country" or "country style," the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulders; the total time for curing, salt equalization, and drying shall not be less than 70 days for hams, and shall not be less than 50 days for pork shoulders. During the drying and smoking period, the internal temperature of the product must not exceed 95° F., provided that such temperature requirement shall not apply to product dried or smoked under natural climatic conditions.

(6) For hams or pork shoulders labeled "dry cured," the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulders; and the total time for curing, salt equalization, and drying shall not be less than 55 days for hams and shall not be less than 40 days for pork shoulders.

(7) The weight of the finished hams and pork shoulders covered in this section shall be at least 18 percent less than the fresh uncured weight of the article.

(d) The optional ingredients for products covered in this section are:

(1) Nutritive sweeteners, spices, seasonings and flavorings.

(2) Sodium or potassium nitrate and sodium or potassium nitrite if used as prescribed in this section and in accordance with § 318.7(c)(4) of this subchapter.

§ 317.8 [Amended]

2. In § 317.8(b), the following provision is added at the end of the first sentence in subparagraph (2): "*: And Provided further*, That the provisions of this subparagraph shall not apply to products prepared in accordance with § 319.106 of this subchapter."

It does not appear that further public participation in rulemaking proceedings on the proposal would make additional information available to the Department which would significantly alter the nature of this proceeding. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking procedures are unnecessary.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

The foregoing amendments shall become effective July 1, 1978.

Done at Washington, D.C., on January 14, 1977.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.77-1704 Filed 1-17-77;8:45 am]

Title 12—Banks and Banking

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

PART 16—SECURITIES OFFERING DISCLOSURE RULES

Revision of Offering Circular Requirements

Correction

In FR Doc. 77-801, appearing at page 2200, in the issue for Monday, January 10, 1977, the following corrections should be made:

1. On page 2202, in § 16.6, under Item 1, in the third column, paragraph (f), in line 4, the first word should read, "offering".

2. On page 2204, in § 16.6, under Item 8, in the third column, paragraph (e), in the second line, "issurance" should read "issuance."

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-981, Amdt. 55]

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., January 11, 1977.

Effective: January 11, 1977.

Adopted: January 11, 1977.

In accordance with the methodology established in the Notice of Final Action on Revised Procedure for Part 288[1] the Board has completed its monthly review of fuel prices reported on C.A.B. Form 41, Schedule P-12(a) for foreign and overseas MAC air transportation services for

[1] Docket 29579, dated December 22, 1976.

the month of November 1976, and is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established or those services.[2] The basis for issuing this surcharge amendment is the reduction in average fuel price for the participating MAC carriers by 1.16 cents per gallon, from 40.51 cents per gallon reflected in the currently-effective fuel surcharge rate[3] to the currently reported average price of 39.35 cents per gallon.

The Appendix sets forth the results of the surcharge rate computation for the reported fuel price changes for commercial and military fuels consumed in military charter service for the month of November 1976, as reported on Schedule P-12(a); and the rate impact for the changes in current average fuel prices from that reflected in the base rates. Accordingly, we will revise the fuel surcharge rates effective January 11, 1977, to decrease the long-range Category B and Category A rate from 2.79 to 1.95 percent.

[2] ER-962, effective July 27, 1976.
[3] ER-972, effective October 1, 1976.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective January 11, 1977, as follows:

1. Amend § 288.7(a) by amending the third proviso following the table to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *: *Provided, however,* That effective January 11, 1977, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 1.95 percent, 3.57 percent, and 3.57 percent, respectively.[1]

2. Amend § 288.7(d) by amending the proviso to subparagraphs (1) and (2) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(d) * * *

* * * * *

Provided, That effective January 11, 1977, the total minimum compensation pursuant to the rates specified in paragraphs (d) (1) and (2) of this paragraph shall be increased by a surcharge of 1.95 percent.

* * * * *

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[1] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

MAC long-range carriers—Computation of fuel surcharge based on November 1976 P-12(a) fuel data report

Carriers	November 1976 P-12(a) report			Price per gallon used in latest surcharge computation [1] (cents)	Currently effective base average price [2] (cents)	Percent price increase (decrease) current/base	Fuel cost as a percent of total economic cost [3]	Fuel price change impact on base economic costs (percent)	Rate impact weighting factor [4] (percent)	Base rate impact for fuel price change (percent)
	Cost	Gallons	Price per gallon							
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Long range:										
Airlift	$47,587	119,318	39.88	42.03	37.63	5.98	30.07	2.16	4.47	0.097
Capitol	105,223	270,551	38.89	41.41	37.15	4.68	31.53	1.48	4.83	.071
Flying Tiger	438,713	1,166,771	37.60	40.51	33.76	11.37	23.45	2.67	16.19	.432
Northwest	372,633	940,377	39.63	39.37	35.39	11.98	27.23	3.26	9.30	.306
Overseas	341,761	847,537	40.32	41.34	39.59	1.84	30.22	.56	7.67	.043
Pan American	404,734	1,002,448	40.37	40.47	37.53	7.57	24.20	1.83	17.73	.324
Seaboard	198,424	509,546	38.94	39.97	37.63	3.48	28.11	.98	9.40	.092
Trans International	583,660	1,487,938	39.32	40.69	37.36	5.25	30.86	1.62	16.38	.265
World	221,226	555,703	39.81	39.85	36.79	8.21	28.06	2.30	13.94	.321
Total	2,715,351	6,900,189	39.35	40.51	36.77	7.02	27.43	1.926	100.00	1.951

[1] See ER-972, app. A.
[2] Average per gallon fuel costs used in determining currently effective base rates set out in ER-962.
[3] Per adjusted operating results used as base for rates fixed in ER-962.
[4] To reflect the weighting applied to individual unit cost in computing ER-962 interim final rates (individual carrier's percentage of group's computed revenues).

[FR Doc.77-1449 Filed 1-17-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpart C—Consent Order Procedure

MISCELLANEOUS AMENDMENT

The Commission announces the following amendment to Chapter I of Title 16 of the Code of Federal Regulations. The purpose of the amendment is to clarify the Commission's procedure following the placement of a consent agreement on the public record. This amendment is effective on publication (January 18, 1977), and will be applicable to all consent agreements executed (signed by Commission staff and respondents) after that date.

Section 2.32 is amended to read as follows:

§ 2.32 Agreement.

Every agreement shall contain, in addition to an appropriate order, either an admission of the proposed findings of fact and conclusions of law submitted simultaneously by the Commission's staff or an admission of all jurisdictional facts and an express waiver of the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law. In addition, every agreement shall contain waivers of further procedural steps and of all rights to seek judicial review or otherwise to challenge or contest the validity of the order. The agreement shall also contain provisions that the complaint may be used in construing the terms of the order, and that no agreement, understanding, representation, or interpretation not contained in the order or the aforementioned agreement may be used to vary or to contradict the terms of the order; that the order shall have the same force and effect and may be altered, modified, or set aside in the same manner provided by statute for other orders; that the order shall become final upon service; that the agreement shall not become a part of the public record unless and until it is accepted by the Commission; that the Commission will place the order contained therein on the public record for a period of sixty