Vol.42—No.64
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federal register

MONDAY, APRIL 4, 1977

highlights

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reminders

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

Rules Going Into Effect Today

DOT/CG—Drawbridge operations; Hackensack River, New Jersey; St. Croix River, Wisconsin and Minnesota.
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FAA—Control area; Narragansett, R.I.
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List of Public Laws

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

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

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

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

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

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

federal register
Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC–0053]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR 226.1(d), the Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

This interpretation shall be effective as of March 28, 1977.

[FC–0053]

§ 226.4(a)(5)—Insurance disclosures required to exclude premiums from the finance charge may be printed on reverse side of Truth in Lending disclosure statement. (Clarifies FC–0037)

§ 226.4(a)(6)—Insurance disclosures required to exclude premiums from the finance charge may be printed on reverse side of Truth in Lending disclosure statement. (Clarifies FC–0037)

MARCH 15, 1977.

This is in reply to your letter of * * *, requesting clarification of recent Official Staff Interpretation FC–0037. That interpretation stated that the disclosures and authorization required by § 226.4(a) (5) and (6) in order to exclude certain insurance premiums from the finance charge may be made in a statement separate from the regular Truth in Lending disclosure form. You ask whether these disclosures may be placed on the reverse side of the same sheet of paper used for the regular Truth in Lending disclosures. It is staff's opinion that this would comply with the requirements of Regulation Z. FC–0037 was not meant to suggest that if the disclosures are made separately from the Truth in Lending disclosures, they must actually be made on a separate piece of paper. Therefore, printing of the disclosures on the reverse side of the disclosure statement would suffice.

This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the regulation and is limited in its applicability to the facts outlined herein. I trust that this will prove helpful to you.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, March 28, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77–9902 Filed 4–1–77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16619; Amdt. 39–2867]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault/Breguet Aviation (AMD/BA) Falcon 10 Airplanes

There have been reports that tailpipe attachment flanges on Avions Marcel Dassault/Breguet Aviation Falcon 10 airplanes equipped with Grumman tailpipe P/N F10A5B10003–7 are experiencing cracks of a nature and extent that could result in detachment of the tailpipe from the airplane. Loss of a tailpipe would jeopardize the safety of persons and property on the ground. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires replacement of the tailpipes.

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

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

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

AVIONS MARCEL DASSAULT/BREGUET AVIATION (AMD BA) Applies to Falcon 10 airplanes, certificated in all categories, equipped with Grumman tailpipe, P/N F10A5B10003–7, installed without back-up ring, P/N F10A5B10606–11.

Compliance is required as indicated, unless already accomplished.

To prevent the possible loss of the tailpipe, accomplish the following:

(a) For tailpipes having more than 750 hours time in service on the effective date of this AD, comply with paragraph (c) of this AD within 90 days or 150 hours time in service after the effective date of this AD, whichever occurs first.

(b) For tailpipes having 750 hours or less time in service on the effective date of this AD, comply with paragraph (c) of this AD prior to the accumulation of 900 hours total time in service.

(c) Replace tailpipe, P N F10A5B10003–7, with a new part of the same part number, or with a serviceable part of improved design, P/N F10A5RDB20217–3, and in either case install with back-up ring P/N F10A5B10606–11

(Falcon 10 Service Bulletin No. 0129, dated December 21, 1976, covers this subject.)

This amendment becomes effective April 18, 1977.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C. on March 28, 1977.

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

[FR Doc.77–9864 Filed 4–1–77;8:45 am]

[Docket No. 77–CE–7–AD; Amdt. 39–2863]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models C90 and E90 Airplanes

AGENCY: Federal Aviation Administration/DOT(FAA).

ACTION: Final Rule.

SUMMARY: This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) adds a new Airworthiness Directive (AD) applicable to certain Beech Models C90 and E90 airplanes. It requires inspection of the left hand rudder cable for adequate clearance between it and the electrical relay panel. Inadequate clearance could cause the rudder cable to strike the electrical components and be damaged by electrical arcing resulting in failure of the rudder cable and loss of airplane rudder control. Where clearance is inadequate, the AD requires relocation or modification of the electrical relay panel and the replacement of damaged rudder cables.

EFFECTIVE DATE: April 11, 1977, to all persons except those to whom it has already been made effective by air mail letter from the Federal Aviation Administration dated March 14, 1977.

ADDRESSES: Beechcraft Service Instruction 0896 may be obtained from Beech Aircraft Corporation, Wichita, Kansas 67201.

FOR FURTHER INFORMATION CONTACT:

E. L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: There have been reports in which the left hand rudder cable was damaged by electrical arcing when it came in contact with electrical components on the relay panel located under the left hand cockpit floorboard on Beech Models C90 and E90 airplanes. This condition can result when there is inadequate clearance between the rudder cable and the relay panel. A damaged rudder cable could fail and result in the loss of airplane control under critical flight situations. The reports showed that severe cable damage had occurred. In one of the reports only a single strand of cable remained intact. Therefore, the FAA determined that an unsafe condition of an emergency nature existed which required immediate corrective action and thereby determined that notice and public procedure thereon were impracticable and contrary to the public interest. Accordingly, all known registered owners of affected aircraft were notified of the emergency AD by air mail letter dated March 14, 1977. Since the unsafe condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued applicable to Beech Models C90 and E90 making it effective as to all persons who did not receive the AD letter notification. The AD requires, prior to further flight, inspection of the left hand rudder cable to determine if at least 3/4 inch clearance exists between it and the electrical components located on the relay panel. If inadequate clearance is found, the AD further requires modification or relocation of the relay panel, inspection of the rudder cable for damage and its replacement if damaged. On those aircraft where the inspection shows that clearance is more than 3/8 inch but less than 3/4 inch, correction is required within 25 hours' time in service after the effective date of this AD. Procedures for accomplishing the AD inspection and modification of the aircraft, if required, are provided in Beechcraft Service Instructions No. 0896.

Accordingly, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR § 39.13) is amended effective April 11, 1977, by adding the following new AD:

BEECH. Applies to Models C90 (Serial Numbers LJ-640 thru LJ-716), and E90 (Serial Numbers LW-120 thru LW-220, LW-222 and LW-223) airplanes.

To assure adequate clearance between the left hand rudder cable and the electrical components on the relay panel located under the left hand cockpit floorboard, accomplish the following:

(A) Prior to further flight inspect the left hand rudder control cable under the left hand cockpit floorboard in accordance with Steps 1 through 4 of Beechcraft Service Instructions 0896, or later approved revisions, to determine that at least 3/4 inch clearance exists between the rudder control cable and all electrical components located on the relay panel.

(B) If the inspection required by Paragraph A shows that the clearance is less than 3/8 inch, prior to further flight:

1. If possible, relocate the relay panel to provide at least 3/4 inch clearance, or if the relay panel cannot be relocated to provide at least 3/4 inch clearance, modify the panel in accordance with Steps 6 through 13 of Beechcraft Service Instructions 0896, or later approved revisions, and

2. Inspect the rudder cable to determine if it has been damaged by coming in contact with the electrical components. If the cable has been damaged, install a new cable, Beech P/N 50-524438-17, or an equivalent cable fabricated in accordance with acceptable FAA standards (AC 43.13-1A).

(C) If the inspection required by Paragraph A shows that the clearance is between 3/8 and 3/4 inches, within 25 hours' time in service after the effective date of this AD, accomplish the requirements of Paragraphs B(1) and B(2).

(D) If the inspection required by Paragraph A shows that the clearance is 3/4 inch or more, make an entry in the aircraft's maintenance records indicating that this AD has been accomplished and the airplane may be returned to service.

(E) Airplanes may be flown in accordance with FAR 21.197 to a location where the needed electrical system modification or rudder cable replacement required by this AD may be accomplished. Prior to authorizing a flight under FAR 21.197, the FAA District Office involved should contact the Chief, Engineering and Manufacturing Branch, FAA, Central Region, for appropriate operating limitations.

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

This amendment becomes effective April 11, 1977, to all persons except those to whom it has already been made effective by air mail letter from the Federal Aviation Administration dated March 14, 1977.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.81, Federal Aviation Regulation, (14 CFR 11.81).)

Issued in Kansas City, Missouri, on March 25, 1977.

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

[FR Doc.77-9858 Filed 4-1-77;8:45 am]

[Docket No. 16620; Amdt. 39-2869]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman, Ltd. BN-2A and BN-2A Mk III Airplanes

There has been a report of internal corrosion of an aileron mass balance support arm installed on a Britten-Norman, Ltd. Model BN-2A airplane which had progressed to the exterior surface and could result in failure of the support arm, possible hazardous flutter, and loss of airplane control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection, repair, and replacement, as necessary, of the aileron mass balance support arm on Britten-Norman Model BN-2A and BN-2A Mk III airplanes.

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

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

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

BRITTEN NORMAN, LTD. Applies to Models BN-2A Islander and BN-2A Mk III Trislander airplanes, all series, certificated in all categories, except those airplanes incorporating Britten Norman Modification NB/M878.

Compliance is required as indicated, unless already accomplished.

To detect internal corrosion and prevent possible failure of the aileron mass balance support arm, accomplish the following:

(a) For ailerons modified in accordance with Britten-Norman, Ltd. Modification NB/M/336, within the next 25 hours time in service after the effective date of this AD or prior to 3 years since new, whichever occurs later, accomplish the following:

(1) Gain access to and inspect the interior surface of the aileron mass balance support arm in accordance with steps 1 thru 4 of Part 1 and Figure 1 of Britten-Norman, Ltd. Service Bulletin BN-2/SB.98, Issue 1, dated October 27, 1976 (hereinafter S.B.BN-2/SB.98), or an FAA-approved equivalent.

(2) If no corrosion or acceptable corrosion (as defined in Table 1 of Figure 1 of S.B. BN-2/SB.98) is found as a result of the inspection required by paragraph (a)(1) of this AD, clean and protect the interior surface of the support arm and the shank of the bobweight in accordance with subpart (a) of step 5, and reassemble in accordance with steps 6 through 9, of Part 1 of S.B. BN-2/SB.98, or an FAA-approved equivalent.

(3) If marginal corrosion (as defined in Table 2 of Figure 1 of S.B. BN-2/SB.98) is found as a result of the inspection required by paragraph (a)(1) of this AD, before further flight, clean, protect, and reassemble the support arm, in accordance with paragraph (a)(2) of this AD. Thereafter, within the next 300 hours time in service or 3 months, whichever occurs sooner, replace the support arm with a new part of the same part number or an FAA-approved equivalent, and reassemble in accordance with paragraph (a)(2) of this AD.

(4) If, during the inspection required by paragraph (a)(1) of this AD, corrosion is found beyond acceptable limits (as defined in Table 3 of Figure 1 of S.B. BN-2/SB.98), before further flight, replace the support arm with a new part of the same part number, or an FAA-approved equivalent, and reassemble in accordance with paragraph (a)(2) of this AD.

(b) For ailerons not modified in accordance with Britten-Norman, Ltd. Modifica-

tion NB/M/336, within the next 25 hours time in service after the effective date of this AD or prior to 3 years since new, whichever occurs later, accomplish the following:

(1) Gain access to and inspect the interior surface of the mass balance support arm in accordance with steps 1 thru 4 of Part 2 and Figure 2 of S.B. BN-2/SB.98, or an FAA-approved equivalent.

(2) If no corrosion or acceptable corrosion (as defined in Table 1 of Figure 1 of S.B. BN-2/SB.98) is found as the result of the inspection required by paragraph (b)(1) of this AD, clean and protect the interior surface of the support arm and the shank of the bobweight in accordance with subpart (a) of Step 5, Part 1, and repair the support arm in accordance with Figure 2 and reassemble in accordance with steps 6 thru 9, of Part 2 of S.B. BN-2/SB.98, or an FAA-approved equivalent.

(3) If marginal corrosion (as defined in Table 2 of Figure 1 of S.B. BN-2/SB.98) is found as a result of the inspection required by paragraph (b)(1) of this AD, before further flight, clean, protect, repair, and reassemble the support arm and shank of the bobweight in accordance with paragraph (b)(2) of this AD. Thereafter within the next 300 hours time in service or 3 months, whichever occurs sooner, replace the support arm in accordance with the repair and reassembly instructions specified in Part 3 and Figure 3, of S.B. BN-2/SB.98, or an FAA-approved equivalent.

(4) If, during the inspection required by paragraph (b)(1) of this AD, corrosion is found beyond acceptable limits (as defined in Table 3 of Figure 1 of S.B. BN-2/SB.98), before further flight, replace the support arm in accordance with Part 3 and Figure 3 of S.B. BN-2/SB.98, or an FAA-approved equivalent.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

This amendment becomes effective April 18, 1977.

Issued in Washington, D.C. on March 29, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77-9865 Filed 4-1-77;8:45 am]

[Docket No. 77-SO-10; Amendment No. 39-2861]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Aviation Corporation AA-5 and AA-5A Airplanes

There have been failures of the carburetor heat valve in Grumman American Aviation Corporation (GAAC) Model AA-5 and AA-5A airplanes which could cause partial or complete loss of power of the engine, or release parts which could be ingested by the engine. Since this condition is likely to occur on other airplanes of the same type, an airworthiness directive has been issued to require inspection within the next ten hours of operation, repetitive inspections to permit additional flight, and the replacement of an unacceptable original configuration carburetor heat valve with a new configuration carburetor heat valve.

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

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

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

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to GAAC Model AA-5, Serial Numbers 0641 through 0834, and to Model AA-5A, Serial Numbers 0001 through 0321, airplanes certificated in all categories.

Compliance required as indicated below after the effective date of this AD unless already accomplished.

(a) Within 10 hours of flight after the effective date of this Ad, in order to prevent possible failure of the carburetor heat valve assembly, remove the lower cowl and inspect the carburetor heat valve assembly for configuration as shown in Figure 1.

(1) If Configuration B is installed, reinstall lower cowl, and the aircraft may be approved for return to service.

(2) If Configuration A is installed, remove the carburetor heat valve assembly and inspect for cracks in the bend radius. If cracks are found, remove valve assembly from service and replace with a new valve assembly Part Number 5503006-505. Do not reuse the removed carburetor heat valve assembly which must be discarded.

(b) If no cracks are found in Configuration A carburetor heat valve assembly, valve assembly may be reinstalled, the lower cowl reinstalled, and after compliance with (c) below, the aircraft may be approved for return to service for twenty-five (25) hours of operation.

(1) At the end of the first period not to exceed twenty-five hours of operation after the initial inspection required in (a)(2), repeat the initial inspection procedure required in (a)(2).

(2) If no cracks are found at this second inspection of the carburetor heat valve assembly, the valve assembly may be reinstalled, the cowl replaced, and after compliance with (c) below, the aircraft may be approved for return to service for a second and final operational period not to exceed 25 hours.

(3) No Configuration A carburetor heat valve assembly may be continued in service in excess of 50 hours after the initial inspection required in (a)(2) above.

(c) To insure adequate carburetor heat rise, after the removal and reinstallation of the carburetor heat valve assembly, the following checks must be made prior to flight:

(1) After carburetor heat valve assembly is installed into air box assembly, temporarily install air box assembly onto lower cowl. Remove air filter and check forward and aft gap between the valve assembly and carburetor heat box/lower cowl contact points. Maximum gap is 0.120 inch at both ends of valve with carburetor heat in the on and off position. If excessive gap exists, remove air box assembly and crimp edge of valve assembly up or down as required to obtain a gap less than 0.120 inch as specified in the GAAC Service Bulletin No. 159.

(2) Following cowl installation, perform engine run up to check carburetor heat drop (50 RPM drop minimum). If drop does not meet minimum requirements, rework valve per subparagraph (c)(1) above.

(3) Carburetor heat rigging to be accomplished in accordance with the AA-5 series Service Manual.

Grumman American Aviation Corporation Service Bulletin No. 159 dated February 25, 1977, or later approved revisions, pertains to this subject.

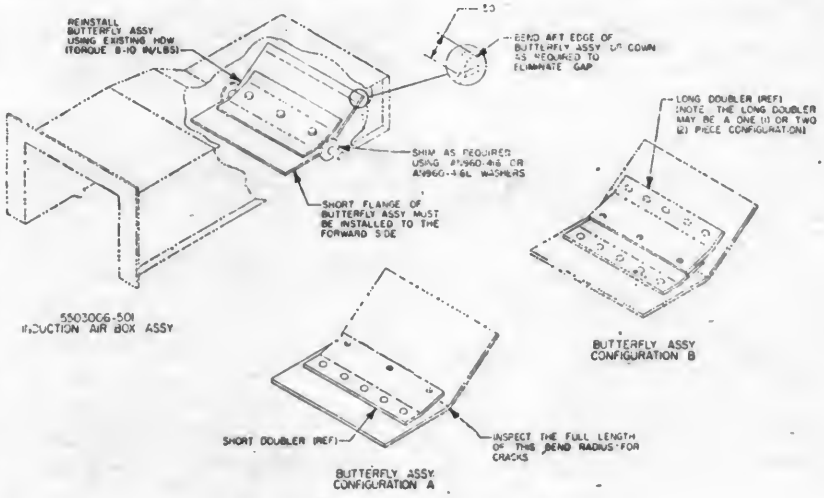
Equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southern Region, 3400 Whipple Street, East Point, Georgia 30344.

This amendment becomes effective April 11, 1977.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11941, and OMB Circular A-107.

Issued in East Point, Georgia, on March 23, 1977.

PHILLIP M. SWATEK,
Director,
Southern Region.



[FR Doc.77-9856 Filed 4-1-77;8:45 am]

[Docket No. 74-WE-41-AD, Amdt. 39-2862]

PART 39—AIRWORTHINESS DIRECTIVES

Hiller UH-12 Series Helicopters

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final Rule.

SUMMARY: This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) prescribes a new airworthiness directive (AD) that will supersede AD 74-21-05 (Amendment 39-1990, 39 FR 36855). After issuing AD 74-21-05, recent Hiller Aviation fatigue test data showed a service life of 6,860 hours for Hiller P/N 36124 when used with unfaired paddles. Therefore, the AD is being superseded by a new AD that requires a finite life of 6,860 hours for Hiller P/N 36124 when used with unfaired paddles, clarifies the 2,500 hours service life after repair per Hiller Aviation Service Bulletin No. 36-1, Revision 2, dated June 19, 1974, and continues the 100 hour inspection of AD 74-21-05.

EFFECTIVE DATE: April 7, 1977.

FOR FURTHER INFORMATION:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION. On October 4, 1974 the FAA issued airworthiness directive (AD) 74-21-05 (Amendment 393-1990, 39 FR 36855) on Hiller UH-12 helicopters, which required inspections of the control rotor blade spar tube for cracks, corrosion or excessive wear of the outboard retention bolts; and replacement or repair, if necessary. This AD was required because of fatigue cracks in the control rotor blade spar tube initiating at the outboard attachment (to the cuff) bolt hole which have propagated completely around the spar tube causing the blade assembly to separate from the cuff which will result in loss of control of the helicopter.

Recent fatigue tests conducted by Hiller Aviation have established a service life of 6,860 hours for Hiller control rotor blade cuff, Hiller P/N 36124 when used with unfaired paddles. Therefore, the AD is being superseded by a new AD to require that the Hiller P/N 36124 cuff be taken out of service before reaching 6,860 hours time in service. The new AD will also clarify the 2,500 hour service life after repair, and will retain the 100 hour inspections required by AD 74-21-05.

Accordingly, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR Part 39) is amended by adding the following new airworthiness directive:

HILLER AVIATION. Applies to Hiller Model UH-12, UH-12A, UH-12B, UH-12C, UH-12D, UH-12E, UH-12E (4-place), (including military Models H-23A, H-23B, H-23C, H-23D, H-23F, OH-23G, HTE-1, HTE-2, and CH112) helicopters, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To detect cracks in the control rotor blade spar tube and cuff and to establish a service life of 6,860 hours for Hiller P/N 36124 cuff used with unfaired paddles accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this AD, unless already accomplished within the last 100 hours time in service and thereafter at intervals not to exceed 100 hours time in service from the last inspection, inspect, replace or repair the control rotor blade spar tube and cuff in accordance with Hiller Aviation Service Bulletin No. 36-1, Revision 2, dated June 19, 1974, or later FAA-approved revisions.

(b) After any repair is accomplished in accordance with Hiller Aviation Service Bulletin No. 36-1, Revision 2, dated June 19, 1974 or later FAA-approved revisions, the control rotor blade spar tube (faired and unfaired) and cuff must be retired before 2,500 additional hours time in service after rework or when the current approved total service life (total service life before repair plus service life after repair) is reached, whichever comes first.

(c) Fabric covered, metal covered, faired and unfaired control rotor blades are not interchangeable and must not be intermixed.

(d) For Hiller P N 36124 cuffs used with unfaired paddles.

(1) Cuffs with more than 6,660 hours time in service, remove and replace with a serviceable part within 200 hours time in service after the effective date of this AD.

(2) Cuffs with less than 6,660 hours time in service, remove and replace with a serviceable part prior to 6,860 hours time in service.

(3) For cuffs for which the prior service history cannot be documented, within the next 25 hours time in service after the effective date of this AD, remove and discard the cuff from service.

(e) Equivalent inspection procedures and repair procedures for Hiller P/N 36124 cuff when used only with unfaired paddles may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate helicopters to a base for accomplishment of the inspections required by this AD.

This supersedes Amendment 39-1990 (39 FR 36855), AD 74-21-05.

This amendment becomes effective April 7, 1977.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amend by Executive Order 11949, and OMB Circular A-107.

NOTE.—The incorporation by reference in the preceeding document was approved by Director of the Federal Register on June 19, 1967.

Issued in Los Angeles, California on March 24, 1977.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.77-9857 Filed 4-1-77;8:45 am]

[Airspace Docket No. 76-GL-38]

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

Designation of Transition Area

Correction

In FR Doc. 77-5793, appearing on page 11236 of the issue for Monday, February 28, 1977, in the last line of the first paragraph of the Upper Sandusky, Ohio Transition Area, "longtiude 33°18'52" W." should read "longitude 83°18'52" W.".

[Airspace Docket No. 77-RM-1]

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

Alteration of Control Zone and Establishment of Transition Area; Correction

On February 14, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 9029) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the control zone and establish a transition area at Greenwood Village, Colorado. On February 17, 1977, a correction to the Notice of Proposed Rule Making was published in the FEDERAL REGISTER (42 FR 9682) amending the coordinates.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date: This amendment shall be effective 0901 G.m.t., June 16, 1977.

Issued in Aurora, Colorado, on March 23, 1977.

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

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

On February 2, 1977, a notice of proposed rulemaking was issued and was published at 41 FR 9029, Monday, February 14, 1977, which would establish a transition area and alter the control zone at Greenwood Village, Colorado. The description of the location of the Castle LOM as latitude 39°35'07" N., longitude 104°51'04" W. is changed to latitude 39°27'08" N., longitude 104°50'43" W.

[FR Doc.77-9855 Filed 4-1-77;8:45 am]

[Airspace Docket No. 77-NE-6]

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

Change in Effective Hours of Control Zone in New England Region

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final Rule.

SUMMARY: This rule amends the published hours of four New England Region control zones to reflect the actual hours of operation presently published in the Airman's Information Manual (AIM) and published by Notices to Airmen (NOTAM).

EFFECTIVE DATE: April 4, 1977.

ADDRESSES: Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attn: Rules Docket Clerk, Docket No. 77-NE-6, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: A review of the FEDERAL REGISTER by the Federal Aviation Administration indicates a need for amending the published hours of four New England Region control zones in § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71.171) to reflect the actual hours of operation presently published in the Airman's Information Manual (AIM) and published by Notices to Airmen (NOTAM). The four control zones affected by this change are Beverly, Massachusetts; Hyannis, Massachusetts; Manchester, New Hampshire; and Norwood, Massachusetts. Since this change merely reflects the current hours of the respective control zones, it has no adverse effect on any person and notice and public procedure thereon is unnecessary.

Accordingly, the Federal Aviation Administration amends § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71.171), effective upon publication in the FEDERAL REGISTER, to change the old effective hours of the Beverly, Massachusetts; Hyannis, Massachusetts; Manchester, New Hampshire; and Norwood, Massachusetts, control zones to the new effective hours as follows:

Section 71.171

	Old hours	New hours
Beverly, Mass.....	0700 to 1900..	0700 to 2300 (local).
Hyannis, Mass.....	0700 to 2300..	0600 to 2300 (local).
Manchester, N.H...	0600 to 2400..	0600 to 2300 (local).
Norwood, Mass.....	0600 to 2000..	0700 to 2300 (local).

(Secs. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Massachusetts, on March 25, 1977.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.77-9863 Filed 4-1-77;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1206—AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Freedom of Information Regulations

Pursuant to the authority vested in me by 42 U.S.C. 2473, Subpart 3, § 1206.300 (b)(3), Subpart 4, § 1206.401 (c) and (k), and Subpart 5, § 1206.503(b) of Part 1206 of the National Aeronautics and Space Administration regulations are amended.

The purpose of these amendments is to change Exemption 3 so that it conforms to the Exemption 3 enacted in the Government in the Sunshine Act, Public Law 94-409, Section 5(b), to change the names of two Information Centers and to give authority to the Director of Headquarters Administration to redelegate the initial determination and unusual circumstance determination functions to the Manager or his designee, NASA Resident Procurement Office-JPL.

Since these amendments are concerned with a change in agency practice, as mandated by Public Law 94-409, Section 5(b) and changes in agency organization, notice and public procedure thereon is not required.

Subpart 3—Exemptions

14 CFR Part 1206 is amended as follows:

1. In Subpart 3, § 1206.300(b)(3) is revised to read as follows:

§ 1206.300 Exemptions.

* * * * * * *

(b) * * *

(3) Specifically exempted from disclosure by any statute (other than Title 5, United States Code, Section 552), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

* * * * * * *

Subpart 4—Location for Inspection and Request of Agency Records

2. In Subpart 4, § 1206.401 (c) and (k) are revised as follows:

§ 1206.401 Location of NASA Information Centers.

* * * * * * *

(c) NASA Information Center, Hugh L. Dryden Flight Research Center, Post Office Box 273, Edwards, CA 93523.

* * * * * * *

(k) NASA Information Center, NASA Resident Procurement Office—JPL, 4800 Oak Grove Drive, Pasadena, CA 91103.

* * * * * * *

Subpart 5—Responsibilities

3. In Subpart 5, § 1206.503(b) is revised to read as follows:

§ 1206.503 NASA Headquarters.

* * * * * * *

(b) The functions set forth in paragraphs (a) (2) and (3) of this section may be delegated by the Director of Headquarters Administration to a Public Affairs Officer designated by the Assistant Administrator for Public Affairs and to the Manager or his/her designee, NASA Resident Procurement Office—JPL.

Effective Date: These amendments to Subpart 3, § 1206.300(b)(3), Subpart 4, § 1206.401 (c) and (k), and Subpart 5, § 1206.503(b) become effective on March 12, 1977.

JAMES C. FLETCHER,
Administrator.

[FR Doc.77-9919 Filed 4-1-77;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

PART 51—PASSPORTS

Subpart A—General

VALIDITY OF DIPLOMATIC PASSPORTS

Subpart A of Part 51, Chapter 1, 22 CFR, is amended to limit the period of validity of diplomatic passports. Section 51.4 paragraph (d) is amended to read as follows:

§ 51.4 Validity of passports.

* * * * * * *

(d) *Period of validity of a diplomatic passport.* A diplomatic passport issued on or after January 1, 1977 is valid for a period of five (5) years or so long as the bearer maintains his/her diplomatic status, whichever is shorter. A diplomatic passport which has not expired must be returned to the Department upon the termination of the bearer's diplomatic status or at such other time as the Secretary shall determine. Any outstanding diplomatic passport issued before January 1, 1977 will expire effective December 31, 1977.

(Section 1, 44 Statute 887, Section 4, 63 Statute 111, as amended; 22 U.S.C. 211a, 2658; Executive Order 11295, 36 FR 10603; 3 CFR 1966-70 Comp., page 507.)

Since, under 22 CFR 51.3(c), a diplomatic passport can only be issued "to a Foreign Service Officer, a person in the diplomatic service or to a person having diplomatic status either because of the nature of his foreign mission or by reason of the office he holds," the publication of the general notice of proposed rulemaking has been dispensed with under Clause (B) of 5 U.S.C. 553(b) as unnecessary. For the same reasons, the amendment falls within the exception

provided in 5 U.S.C. 553(d)(3) and shall be effective April 4, 1977.

For the Secretary of State.

ROBERT T. HENNEMEYER,
Acting Administrator, Bureau of Security and Consular Affairs.

[FR Doc.77-9916 Filed 4-1-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7477]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Expenditures To Remove Architectural and Transportation Barriers to Handicapped and Elderly

AGENCY: Internal Revenue Service, Treasury.

ACTION: Interim regulations.

SUMMARY: This document provides interim regulations relating to expenditures to remove architectural and transportation barriers to the handicapped and elderly. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations may affect persons who make expenditures to remove architectural and transportation barriers to the handicapped and elderly and provide them with the guidance needed to comply with the law. In addition, the regulations promulgated by this document are proposed to be prescribed as final regulations.

EFFECTIVE DATES: The interim regulations are effective for taxable years beginning after December 31, 1976, and the final regulations are proposed to be effective for taxable years beginning after December 31, 1976. Written comments and requests for a public hearing must be delivered or mailed by

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC: LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

John M. Coulter, Jr., of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. (Attention: CC:LR:T). (202-556-3346).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains interim income tax regulations under part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954. These amendments conform the Temporary Income Tax Regulations under the Tax Reform Act of 1976 (26 CFR Part 7) to section 2122 of the Tax Reform Act of 1976 (90 Stat. 1914). They are issued under the authority contained in sections 190 and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1914 and 68A Stat. 917; 26 U.S.C. 190 and 7805). In addition, the regulations promulgated in this document are proposed to be prescribed as final Income Tax Regulations (26 CFR Part 1) under section 190 of the Internal Revenue Code of 1954. The amendments are proposed to conform the Income Tax Regulations to section 2122 of the Tax Reform Act of 1976 (90 Stat. 1914). They are also to be issued under the authority contained in sections 190 and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1914 and 68A Stat. 917; 26 U.S.C. 190 and 7805).

EXPLANATION OF PROVISIONS

Section 2122 of the Tax Reform Act of 1976 added section 190 to the Code. Section 190 provides that a taxpayer may elect to deduct certain amounts paid or incurred by him in any taxable year beginning after December 31, 1976, and before January 1, 1980, for qualified architectural and transportation barrier removal expenses. The deduction is allowed for certain expenses for the purpose of making any facility, or public transportation vehicle, owned or leased by the taxpayer for use in connection with his trade or business more accessible to, or usable by, handicapped or elderly individuals.

Under the interim regulations, the term "facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or similar real or personal property. Further, a "public transportation vehicle" is defined as a vehicle, such as a bus, a railroad car, or other conveyance, whether publicly or privately owned, which provides to the public general or special transportation service. This includes service rendered to the customers of a taxpayer who is not in the trade or business of rendering transportation services. The term "handicapped individual" means any individual who has (1) a physical or mental disability (including, but not limited to, blindness or deafness) which for that individual constitutes or results in a functional limitation to employment, or (2) a physical or mental impairment (including, but not limited to, a sight or hearing impairment) which substantially limits one or more of the individual's major life activities. Examples of these activities are performing manual tasks, walking, speaking, breathing, learning, and working. An "elderly individual" is one age 65 or over.

To qualify for the deduction, the taxpayer must establish, to the satisfaction of the Commissioner or his delegate, that the removal of a barrier conforms a facility or public transportation vehicle to one or more of the standards set forth in the interim regulations. The interim regulations also provide that qualified expenses include only expenses specifically attributable to the removal of an existing architectural or transportation barrier. These expenses do not include any part of an expense in connection with the construction or comprehensive renovation of a facility or public transportation vehicle or the normal replacement of depreciable property.

The amount deductible under section 190 for any taxable year is limited to $25,000. Under the interim regulations, the maximum deduction for a taxpayer (including an affiliated group of corporations filing a consolidated return) for any taxable year is $25,000. The $25,000 limitation applies to a partnership and to each partner. The interim regulations further provide that expenditures for a taxable year in excess of this amount are to be treated as capital expenditures and constitute adjustments to basis under section 1016(a). A special rule applies where a partner's expenditures exceed $25,000.

The election to deduct qualified architectural and transportation barrier removal expenses is made by claiming the deduction as a separate item identified as such on the taxpayer's income tax return for the taxable year for which the election applies. The return must be filed not later than the time prescribed by law for filing the return (including extensions). Once made, an election is irrevocable and applies to all qualified expenditures paid or incurred during the taxable year up to the limitation. If such expenditures exceed $25,000, the taxpayer elects which expenditures comprise those deducted. An electing taxpayer must have available records and documentation of all the facts necessary to determine the amount deductible pursuant to the election, as well as the amount of any adjustment to basis required to be made for expenditures exceeding the $25,000 limit.

STATUTORY CONCURRENCE

The Architectural and Transportation Barriers Compliance Board has concurred in the standards set forth in this interim regulation.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adoption of the final regulations proposed in this document, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of this regulation was John M. Coulter, Jr. of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the following interim regulations are adopted:

1. Section 7.190-1 is added to read as set forth below.

§ 7.190–1 Expenditures to remove architectural and transportation barriers to the handicapped and elderly.

(a) *In general.* Under section 190 of the Internal Revenue Code of 1954, a taxpayer may elect, in the manner provided in § 7.190–3 of this chapter, to deduct certain amounts paid or incurred by him in any taxable year beginning after December 31, 1976, and before January 1, 1980, for qualified architectural and transportation barrier removal expenses (as defined in § 7.190–2(b) of this chapter). In the case of a partnership, the election shall be made by the partnership. The election applies to expenditures paid or incurred during the taxable year which (but for the election) are chargeable to capital account.

(b) *Limitation.* The maximum deduction for a taxpayer (including an affiliated group of corporations filing a consolidated return) for any taxable year is $25,000. The $25,000 limitation applies to a partnership and to each partner. Expenditures paid or incurred in a taxable year in excess of the amount deductible under section 190 for such taxable year are capital expenditures and are adjustments to basis under section 1016(a). A partner must combine his distributive share of the partnership's deductible expenditures (after application of the $25,000 limitation at the partnership level) with that partner's distributive share of deductible expenditures from any other partnership plus that partner's own section 190 expenditures, if any (if he makes the election with respect to his own expenditures), and apply the partner's $25,000 limitation to the combined total to determine the aggregate amount deductible by that partner. In so doing, the partner may allocate the partner's $25,000 limitation among the partner's own section 190 expenditures and the partner's distributive share of partnership dedctible expenditures in any manner. If such allocation results in all or a portion of the partner's distributive share of a partnership's deductible expenditures not being an allowable deduction by the partner, the partnership may capitalize such unallowable portion by an appropriate adjustment to the basis of the relevant partnership property under section 1016. For purposes of adjustments to the basis of properties held by a partnership, however, it shall be presumed that each partner's distributive share of partnership deductible expenditures (after application of the $25,000 limitation at the partnership level) was allowable in full to the partner. This presumption can be rebutted only by clear and convincing evidence that all or any portion of a partner's distributive share of the partnership section 190 deduction was not allowable as a deduction to the partner because it exceeded that partner's $25,000 limitation as allocated by him. For example, suppose for 1978 A's distributive share of the ABC partnership's deductible section 190 expenditures (after application of the $25,000 limitation at the partnership level) is $15,000. A also made section 190 expenditures of $20,000 in 1978 which he elects to deduct. A allocates $10,000 of his $25,000 limitation to his distributive share of the ABC expenditures and $15,000 to his own expenditures. A may capitalize the excess $5,000 of his own expenditures. In addition, if ABC obtains from A evidence which meets the requisite burden of proof, it may capitalize the $5,000 of A's distributive share which is not allowable as a deduction to A.

2. Section 7.190–2 is added to read as set forth below.

§ 7.190–2 Definitions.

For purposes of section 190 and the regulations thereunder—

(a) *Architectural and transportation barrier removal expenses.* The term "architectural and transportation barrier removal expenses" means expenditures for the purpose of making any facility, or public transportation vehicle, owned or leased by the taxpayer for use in connection with his trade or business more accessible to, or usable by, handicapped individuals or elderly individuals. For purposes of this section—

(1) The term "facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or similar real or personal property.

(2) The term "public transportation vehicle" means a vehicle, such as a bus, a railroad car, or other conveyance, which provides to the public general or special transportation service (including such service rendered to the customers of a taxpayer who is not in the trade or business of rendering transportation services).

(3) The term "handicapped individual" means any individual who has—

(i) A physical or mental disability (including, but not limited to, blindness or deafness) which for such individual constitutes or results in a functional limitation to employment, or

(ii) A physical or mental impairment (including, but not limited to, a sight or hearing impairment) which substantially limits one or more of such individual's major life activities, such as performing manual tasks, walking, speaking, breathing, learning, or working.

(4) The term "elderly individual" means an individual age 65 or over.

(b) *Qualified architectural and transportation barrier removal expense*—(1) *In general.* The term "qualified architectural and transportation barrier removal expense" means an architectural or transportation barrier removal expenses (as defined in paragraph (a) of this section) with respect to which the taxpayer establishes, to the satisfaction of the Commissioner or his delegate, that the resulting removal of any such barrier conforms a facility or public transportation vehicle to all the requirements set forth in one or more of paragraphs (b)(2) through (22) of this section or in one or more of the subdivisions of paragraph (b)(20) or (21). Such term includes only expenses specifically attributable to the removal of an existing architectural or transportation barrier. It does not include any part of any expense paid or incurred in connection with the construction or comprehensive renovation of a facility or public transportation vehicle or the normal replacement of depreciable property. Such term may include expenses of construction, as, for example, the construction of a ramp to remove the barrier posed for wheelchair users by steps. Major portions of the standards set forth in this paragraph were adapted from "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped" (1971), the copyright for which is held by the American National Standards Institute, 1430 Broadway, New York, New York 10018.

(2) *Grading.* The grading of ground, even contrary to existing topography, shall attain a level with a normal entrance to make a facility accessible to individuals with physical disabilities.

(3) *Walks.* (i) A public walk shall be at least 48 inches wide and shall have a gradient not greater than 5 percent. A walk of maximum or near maximum grade and of considerable length shall have level areas at regular intervals. A walk or driveway shall have a nonslip surface.

(ii) A walk shall be of a continuing common surface and shall not be interrupted by steps or abrupt changes in level.

(iii) Where a walk crosses a walk, a driveway, or a parking lot, they shall blend to a common level. However, the preceding sentence does not require the elimination of those curbs which are a safety feature for the handicapped, particularly the blind.

(iv) An inclined walk shall have a level platform at the top and at the bottom. If a door swings out onto the platform toward the walk, such platform shall be at least 5 feet deep and 5 feet wide. If a door does not swing onto the platform or toward the walk, such platform shall be at least 3 feet deep and 5 feet wide. A platform shall extend at least 1 foot beyond the strike jamb side of any doorway.

(4) *Parking lots.* (i) At least one parking space that is accessible and approximate to a facility shall be set aside and identified for use by the handicapped.

(ii) A parking space shall be open on one side to allow room for individuals in wheelchairs and individuals on braces or crutches to get in and out of an automobile onto a level surface which is suitable for wheeling and walking.

(iii) A parking space for the handicapped, when placed between two conventional diagonal or head-on parking spaces, shall be at least 12 feet wide.

(iv) A parking space shall be positioned so that individuals in wheelchairs and individuals on braces or crutches need not wheel or walk behind parked cars.

(5) *Ramps.* (i) A ramp shall not have a slope greater than 1 inch rise in 12 inches.

(ii) A ramp shall have at least one handrail that is 32 inches in height, measured from the surface of the ramp, that is smooth, and that extends 1 foot

beyond the top and bottom of the ramp. However, the preceding sentence does not require a handrail extension which is itself a hazard.

(iii) A ramp shall have a nonslip surface.

(iv) A ramp shall have a level platform at the top and at the bottom. If a door swings out onto the platform or toward the ramp, such platform shall be at least 5 feet deep and 5 feet wide. If a door does not swing onto the platform or toward the ramp, such platform shall be at least 3 feet deep and 5 feet wide. A platform shall extend at least 1 foot beyond the strike jamb side of any doorway.

(v) A ramp shall have level platforms at not more than 30-foot intervals and at any turn.

(vi) A curb ramp shall be provided at an intersection. The curb ramp shall not be less than 4 feet wide; it shall not have a slope greater than 1 inch rise in 12 inches. The transition between the two surfaces shall be smooth. A curb ramp shall have a nonslip surface.

(6) *Entrances.* A building shall have at least one primary entrance which is usable by individuals in wheelchairs and which is on a level accessible to an elevator.

(7) *Doors and doorways.* (i) A door shall have a clear opening of no less than 32 inches and shall be operable by a single effort.

(ii) The floor on the inside and outside of a doorway shall be level for a distance of at least 5 feet from the door in the direction the door swings and shall extend at least 1 foot beyond the strike jamb side of the doorway.

(iii) There shall be no sharp inclines or abrupt changes in level at a doorway. The threshold shall be flush with the floor. The door closer shall be selected, placed, and set so as not to impair the use of the door by the handicapped.

(8) *Stairs.* (i) Stairsteps shall have round nosing of between 1 and 1½-inch radius.

(ii) Stairs shall have a handrail 32 inches high as measured from the tread at the face of the riser.

(iii) Stairs shall have at least one handrail that extends at least 18 inches beyond the top step and beyond the bottom step. The preceding sentence does not require a handrail extension which is itself a hazard.

(iv) Steps shall have risers which do not exceed 7 inches.

(9) *Floors.* (i) Floors shall have a nonslip surface.

(ii) Floors on a given story of a building shall be of a common level or shall be connected by a ramp in accordance with subparagraph (5) of this paragraph.

(10) *Toilet rooms.* (i) A toilet room shall have sufficient space to allow traffic of individuals in wheelchairs.

(ii) A toilet room shall have at least one toilet stall that—

(A) Is at least 36 inches wide;

(B) Is at least 56 inches deep;

(C) Has a door, if any, that is at least 32 inches wide and swings out;

(D) Has handrails on each side, 33 inches high and parallel to the floor, 1½ inches in outside diameter, 1½ inches clearance between rail and wall, and fastened securely at ends and center; and

(E) Has a water closet with a seat 19 to 20 inches from the finished floor.

(iii) A toilet room shall have, in addition to or in lieu of a toilet stall described in (ii), at least one toilet stall that—

(A) Is at least 66 inches wide;

(B) Is at least 60 inches deep;

(C) Has a door, if any, that is at least 32 inches wide and swings out;

(D) Has a handrail on one side, 33 inches high and parallel to the floor, 1½ inches in outside diameter, 1½ inches clearance between rail and wall, and fastened securely at ends and center; and

(E) Has a water closet with a seat 19 to 20 inches from the finished floor, centerline located 18 inches from the side wall on which the handrail is located.

(iv) A toilet room shall have lavatories with narrow aprons. Drain pipes and hot water pipes under a lavatory shall be covered or insulated.

(v) A mirror and a shelf above a lavatory shall be no higher than 40 inches above the floor, measured from the top of the shelf and the bottom of the mirror.

(vi) A toilet room for men shall have wall-mounted urinals with the opening of the basin 15 to 19 inches from the finished floor or shall have floor-mounted urinals that are level with the main floor of the toilet room.

(vii) Towel racks, towel dispensers, and other dispensers and disposal units shall be mounted no higher than 40 inches from the floor.

(11) *Water fountains.* (i) A water fountain and a cooler shall have up-front spouts and controls.

(ii) A water fountain and a cooler shall be hand-operated or hand-and-foot-operated.

(iii) A water fountain mounted on the side of a floor-mounted cooler shall not be more than 30 inches above the floor.

(iv) A wall-mounted, hand-operated water cooler shall be mounted with the basin 36 inches from the floor.

(v) A water fountain shall not be fully recessed and shall not be set into an alcove unless the alcove is at least 36 inches wide.

(12) *Public telephones.* (i) A public telephone shall be placed so that the dial and the headset can be reached by individuals in wheelchairs.

(ii) A public telephone shall be equipped for those with hearing disabilities and so identified with instructions for use.

(iii) Coin slots of public telephones shall be not more than 48 inches from the floor.

(13) *Elevators.* (i) An elevator shall be accessible to, and usable by, the handicapped or the elderly on the levels they use to enter the building and all levels and areas normally used.

(ii) Cab size shall allow for the turning of a wheelchair. It shall measure at least 54 by 68 inches.

(iii) Door clear opening width shall be at least 32 inches.

(iv) All essential controls shall be within 48 to 54 inches from cab floor. Such controls shall be usable by the blind and shall be tactilely identifiable.

(14) *Controls.* Switches and controls for light, heat, ventilation, windows, draperies, fire alarms, and all similar controls of frequent or essential use, shall be placed within the reach of individuals in wheelchairs. Such switches and controls shall be no higher than 48 inches from the floor.

(15) *Identification.* (i) Raised letters or numbers shall be used to identify a room or an office. Such identification shall be placed on the wall to the right or left of the door at a height of 54 inches to 66 inches, measured from the finished floor.

(ii) A door that might prove dangerous if a blind person were to exit or enter by it (such as a door leading to a loading platform, boiler room, stage, or fire escape) shall be tactilely identifiable.

(16) *Warning signals.* (i) An audible warning signal shall be accompanied by a simultaneous visual signal for the benefit of those with hearing disabilities.

(ii) A visual warning signal shall be accompanied by a simultaneous audible signal for the benefit of the blind.

(17) *Hazards.* Hanging signs, ceiling lights, and similar objects and fixtures shall be placed at a minimum height of 7 feet, measured from the floor.

(18) *International accessibility symbol.* The international accessibility symbol (see illustration) shall be displayed on routes to and at wheelchair-accessible entrances to facilities and public transportation vehicles.

(19) *Additional standards for rail facilities.* (i) A rail facility shall contain a fare control area with at least one entrance with a clear opening at least 36 inches wide.

(ii) A boarding platform edge bordering a drop-off or other dangerous condition shall be marked with a warning device consisting of a strip of floor material differing in color and texture from the remaining floor surface. The gap between boarding platform and vehicle doorway shall be minimized.

(20) *Standards for buses.* (i) A bus shall have a level change mechanism (e.g., lift or ramp) to enter the bus and sufficient clearance to permit a wheelchair user to reach a secure location.

(ii) A bus shall have a wheelchair securement device. However, the preceding sentence does not require a wheelchair securement device which is itself a barrier or hazard.

(iii) The vertical distance from a curb or from street level to the first front door step shall not exceed 8 inches; the riser height for each front doorstep after the first step up from the curb or street level shall also not exceed 8 inches; and the tread depth of steps at front and rear doors shall be no less than 12 inches.

(iv) A bus shall contain clearly legible signs that indicate that seats in the front of the bus are priority seats for handicapped or elderly persons, and that encourage other passengers to make such seats available to handicapped and elderly persons who wish to use them.

(v) Handrails and stanchions shall be provided in the entranceway to the bus in a configuration that allows handicapped and elderly persons to grasp such assists from outside the bus while starting to board and to continue to use such assists throughout the boarding and fare collection processes. The configuration of the passenger assist system shall include a rail across the front of the interior of the bus located to allow passengers to lean against it while paying fares. Overhead handrails shall be continuous except for a gap at the rear doorway.

(vi) Floors and steps shall have nonslip surfaces. Step edges shall have a band of bright contrasting color running the full width of the step.

(vii) A stepwell immediately adjacent to the driver shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread. Other stepwells shall have, at all times, at least 2 foot-candles of illumination measured on the step tread.

(viii) The doorways of the bus shall have outside lighting that provides at least 1 foot-candle of illumination on the street surface for a distance of 3 feet from all points on the bottom step tread edge. Such lighting shall be located below window level and shall be shielded to protect the eyes of entering and exiting passengers.

(ix) The fare box shall be located as far forward as practicable and shall not obstruct traffic in the vestibule.

(21) *Standards for rapid and light rail vehicles.* (i) Passenger doorways on the vehicle sides shall have clear openings at least 32 inches wide.

(ii) Audible or visual warning signals shall be provided to alert handicapped and elderly persons of closing doors.

(iii) Handrails and stanchions shall be sufficient to permit safe boarding, onboard circulation, seating and standing assistance, and unboarding by handicapped and elderly persons. On a level-entry vehicle, handrails, stanchions, and seats shall be located so as to allow a wheelchair user to enter the vehicle and position the wheelchair in a location which does not obstruct the movement of other passengers. On a vehicle that requires the use of steps in the boarding process, handrails and stanchions shall be provided in the entranceway to the vehicle in a configuration that allows handicapped and elderly persons to grasp such assists from outside the vehicle while starting to board, and to continue using such assists throughout the boarding process.

(iv) Floors shall have nonslip surfaces. Step edges on a light rail vehicle shall have a band of bright contrasting color running the full width of the step.

(v) A stepwell immediately adjacent to the driver shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread. Other stepwells shall have, at all times, at least 2 foot-candles of illumination measured on the step tread.

(vi) Doorways on a light rail vehicle shall have outside lighting that provides at least 1 foot-candle of illumination on the street surface for a distance of 3 feet from all points on the bottom step tread edge. Such lighting shall be located below window level and shall be shielded to protect the eyes of entering and exiting passengers.

(22) *Other barrier removals.* The provisions of this subparagraph apply to any barrier which would not be removed by compliance with paragraphs (b)(2) through (21) of this section. The requirements of this subparagraph are:

(i) A substantial barrier to the access to or use of a facility or public transportation vehicle by handicapped or elderly individuals is removed;

(ii) The barrier which is removed had been a barrier for one or more major classes of such individuals (such as the blind, deaf, or wheelchair users); and

(iii) The removal of that barrier is accomplished without creating any new barrier that significantly impairs access to or use of the facility or vehicle by such class or classes.

3. Section 7.190–3 is added to read as set forth below:

§ 7.190–3 **Election to deduct architectural and transportation barrier removal expenses.**

(a) *Manner of making election.* The election to deduct expenditures for removal of architectural and transportation barriers provided by section 190(a) shall be made by claiming the deduction as a separate item identified as such on the taxpayer's income tax return for the taxable year for which such election is to apply (or, in the case of a partnership, to the return of partnership income for such year). For the election to be valid, the return must be filed not later than the time prescribed by law for filing the return (including extensions thereof) for the taxable year for which the election is to apply.

(b) *Scope of election.* An election under section 190(a) shall apply to all expenditures described in § 7.190–2 (or, in the case of a taxpayer whose architectural and transportation barrier removal expenses exceed $25,000 for the taxable year, to the $25,000 of such expenses with respect to which the deduction is claimed) paid or incurred during the taxable year for which made and shall be irrevocable after the date by which any such election must have been made.

(c) *Records to be kept.* In any case in which an election is made under section 190(a), the taxpayer shall have available, for the period prescribed by paragraph (e) of § 1.6001–1 of this chapter (Income Tax Regulations), records and documentation, including architectural plans and blueprints, contracts, and any building permits, of all the facts necessary to determine the amount of any deduction to which he is entitled by reason of the election, as well as the amount of any adjustment to basis made for expenditures in excess of the amount deductible under section 190.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 190 and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1914 and 68A Stat. 917; 26 U.S.C. 190 and 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 28, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-9995 Filed 3-30-77;4:50 pm]

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7476]

PART 31—EMPLOYMENT TAXES

PART 33—EMPLOYMENT TAX REGULATIONS

Repayment of Interest in Case of Certain Retroactive Elections of Social Security Coverage by Tax-Exempt Organizations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to repayment of interest in the case of certain retroactive elections of FICA coverage by tax-exempt organizations. These regulations clarify the circumstances under which a waiver certificate electing retroactive social security coverage for the employees of an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 will be considered filed with the Internal Revenue Service.

DATE: The regulations apply in the case of certain waiver certificates electing retroactive social security coverage that are furnished to the Internal Revenue Service after February 12, 1976.

FOR FURTHER INFORMATION CONTACT:

William E. Mantle of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3734).

SUPPLEMENTAL INFORMATION:

BACKGROUND

On February 13, 1976, the FEDERAL REGISTER published proposed amendments to the Employment Tax Regulations (26 CFR Part 31) under section 3121(k) of the Internal Revenue Code of 1954, 41 FR 6776. The amendments were proposed in order to clarify the regulations under section 3121(k) of the Code (relating to the waiver of exemption from social security taxes by religious, charitable, and certain other organizations). After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision. This Treasury decision also supersedes Part 33 of the Employment Tax Regulations under 26 U.S.C. 3121(k) (relating to waiver of exemption by religious, charitable, and certain other organizations (26 CFR Part 33)).

IN GENERAL

The amendment adds a new rule to § 31.3121(k)-1(c)(4) for determining when a waiver certificate electing retroactive social security coverage for the employees of an organization described in section 501(c)(3) of the Code is to be considered filed with the Internal Revenue Service. The amendment applies in those cases where an organization has filed a claim for credit or refund of social security taxes based on its exemption from paying those taxes. It provides that the organization must first repay interest it has received in connection with the claim for credit or refund. However, the interest received by the organization must be repaid only to the extent it relates to taxes for which the organization would be liable by reason of the waiver certificate. In the case of a waiver certificate that has been filed prior to the payment of such a refund to the organization, no credit or refund in respect of the taxes for which the certificate waives the exemption is allowable.

DATE CERTIFICATE CONSIDERED FILED

The certificate is to be considered filed on the date it was originally furnished to the Internal Revenue Service if the interest has been repaid on or before the last day of the calendar month following the calendar quarter in which it is furnished. If the repayment occurs after such day, the certificate is to be considered filed on the date the interest is actually repaid.

EFFECTIVE DATE

Due to administrative and equitable considerations, it was decided to modify the proposed rule to apply only in those cases where the waiver certificate electing retroactive social security coverage is furnished by the organization to the Internal Revenue Service after February 12, 1976.

DRAFTING INFORMATION

The principal author of this regulation was William E. Mantle of the Legislation and Regulations Division, of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 33, Employment Tax Regulations, Temporary Employment Tax Regulations under 26 U.S.C. 3121(k) (relating to waiver of exemption by religious, charitable, and certain other organizations), adopted in T.D. 7405, is hereby superseded and reserved, and 26 CFR Part 31 is amended by adding at the end of paragraph (c)(4) of § 31.3121(k)-1 the following new sentences:

§ 31.3121(k)-1 Waiver of exemption from taxes.

* * * * *

(c) *Effect of waiver.* * * *

(4) *Administrative provisions applicable when certificate has retroactive effect.* * * * A waiver certificate (as described in section 3121(k)(1) and this section) furnished to the Internal Revenue Service after February 12, 1976, shall not be considered filed with the Internal Revenue Service unless interest paid to the organization (or credited to its account) in connection with a claim for credit or refund of taxes, which claim was based upon the exemption from taxes the organization is waiving by such certificate, is repaid. The interest so paid must be repaid only to the extent such interest relates to any taxes for which the organization or its employees would be liable by reason of the waiver certificate. Furthermore, when a waiver certificate has been filed prior to the payment of a refund of taxes based upon the exemption from taxes the organization in waiving, no credit or refund in respect of the taxes for which the exemption has been waived shall be allowed. If repayment of the interest is made as required by this subparagraph, on or before the last day of the calendar month following the calendar quarter in which the certificate is furnished to the Internal Revenue Service, such certificate shall be considered to have been filed on the date it was originally furnished. If repayment occurs after that day, such certificate shall be considered to have been filed on the date of the repayment. References in this subparagraph to a waiver certificate refer also to any supplement to such a certificate.

* * * * *

PART 33—[RESERVED]

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 14, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-9994 Filed 4-1-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-194]

PART 110—ANCHORAGE REGULATIONS

Anchorage Grounds, Port of New York, N.Y.; Correction

In FR Doc. 76-25037 appearing at page 36018 in the FEDERAL REGISTER of August 26, 1976, paragraph (c)(5) of § 110.155 appearing on page 36019 is corrected in the eighth line by substituting longitude 73°59'18" W. in place of longitude 73° 59'13" W.

Dated: March 29, 1977.

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

[FR Doc.71-9923 Filed 4-1-77;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 7—CLAIMS OF EMPLOYEES OF PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT UNDER MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964, AS AMENDED

Settlement of Employee Claims

This document revises 35 CFR Part 7 which governs the settlement of claims by employees of the Panama Canal Company and Canal Zone Government for loss of or damage to personal property under the Military Personnel and Civilian Employees Claims Act of 1964, 31 U.S.C. §§ 240-243. The substantive changes include (i) a provision for use of replacement cost, rather than purchase price, to determine the value of the property for which claim is made; (ii) extension of the regulations to cover claims for losses due to vandalism that is found to be politically motivated; and (iii) reduction from ten dollars to one dollar of the minimum amount for which a claim may be filed. The document also revises the regulations to show changes in the titles of agency personnel who handle the claims, to conform with amendments in the statute, to delete a section made obsolete by Pub. L. 91-311 which repealed a report-to-Congress requirement, and to restate portions of the text for purposes of clarity.

Accordingly, 35 CFR Part 7 is amended as follows:

1. By revising paragraphs (d), (e) and (f) of § 7.1 to read as follows:

§ 7.1 Definitions.

* * * * *

(d) "Financial Vice President" means the Financial Vice President of the Panama Canal Company acting for and in behalf of that agency or for and in behalf of the Canal Zone Government, as the case may be;

(e) "Chief Accountant" means Chief Accountant of the Panama Canal Company acting for and in behalf of that agency or for and in behalf of the Canal Zone Government, as the case may be;

(f) "Chief, Claims Branch," means the Chief of the Claims Branch, Accounting Division, of the Panama Canal Company acting for and in behalf of that agency or for and in behalf of the Canal Zone Government, as the case may be.

2. By revising the title and text of § 7.2 to read as follows:

§ 7.2 Applicability and scope.

Pursuant to the Act, the Government will settle and pay claims by employees for the loss of or damage to personal property which occurs incident to Government service. Each such claim must be substantiated and the possession of the property must be shown to have been reasonable, useful, or proper under the circumstances. The maximum amount allowable on any claim is $15,000. In lieu of a cash settlement, property may be replaced in kind at the option of the Government.

3. By redesignating paragraphs (d), (e) and (f) of § 7.5 as paragraphs (e), (f) and (g); by revising the introductory paragraph and paragraph (c) and by inserting a new paragraph (d), the three last-mentioned paragraphs to read as follows:

§ 7.5 Principal types of claims payable.

The following examples are illustrative of the circumstances or situations out of which compensable claims may arise. Loss or damage due to other causes may also be payable under these regulations.

* * * * *

(c) Damage to or loss of property, including vehicles, trailers, and property contained therein, which:

(1) Is incident to the performance of duty and is sustained as a result of or in connection with civil disturbance, public disorder, efforts to save human life or Government property, or a natural or other disaster; or

(2) Occurs in the Canal Zone and results from vandalism that is determined to have been politically motivated.

(d) Damage to or loss of property which is incident to the performance of duty, *Provided*, That such damage or loss results from an incident that is not attributable to a common or usual risk of the claimant's employment.

* * * * *

§ 7.6 [Amended]

4. By deleting the figures "$10" from paragraph (a) of §7.6 and substituting therefor the words "one dollar"; by deleting the phrase "under § 7.5 (c) or (f)" from paragraph (g) of § 7.6 and substituting therefor the phrase "under § 7.5 (c) or (g)".

5. By revising § 7.8 to read as follows:

§ 7.8 Computation of award.

(a) *Lost or destroyed property.* The amount allowable for an item of property that is lost or destroyed may not exceed its actual value at the time the loss occurs. Such value may be based upon the replacement cost at the place where claimant resides when award is made, subject to appropriate depreciation to reflect the age and condition of the item at the time of loss and to reduction for salvage value, if any. Property is considered "destroyed", for purposes of this section, if the cost of repairs would exceed the value of the property immediately prior to the incident out of which the claim arose.

(b) *Damaged property.* Normally the amount allowable for damaged property will be the cost of repairs, unless it is determined to be in the best interests of the Government to authorize a higher award.

(c) *Special limitations.* There is reserved to the Chief, Claims Branch, subject to the supervision of the Chief Accountant, the authority to fix the maximum amount payable for specific classes of articles, to establish limitations on the maximum quantity of an item for which payment will be allowed, and, when appropriate, to require that repairs be made by the Government.

6. By revising § 7.9 to read as follows:

§ 7.9 Claims procedure.

The claimant must submit his claim in writing on a prescribed form covering employees claims for loss of or damage to personal property. The form should be sent to the Chief, Claims Branch, Office of the Financial Vice President, Panama Canal Company, Balboa Heights, Canal Zone. Copies of the required form may be obtained from the Claims Branch.

7. By revising the introductory paragraph and paragraph (a) of § 7.10 to read as follows:

§ 7.10 Supporting papers.

In addition to the information provided on the claim form, the claimant may be required to furnish the following:

(a) Detailed estimates of the value of the property immediately before the incident out of which the claim arose and detailed estimates of the repair costs.

* * * * *

8. By revising § 7.11 to read as follows:

§ 7.11 Settlement.

Upon receipt of a claim under the regulations in this part, the Chief, Claims Branch, subject to the supervision of the Chief Accountant, shall make a determination with respect to its merits and, if allowable, authorize payment. If the claim is disallowed in whole or in part, the claimant shall be advised in writing as to the reason for the disallowance. The settlement determination by the Chief, Claims Branch, is final and conclusive.

§ 7.13 [Revoked]

9. By revoking § 7.13.

Effective date: These amendments are effective March 1, 1977, and apply to claims arising after February 28, 1977.

(Secs. 2–4, 78 Stat. 767, as amended (31 U.S.C. §§ 241–43).)

Dated: March 18, 1977.

RICHARD L. HUNT,
Acting Governor of the Canal Zone, Vice President, Panama Canal Company.

[FR Doc.77-9901 Filed 4-1-77;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Extension of Interim Regulations for the Sale of National Forest Timber, Bidding Procedures

On November 4, 1976, interim regulations governing the sale of National Forest timber under the National Forest Management Act of 1976 were published in the FEDERAL REGISTER (41 FR 48538).

The interim regulations were to expire no later than April 1, 1977. Subsequently, on February 23, 1977, proposed permanent regulations were published in the FEDERAL REGISTER (42 FR 10806) with a deadline for comments on or before March 25, 1977. Because of delays in publishing the proposed regulations, it will not be possible to adequately consider comments received from the public and to adopt permanent regulations prior to the scheduled expiration of the interim regulations. Notice is hereby given that the interim regulations published in the FEDERAL REGISTER (41 FR 48538) on November 4, 1976, are extended as revised through April 30, 1977.

Included with the interim regulations published on November 4 was the addition of paragraph (d) to § 221.8. This paragraph implemented changes required by section 14(e) of the National Forest Management Act of 1976. Subsequent public comments have identified a need to revise the definition of dependent communities and to make some procedural changes in order to prevent adverse impacts on the economies of communities dependent upon National Forest timber. Permanent regulations will be prepared based on public input to the proposed regulations which were published on February 23, 1977. However, in order to minimize adverse impacts on local economies and timber supplies immediate implementation of the changes in bidding procedures are required. Since such immediate action is necessary, notice and provision for further public comment at this time on this change in § 221.8 would be impractical and contrary to the public interest. Section 221.8 is, therefore, amended by substituting a new paragraph (d), to read as follows:

§ 221.8 Advertisements and bids.

* * * * *

(d) (1) During the period April 1 through April 30, 1977, sealed bidding will be used for competitive sale of National Forest timber, except as provided in paragraphs (d) (2) through (4) of this section.

(2) Oral auction bidding may be used in areas where pre-existing agreements required the sale of National Forest timber by oral auction.

(3) (i) In areas tributary to communities dependent upon National Forest timber, Forest Supervisors may authorize the use of a mix of sealed bidding and oral auction bidding methods. When a mix of bidding methods is used, bidding methods on individual sales shall be determined on a random basis designed to provide about 50 percent sealed bid and 50 percent oral auction bid by volume. A record of National Forest timber sales purchased by firms with primary manufacturing facilities outside the dependent community shall be maintained in areas where a mix of bidding methods is used. If there is a significant increase in the volume of timber purchased by such firms within the tributary area, the Forest Supervisor may increase the proportion of volume sold by oral auction for a period not to exceed one year.

(ii) As used herein, a community is an area with common social and economic interests, bounded by established daily marketing and workforce commuting patterns, and encompassing one or more primary wood product manufacturing facilities. A community is dependent upon National Forest timber when 10 percent or more of the total community workforce is employed in the primary manufacture of wood products, and when National Forest timber has accounted for 30 percent or more of the timber supply for the primary wood product manufacturing facilities in the last 5 years. Tributary are those portions of National Forest System lands from which the dependent communities obtained at least 75 percent of their timber supply in the last 5 years.

(iii) If the Regional Forester finds substantial indication of collusive bidding practices in the sale of timber in an area tributary to a dependent community, he may direct that sealed bidding be used in all future sales.

(4) Oral auction bidding may be used where there is urgent need to salvage insect-infested or damaged timber in order to prevent the spread of insects or product deterioration.

BOB BERGLAND,
Secretary.

MARCH 29, 1977.

[FR Doc.77-9851 Filed 3-31-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 707-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision of the Delaware State Implementation Plan

On September 3, 1975, the State of Delaware submitted to EPA Region III amendments to Section V of each portion of the Delaware State Implementation Plan (SIP) for the attainment and maintenance of ambient air quality standards. The State requested that the modified Section V be incorporated as a revision of the federally approved Delaware SIP.

The amendments consist of a revised Section V—Surveillance as it applies to both the State of Delaware SIP and the New Castle County portion of the SIP for attainment and maintenance of standards for particulate matter and sulfur dioxide. These changes to Section V consist of the following:

1. *General narrative*—The modifications listed below are made:

a. Changes are included to eliminate the requirement to monitor nitrogen dioxide. Monitoring of this pollutant is no longer required in the New Castle County portion of the Metropolitan Philadelphia Interstate Air Quality Control Region (AQCR), because this county has been redesignated Priority III (38 FR 16346). The State has indicated that nitrogen oxides are still being monitored at sites P–1 and P–2, to provide an ongoing assessment of its concentration level. The narrative also specifies that carbon monoxide and photochemical oxidants are being monitored at sites P–1 and P–2.

b. Changes are included to reflect availability of manually processed data for hourly periods only, rather than for both 15-minute and one-hour periods.

2. *Tables and figures*—The following modifications listed below are made:

Table V–1—The Jacobs-Hochheiser Method for nitrogen dioxide, as well as footnotes c and d, has been deleted.

Table V–2—This table replaces former Table V–3; former Table V–2 is deleted.

Table V–3—Former Tables V–4 and V–5 are combined and restructured so that the sampling frequency parameter is a function of the air pollutant.

Table V–4—Former Tables V–6 and V–7 are combined. Changes made as of January 1, 1973 are reflected.

Table V–5—This table replaces former Table V–9, and is restructured in format similar to Table V–3.

Figures V–1 and V–2 are amended to indicate changes in the location of monitoring sites.

3. *Changes to monitoring systems*—a. *Deletion of Narrative.* The narrative describing previously proposed additions to the State's monitoring network is deleted.

b. *Primary System.* i. The types of data listed below are still being generated, but either by using different reference methods or by monitoring only at specific sites:

(a) *Carbon monoxide*—The existing monitoring technique applies, but this information is being generated only at monitoring sites P–1 and P–2.

(b) *Photochemical Oxidants*—The existing monitoring technique applies, but this information is being generated only at monitoring sites P–1 and P–2.

(c) *Nitrogen Oxides*—Information is being generated only at monitoring sites P–1 and P–2.

(d) *Soiling Index*—Coefficient of Haze Units replaces reference units and are being monitored at site P–2 only.

ii. Data Reduction—The 15-minute and 6-hour averages are deleted; one-hour averages are now being reduced manually, and running 24-hour and annual averages are now being generated through computer processing.

iii. Changes in monitoring site—Site P–2 is relocated in downtown Wilmington and site P–1 is now located at the Woods Haven-Kruse School in Claymont.

c. *Secondary System.* i. The following types of data are still being generated but are either using different reference methods or are being monitored only at specific sites:

(a) *Soiling Index*—The Coefficient of Haze Units (continuous, stand-by basis) is replacing the A.I.S.I. Tape Sampler.

(b) *Sulfur Dioxide*—The conductivity method (½ hour averages) is being replaced with the West-Gaeke method (continuous) at all New Castle County Stations. In addition, the bubbler method is being used at monitoring sites S–11 and S–12.

ii. The following monitoring sites are added:

S–12, City Water Tower, Seaford
S–13, Danneker School, Milford (stand-by basis)

iii. The following monitoring sites are changed in status to stand-by basis:

S–4, Lombardy School, Faulk Road
S–6, Ferris School, Centre Road
S–7, Delaware SPCA, Greater Wilmington Airport
S–10, County Route 413, East of Mt. Pleasant

iv. The following monitoring site is deleted:

S–14, Georgetown

d. *Tertiary System* — (Telephone Poles)—The entire system is deleted.

e. *Mobile Unit System*—A mobile unit system is added.

f. *Federal System*—The following monitoring sites are deleted or relocated:

I. P–1, Silverside School, Claymont (deleted)
II. P–2, Downtown Wilmington (relocated)

All four primary stations and the remaining secondary stations located throughout the State will continue full operation. The State has determined that the lack of resources prevents adequate data handling and analysis, and that reallocation of the available resources to the remaining stations would improve the overall efficiency of the network. The State has also indicated that once a fully automatic telemetry network is installed in the four primary stations and if additional resources become available, the standby stations will resume operations.

On June 9, 1976 (41 FR 23203), the Administrator acknowledged receipt of the amendments submitted by the State, proposed the amendments as a revision of the Delaware State Implementation Plan and provided for a 30 day public comment period, ending July 9, 1976. During the public comment period, no comments were received.

The revised system meets population and emergency episode requirements as well as collection reporting techniques as specified by the Administrator in 40 CFR 51.17. However, two of the relocated monitoring sites, P–1 and P–2, do not presently meet the requirements for locating monitors in areas of maximum concentrations as specified in 40 CFR 51.17(a)(2). Site P–1, which is designated to measure maximum concentration of photochemical oxidants (specifically ozone) is located too close to Route I–95. Site P–2, which is designed to measure maximum concentration of carbon monoxide (CO), is not located in a maximum downtown street canyon site. In addition, Region III's evaluation of the monitoring instrumentation portion of this plan revision indicates that the instrument that the State plans to use to measure sulfur dioxide is antiquated and outmoded. The State of Delaware has made commitments to relocate monitoring sites P–1 and P–2 during fiscal year (FY) 1977, and to negotiate a mutually acceptable compliance schedule for replacement of the outmoded instrumentation. Therefore, with the exception of the location of monitoring sites P–1 and P–2, and the type of instrumentation currently being used to measure sulfur dioxide, the Administrator approves changes to Part V of both the Delaware State Implementation Plan and the New Castle County portion of the Delaware State Implementation Plan as a revision to the federally approved Delaware State Implementation Plan effective May 4, 1977. However, in view of the commitment to relocate the P–1 and P–2 monitoring sites to acceptable locations and to update the monitoring instrumentation, the Administrator conditionally approves the present location of these two monitoring sites as well as the continued use of the current sulfur dioxide monitoring instruments.

Similarly, the Administrator hereby amends 40 CFR 52.20 to incorporate this revision into the Delaware SIP.

Copies of the amendments to the monitoring network for the State of Delaware are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Attention: Mr. Hank Sokolowski.

Delaware Department of Natural Resources & Environmental Control, Tatnall Building, Lackerman Street and Legislative Avenue, Dover, Delaware 19901. Attention: Mr. Robert French.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

(Authority: 42 U.S.C. 1857c–5.)

Dated: March 29, 1977.

BARBARA BLUM,
Acting Administrator.

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

Subpart I—Delaware

1. In § 52.420, Paragraph (c)(10) is added as follows:

§ 52.420 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified. * * *

(10) Amendments to Section V (Surveillance) of the Delaware State Implementation Plan and amendments to Section V (Surveillance) of the New Castle County Portion of the Delaware State Implementation Plan, covering changes to the airpollution monitoring system; submitted on September 3, 1975 by the Delaware Department of Natural Resources and Environmental Control.

[FR Doc.77–9883 Filed 4–1–77;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Certification of Receipt of AFDC; Extension

The Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare, hereby amends § 235.40 for the purpose of implementing section 2107(d) of Pub. L. 94–455, the Tax Reform Act of 1976.

Section 401 of Pub. L. 94–12, the Tax Reduction Act of 1975, provided for a Federal Welfare Recipient Employment Incentive Tax Credit to employers who hire AFDC recipients. This tax credit, originally effective through June 30, 1976, has been extended to December 31, 1979, under section 2107(d) of Pub. L. 94–455, enacted October 4, 1976.

Regulations in § 235.40 required welfare agencies to certify whether the individuals employed were in fact eligible for, and recipients of, Aid to Families with Dependent Children (AFDC). However, the requirement was effective only through June 30, 1976, and therefore was dropped from the CFR.

The basic purpose of the amendments is to conform the Department's regulations with the statutory changes by extending the certification requirement through December 31, 1979.

Experience under current regulation has indicated the need for clarification as to appropriate procedures and the confidentiality requirements. For instance, some employers have made their requests by phone. One large corporation wrote asking that a complete list of AFDC recipients be provided to them as a basis for determining which of their employees belong in the group for which the tax credit is available.

Accordingly, language has been added to make clear that:

1. The request for certification, and the certification itself, are to be in writing. (The State agency needs a record of the request and its purpose in order to comply with confidentiality requirements. The employer needs a written certification to submit in claiming the tax credit); and

2. The confidentiality provisions of 45 CFR 205.50 require that the information be released and used only for the stated purpose of claiming the tax credit (§ 205.50(a)(1)(i)(c) specifically refers to certification of receipt of AFDC for such purpose.)

Section 2107(f) of Pub. L. 94–455 also provides that either the Department of Labor or the State or local welfare agency may certify to employers that individuals hired were, in fact, AFDC recipients. Policies to implement this provision will be issued jointly by the Department of Labor and HEW.

The Department finds good cause to dispense with proposed rulemaking procedures for two reasons. The law is specific and provides no alternative but to extend the effective date. The tax year has ended and those who have employed welfare recipients (and should be encouraged to continue to do so) will need the certifications in order to claim the tax credit.

Accordingly, § 235.40, Part 235, Chapter II, Title 45 of the Code of Federal Regulations is restored, with its extended certification date, to read as set forth below:

§ 235.40 Certification of AFDC recipients for employment incentive tax credit.

(a) Upon written request from an employer of any individual who is hired and receives wages for services performed after March 28, 1975, and before January 1, 1980, the State or local welfare agency shall, if such individual was eligible for, and was continuously receiving, financial assistance under an approved State AFDC plan during the 90-day period immediately preceding the date on which he was hired by such employer, so certify. Such certification shall be made in writing and in accordance with provisions of § 205.50 of this chapter, and only for purposes of an employer

claiming a Federal welfare recipient employment incentive tax credit under Section 401 of Pub. L. 94–12, the Tax Reduction Act of 1975, and Section 2107(d) of Pub. L. 94–455, the Tax Reform Act of 1976.

(b) The provisions of this section are applicable to both business and nonbusiness employers.

(c) The State agency shall make such reports in such form and containing such information as the Secretary may require.

Effective date: The statutory amendment implemented by this regulation was effective July 1, 1976.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302).) (Catalog of Federal Domestic Assistance Program No 13.761, Public Assistance—Maintenance Assistance (State Aid).)

Answers to specific questions may be obtained by calling Mr. James A. Watson, area code 202–245–0016.

NOTE.—The Social and Rehabilitation Service has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order No. 11821 and OMB Circular A–107.

Dated: January 10, 1977.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77–9962 Filed 4–1–77;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposal would require fresh Valencia oranges shipped from District 2 of the California-Arizona production area to measure at least 2.32 inches in diameter during the period April 22. 1977, through January 15, 1978. The proposal was submitted by the Valencia Orange Administrative Committee established under the order to administer the program locally. The committee reports that the composition of the crop is such that more than ample quantities of larger, more desirable sizes of oranges are available to meet fresh market demand, and it would be in the interest of producers and consumers to limit shipments to the sizes specified. The smaller sizes of oranges could be disposed of in export and in processing outlets.

DATE: Comments must be received on or before April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–3545).

Notice is hereby given that the Department is considering the establishment of a size regulation for Valencia oranges grown in District 2, pursuant to the applicable provisions of the amended marketing agreement and order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order as the agency to administer its terms and provisions.

The 1976–77 season crop of Valencia oranges is currently estimated by the committee at 55,500 cars. The committee reports that demand in regulated fresh market channels is expected to require about 38 percent of this volume. The remaining 62 percent would be available for utilization in export and processing outlets. The committee indicates that volume and size composition of the crop of Valencia oranges grown in District 2 are such that ample supplies of the more desirable sizes will be available to satisfy the demand in regulated channels. The regulation is designed to permit shipments of ample supplies of fruit of the more desirable sizes in the interest of growers and consumers.

All persons who desire to submit written comment for consideration in connection with the proposed regulation shall file two copies with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than April 15, 1977. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Order. (a) During the period April 22, 1977, through January 15, 1978, no handler shall handle any Valencia oranges grown in District 2 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handle", "handler", and "District 2" shall have the same meaning as when used in said amended marketing agreement and order.

Dated: March 29, 1977

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

[FR Doc.77-9912 Filed 4-1-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-NW-19-AD]

BOEING MODEL 727-200 SERIES AIRPLANES

Withdrawal of Notice of Proposed Airworthiness Directive

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Federal Aviation Administration has determined upon further consideration and in the light of comments received in response to the Notice of Proposed Rulemaking that the possible loss of braking during low speed ground operations does not presently exist as originally believed. Therefore, the proposed AD is not required at this time.

FOR FURTHER INFORMATION CONTACT:

Donald L. Riggin, Engineering and Manufacturing Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108, telephone 206–767–2717.

SUPPLEMENTARY INFORMATION: Comments were received by letter dated November 15, 1976, from the Air Transport Association and by letter dated December 1, 1976, from the Boeing Company. The Boeing Company stated that a program had already been started with its vendor, HydroAire, and that they had modified 13 of the P/N 42–307–1 Mark III autobrake/antiskid control boxes out of a total of 23. Recently we received verification that all 23 of the affected control boxes have been modified. Boeing also provided us with new technical data which demonstrates that this fault does not exist on the basic P/N 42–307 Mark III antiskid control boxes as originally believed.

Withdrawal of this Notice of Proposed Rule Making constitutes only such action, and does not preclude the FAA from issuing another Notice or commit the FAA to any other course of action in the future.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), the proposed airworthiness directive published in the FEDERAL REGISTER on Thursday, September 30, 1976, Vol. 41, No. 191, (31 FR 43181) is hereby withdrawn.

Issued in Seattle, Washington, March 23, 1977.

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

[FR Doc.77-9860 Filed 4-1-77;8:45 am]

[14 CFR Part 39]

[Docket No. 76-WE-19-AD]

PROPOSED AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to amend Part 39 of the Federal Aviation

Regulations (14 CFR Part 39) to amend Airworthiness Directive (AD) 76-20-08 (Amendment 39-2742, 41 FR 45817) to require modification of the main landing gear upper side brace trunnion joint. AD 76-20-08 was issued as a result of stress corrosion failures of the retaining bolts installed on the main landing gear upper side brace trunnion joint on Lockheed-California L-1011-385 Series airplanes.

DATES: Comments must be received on or before May 6, 1977. Proposed compliance date: Thirty days after adopted rule amendment effectivity date.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Office of Regional Counsel, AWE-7, Attn: Rules Docket, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009. Telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: AD 76-20-08 requires repetitive visual inspections of the main landing gear upper side brace trunnion joint areas with replacement or repair of damaged parts, as necessary, on Lockheed-California Company Model L-1011-385 series airplanes. Amendment 39-2742 was issued as a result of several cases where one of the two main landing gear upper side brace spherical bearing trunnion retaining bolts failed due to stress corrosion on Lockheed-California Company L-1011-385 series airplanes. A single bolt failure will not usually result in secondary structural failures leading to unsafe conditions, however, continued operation with one failed bolt combined with severe landing or ground maneuver conditions, could lead to a collapse of a main landing gear assembly. The required repetitive visual checks provides an interim safety precaution until the compliance with § 25.573(b) of the Federal Aviation Regulations is established. After issuing Amendment 39-2742, the manufacturer modified the type design of the upper side brace trunnion joint components to eliminate the potential stress corrosion condition of the upper side brace spherical bearing trunnion retaining bolts. These modifications are described in FAA Approved Lockheed-California Company Service Bulletins 093-32-115 and 093-32-120. Therefore, the FAA is considering amending Amendment 39-2742 to require modification of the upper side brace spherical bearing trunnion joints in accordance with the manufacturer's Service Bulletins, and thereby secure compliance with FAR 25.573(b).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel. All communications received on or before the closing date May 6, 1977 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending Amendment 39-2742 (41 FR 45817), AD 76-20-08, by adding the following new paragraphs (c) and (d):

"(c) Compliance is required on or before (Calendar Date: Thirty days from effective date of the amendment, as adopted), unless already accomplished:

(1) Replace the existing side brace trunnion support fitting sleeves P/N 1538681-103, washers P/Ns LS 9672C18C and LS 9672C18, nuts P/N 69678M1812, bolts P/Ns 7654-18-71 or 6968V-18-71 or 69680-18-71, and shims P/N 1539005-101, with new sleeves P/N 1608966-101, washers P/Ns LS 15655C18C and LS 15655C18, nuts 72275K-1812, bolts P/N LS 15654-18-68, and shims, if required, P/N 1539005-101, in accordance with the accomplishment instructions of the FAA approved Lockheed-California Company Service Bulletin 093-32-115 dated December 21, 1976 or later FAA approved revisions. Installation of these new side brace trunnion components is considered to provide a safe service life of 70,000 flights in service for the upper side brace trunnion joint, or

(2) Replace the existing side brace trunnion support washers P/Ns LS 9672C18C and LS 9672C18, nuts P/N 69678M1812, bolts P/Ns 76754-18-71 or 69680V18-71 or 69680-18-71, with new washers P/Ns LS 15655C18C and LS 15655C18, nuts 72275K-1812, and bolts P/N LS 15654-18-68, in accordance with the accomplishment instructions of the FAA approved Lockheed-California Company Service Bulletin 093-32-120 dated December 21, 1976 or later FAA approved revisions. Installation of these new side brace trunnion components is considered to provide a safe service life of 6,000 flights in service for the upper side brace trunnion joint.

(d) Accomplishment of the replacements in accordance with paragraphs (c)(1) or (c)(2) will remove the need for accomplishment of requirements of paragraph (a). Operators are alerted to observe the safe life limits set forth in paragraphs (c)(1) and (c)(2), above."

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on March 21, 1977.

ROBERT H. STANTON,
Director,
FFA Western Region.

NOTE.—The incorporation by reference in the preceding document was approved by Director of the Federal Register on June 19, 1967.

[FR Doc.77-9861 Filed 4-1-77;8:45 am]

[14 CFR Part 39]

[Docket No. 76-NE-28]

IN PRATT & WHITNEY JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, AND -11 AIRCRAFT ENGINES

Proposed Airworthiness Directives

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend Airworthiness Directive 76-24-01, Amendment 39-2775 (41 FR 52047). Airworthiness Directive 76-24-01 presently requires removal of eight stage compressor disk, P/N 496908, prior to reaching 6,000 cycles in service since new, or by December 31, 1977, whichever comes later. This NPRM will revise the compliance time of the present AD to require earlier removal of the eighth stage compressor disk, P/N 496908.

Subsequent to the issuance of AD 76-24-01, Amendment 39-2775, an operator experienced an eighth stage compressor disk failure which resulted in serious aircraft damage. After review of this failure and the preceding failure history, the FAA has determined it necessary, in the interest of safety, to revise the compliance time of AD 76-24-01.

DATES: Comments must be received on or before May 4, 1977.

ADDRESS: Send comments on the proposals to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 76-NE-28, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION, CONTACT:

Jay J. Pardee, Propulsion Section, ANE-214, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone 617-273 7337.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to:

Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 76-NE-28, 12 New England Executive Park, Burlington, Massachusetts 01803.

All communications received on or before May 4, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket, for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket. Persons desiring copies of this NPRM should contact:

Docket Clerk, Office of the Regional Counsel, ANE-7, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

AD 76-24-01, Amendment 39-2775 (41 FR 52047), appeared in the FEDERAL REGISTER on November 26, 1976, and became effective December 27, 1976.

The present AD was issued to require removal of eighth stage compressor disk, P/N 496908, due to fatigue cracking of the disk which resulted in uncontained failure of the disk. The proposed NPRM would modify the compliance time in the present AD by requiring eighth stage disk removal by June 30, 1977, for those disks above 8,000 cycles, in lieu of the present requirement to remove disks by December 31, 1977, for those disks above 6,000 cycles. In addition, the proposed NPRM would create another compliance category which allows disks between 6,000 and 8,000 cycles to continue in service until September 30, 1977, after which they must be removed. The proposed NPRM also establishes a new retirement life of 6,000 cycles for P/N 496908 compressor disks after September 30, 1977.

After the issuance of AD 76-24-01, a U.S. certificated air carrier experienced a severe eighth stage compressor disk failure while climbing through 14,000 feet. The disk sustained a 360° rim separation which exited through a 12 inch by 20 inch hole in the engine case, resulting in separation of the engine starter, start bleed valve, and portions of the upper and lower cowling. A review of the preceding failure history indicated six similar uncontinued disk failures, two of which resulted in fires and five of which caused secondary aircraft damage. Based on the degree of serious secondary aircraft damage sustained during these failures, the FAA has determined that the eighth stage compressor disk failure mode does have potentially hazardous effects due to the release of high energy projectiles. The original AD compliance was based upon a low energy type failure. Therefore, the FAA has determined it necessary, in the interest of safety, to revise the compliance time of AD 76-24-01 to require earlier removal of eighth stage compressor disks.

This NPRM will affect U.S. domestic carriers and foreign carriers by requiring, in some instances, premature engine removals, aircraft on the ground, and increased maintenance effort to meet the proposed removal schedule. The cost for compliance is estimated as 47 million dollars.

Accordingly, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39-2775 (41 FR 52047), AD 76-24-01 as follows:

1. By deleting the words in Paragraph 1 beginning with "prior to reaching" and ending with "not to be exceeded."

2. By inserting in Paragraph 1 after "P/N 496908," the words "in accordance with the following schedule:."

3. By adding the following new paragraphs:

A. By June 30, 1977, disks with over 8,000 cycles since new. The original established life of 11,000 cycles shall not be exceeded.

B. By September 30, 1977, disks with over 6,000 cycles, but less than 8,000 cycles since new. After September 30, 1977, disks shall not exceed 6,000 cycles.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Massachusetts, on March 25, 1977.

QUENTIN S. TAYLOR,
Director,
New England Region.

[FR Doc.77-9862 Filed 4-1-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Computing Self-Employment Income for Social Security Purposes

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. These proposed amendments update the self-employment provisions of the regulations which apply to certain ministers, members of religious orders, Christian Science Practioners, retired business partners, public officers and employees paid on a fee basis, and citizens engaging in business outside the United States. These provisions are based upon public laws which have already been fully implemented by the Social Security Administration.

The proposed amendments reflect changes made by sections 115, 118 and 122 of Pub. L. 90-248 enacted January 2, 1968, section 203 of Pub. L. 92-336 enacted July 1, 1972, sections 121, 124, and 140 of Pub. L. 92-603 enacted October 30, 1972, section 203 of Pub. L. 93-66 enacted July 9, 1973, and section 5 of Pub. L. 93-233 enacted December 31 1973.

Coverage of ministerial services of clergymen. Section 115 of Pub. L. 90-248 provides that the services a clergyman, Christian Science practitioner, or member of a religious order (except a member who has taken a vow of poverty) performs in the exercise of his profession are covered under social security under the provisions applicable to the self-employed unless, within certain time limits, he files an irrevocable application for exemption, effective for taxable years ending after 1967.

Prior to the 1967 amendments the services which a clergyman, Christian Science practitioner, or member of a religious order who had not taken a vow of poverty performed in the exercise of his respective calling were excluded from social security coverage unless he elected coverage. To elect coverage, the individual was required by law to file a waiver certificate within a prescribed time. Services which a member of a religious order who had taken a vow of poverty performed were compulsorly excluded from coverage.

An individual clergyman has been able to decide on a completely voluntary basis whether he would be covered under social security.

From time to time clergymen who did not file the waiver certificate within the prescribed time, later have wished to become covered. On several occasions in the past, the time has been extended in which clergymen could elect coverage.

The Act, as amended, now changes the coverage provisions for clergymen. All clergymen are automatically covered under social security, exeept those who are opposed for reasons of religious principles or conscience to the acceptance of public insurance, including social security benefits, based on their services as clergymen. Clergymen who are so opposed can have their ministerial services excluded from coverage by filing with the Internal Revenue Service a statement to that effect, together with an application for exemption. When the application is approved, it is irrevocable.

Members of religious orders who have taken a vow of poverty continue to be excluded from social security coverage.

Retirement payments made to retired partners. Section 118 of Pub. L. 90-248 provides that certain payments on account of retirement made by a partnership to a retired partner are excluded in the computation of his net earnings from self-employment, effective for taxable years ending on or after December 31, 1967.

Before the 1967 amendments, the retirement payments made by a partnership to a retired partner from the cur-

rent earnings of the partnership were generally treated as earnings from self-employment and were covered under social security. This was true even though the retired partner had no relationship (other than receiving retirement payments) with, and performed no services for, the partnership. The law now provides, effective with taxable years ending on or after December 31, 1967, that these payments may be excluded not only for retirement test purposes but also for social security contributions and benefit computations.

The payments are excluded under conditions which assure that they are bona fide retirement income. The basic requirements that must be met are:

1. The retirement payments must be made pursuant to a written plan of the partnership, and

2. The written plan must apply to partners generally or to a class or classes of partners, and

3. The written plan provides periodic payments until the retired partner's death, and

4. The retired partner renders no service for the partnership during the partnership taxable year ending with or within his taxable year, and

5. At the end of the partnership's taxable year, the only obligation from the other partners to the retired partner is to make retirement payments and the retired partner's share in the partnership capital has been paid to him in full.

The requirements for the retirement plan of a partnership are the requirements prescribed by the Secretary of the Treasury's delegate, as required by section 211(a)(9) of the Social Security Act.

Employees in positions compensated solely on a fee basis. Section 122 of Pub. L. 90–248 provides that fees received after 1967 by State and local public officials and employees in positions compensated solely on a fee basis and not covered by social security under an agreement between the State and the Secretary of Health, Education, and Welfare are covered under social security under the provisions applicable to the self-employed.

This provision applies mainly to State and local government employees who are compensated solely on a fee basis. Fees received after 1967 by employees who are compensated solely on a fee basis in positions which are not covered under a State agreement are covered under the self-employment provisions of the law, except that employees in these positions in 1968 could have elected not to have their fees covered under the self-employment provisions by filing a statement, requesting the exclusions, with the Internal Revenue Service on or before the due date of the tax return for 1968.

Prior to this provision, the States were permitted to cover or exclude from coverage fee-basis employees at the time a State extended coverage to a coverage group. The State could extend coverage to fee-basis employees at a later date, if they were excluded at the time coverage was extended to a coverage group, but if they were once brought under coverage, they could not later be excluded. Under section 122 of Pub. L. 90–248, a State may be permitted to cover or exclude from coverage, employees who are compensated solely by fees by modifying its agreement after 1967. States have not provided coverage for most fee-basis employees, partly because fees are generally paid directly to the employee by the public and the employer would have difficulties in withholding the social security tax and in making accurate reports on the amount of fees received.

Maximum amount of self-employment earnings creditable. Section 203 of Pub. L. 92–336, section 203 of Pub. L. 93-66, and section 5 of Pub. L. 93–233 relate to the maximum amount of earnings creditable for social security purposes. The Social Security Act now provides for automatic increases in benefits and in the level of earnings subject to the social security tax. The automatic increases, which apply to both wages and self-employment income, are intended to keep the social security program up to date with changes in the economy. Whenever social security cash benefits are raised because of increases in the cost of living, the law requires a review of wages covered by social security. If average wages have gone up, the earnings base must be raised too.

Under this provision, the social security earnings base was automatically increased for 1977 to reflect increases in average earnings covered by social security. The new base is $16,500, compared to $15,300 for 1976. The self-employment income provisions in the regulations are being updated to reflect the 1977 increase in addition to other increases over the past several years.

Optional method of reporting self-employment income from nonfarm business. Section 121 of Pub. L. 92–603 provides an optional method of determining net earnings from nonfarm self-employment, effective for taxable years beginning after 1972.

Under the amendments, nonfarm self-employed people have the option of reporting as their net earnings for social security purposes two-thirds of their gross income from nonfarm self-employment but not more than $1,600. This option is comparable to the option which has been available to farm operators for some time. The provision includes a regularity of coverage requirement, and can be used only five times by any individual.

The intent of the option is to enable regularly self-employed operators of nonfarm business to maintain continuity of social security coverage in years when they have small net earnings or suffer net losses. The law contains the condition that, in order to use the optional method of reporting, a person must have had actual net earnings from self-employment of at least $400 in 2 of the 3 consecutive prior years. The optional method allows these people to receive higher social security credit than would be possible based on their actual net earnings.

U.S. citizens self-employed outside the U.S. who retain residence in the United States. Section 124 of Pub. L. 92–603 provides that a U.S. citizen self-employed outside the United States who retains his residence in the United States throughout the entire taxable year shall compute his net earnings from self-employment without regard to the Internal Revenue Code "earned-income-abroad" exclusions, effective for taxable years beginning after 1972.

The 1972 amendments provided that a U.S. citizen self-employed outside the United States who retains residence in the United States throughout the entire taxable year will compute his net earnings from self-employment for social security purposes on the same basis as a person self-employed in the United States. Under the Internal Revenue Code, the first $20,000 of self-employment income earned outside the United States by a citizen who was present in a foreign country at least 510 days out of an 18-consecutive month period was, under certain circumstances, excluded in computing gross income for income tax purposes. (This amount was reduced to $15,000, effective for taxable years beginning after December 31, 1975, by Pub. L. 94–455, enacted October 4, 1976.)

While identical exclusions in the Social Security Act and the Internal Revenue Code have permitted consistent administration and rules for taxpayers, the exclusions have had serious adverse effects on the social security protection of many workers and their families. For example, many free-lance newspapermen, news photographers and commentators, and clergymen did not have any covered earnings from self-employment outside the U.S. because they did not earn more than the excluded amount.

U.S. ministers and members of religious orders who maintain residence in a foreign country. Section 140 of Pub. L. 92–603 provides that an American minister or member of a religious order serving outside the United States shall compute his net earnings from self-employment without regard to the "earned-income-abroad" exclusions, effective for taxable years beginning after 1972.

The $20,000 exclusion ($15,000 for taxable years beginning after December 31, 1975) does not apply in taxable years beginning after 1972 to U.S. citizen clergymen and members of religious orders serving abroad who are residents of a foreign country. Thus, coverage is extended to such individuals who were previously excluded because they neither worked for an American employer nor served congregations composed predominantly of U.S. citizens. These individuals will compute their net earnings from self-employment for social security purposes in the same way as clergymen in the United States.

If there are any questions concerning this regulation, you may contact William J. Ziegler, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–7415.

Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 19, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Sec. 205, 211, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 64 Stat. 502, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405, 411, and 1302)

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

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

Dated: February 28, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.1051 is amended by revising paragraph (a) to read as follows:

§ 404.1051 General rule for computation of net earnings from self-employment.

(a) *Determining net earnings.* In general, the gross income and deductions of an individual attributable to a trade or business, (including a trade or business conducted by an employee referred to in § 404.1070 (c)(2), (c)(3), (c)(4), and (e)) for the purpose of ascertaining his net earnings from self-employment, are to be determined by reference to the provisions of law and regulations applicable with respect to the taxes imposed by sections 1 and 3 of the Internal Revenue Code of 1954. Thus, if an individual uses the accrual method of accounting in computing taxable income from a trade or business for the purpose of the tax imposed by such sections, he must use the same method in determining net earnings from self-employment. Likewise, if a taxpayer engaged in a trade or business of selling property on the installment plan elects, under the provisions of section 453 of the Internal Revenue Code of 1954, to use the installment method in computing income for purposes of the tax under section 1 or 3 of the Internal Revenue Code of 1954, he must use the same method in determining net earnings from self-employment. Income which is excludable from gross income under any provision of subtitle A of the Internal Revenue Code of 1954 is not taken into account in determining net earnings from self-employment except as otherwise provided in § 404.1059, relating to certain residents of Puerto Rico, in § 404.1061, relating to ministers or members of religious orders, in § 404.1061a, relating to United States citizens temporarily living outside the United States, and in § 404.1063, relating to the term "possession of the United States." Thus, in the case of a citizen of the United States who resides outside the United States and is conducting, in a foreign country, a trade or business in which both personal services and capital are material income-producing factors, any part of the income therefrom which is excluded from gross income as earned income under the provisions of section 911 of the Internal Revenue Code of 1954 and the regulations thereunder is not taken into account in determining net earnings from self-employment.

* * * * *

2. Section 404.1058a is added to read as follows:

§ 404.1058a Retirement payment to retired partners.

(a) *In general.* In computing his net earnings from self-employment for taxable years ending on or after December 31, 1967, a retired partner shall exclude payments made to him on a periodic basis by a partnership on account of his retirement and pursuant to a written plan of the partnership. This exclusion applies only if the requirements prescribed in paragraph (b) of this section: and, in addition, the conditions set forth in paragraph (c) of this section are met.

(b) *Retirement plan of partnership.* (1) The written plan of the partnership must set forth the terms and conditions of the program or system established by the partnership for making payments to retired partners on account of their retirement. To qualify as payments on account of retirement, the payments must constitute bona fide retirement income. Thus, payments of benefits not customarily included in a pension or retirement plan such as layoff benefits are not payments on account of retirement. Eligibility for retirement generally is established on the basis of age, physical condition, or a combination of age or physical condition and years of service. Generally, retirement benefits are measured by, and based on, such factors as years of service and compensation received. In determining whether the plan of the partnership provides for payments on account of retirement, criteria such as factors, formulas, etc., reflected in public, and in broad based private, pension or retirement plans in prescribing eligibility requirements and in computing benefits may be taken into account.

(2) The plan of the partnership must provide for payments on account of retirement—

(i) To partners generally or to a class or classes of partners,

(ii) On a periodic basis, and

(iii) Which continue at least until the partner's death. A class of partners may, in an appropriate case, contain only one member. Payments are made on a periodic basis if made at regularly recurring intervals (usually monthly) not exceeding one year.

(c) *Other conditions relating to exclusion.* (1) *In general.* A payment made to a retired partner pursuant to a written plan of a partnership which meets the requirements of paragraph (b) of this section shall be excluded, in computing net earnings from self-employment, only if——

(i) The retired partner rendered no service with respect to any trade or business carried on by the partnership (or its successors) during the taxable year of the partnership (or its successors), which ended within or with the taxable year of the retired partner in which the payment was received by him;

(ii) No obligation (whether certain in amount or contingent on a subsequent event) exists (as of the close of the partnership's taxable year referred to in paragraph (c)(1)(i) of this section) from the other partners to the retired partner except with respect to retirement payments under the plan; and

(iii) The retired partner's share (if any) of the capital of the partnership has been paid to him in full before the close of the partnership's taxable year referred to in paragraph (c)(1)(i) of this section.

(2) Under paragraph (c)(1) of this section, either all payments on account of retirement received by a retired partner during the taxable year of the partnership ending within or with his taxable year are excluded or none of the payments are excluded. Paragraph (c)(1)(ii) of this section applies only to obligations from other partners, in their capacity as partners, as distinguished from an obligation which arises and exists from a transaction unrelated to the partnership or to a trade or business carried on by the partnership. In effect, paragraph (c)(1) of this section provides that the exclusion may apply to payments received by a retired partner during the partnership's taxable year ending within or with his taxable year only if, at the close of the partnership's taxable year, the retired partner had no financial interest in the partnership except for the right to retirement payments.

(d) *Examples.* The application of paragraph (c)(1) of this section may be illustrated by the following examples. Each example assumes that the partnership plan pursuant to which the payments are made meets the requirements of paragraph (b) of this section.

Example 1. A, who files his income tax returns on a calendar year basis, is a partner in the ABC partnership. The partnership's

taxable year is the period July 1 to June 30, inclusive. A retired from the partnership on January 1, 1973, and receives monthly payments on account of his retirement. As of June 30, 1973, no obligation existed from the other partners to A (except with respect to retirement payments under the plan) and A's share of the capital of the partnership had been paid to him in full. The monthly retirement payments received by A from the partnership in his taxable year ending on December 31, 1973, are not excluded from net earnings from self-employment since A rendered service to the partnership during a portion of the partnership's taxable year (July 1, 1972, through June 30, 1973) which ended within A's taxable year—January 1 to December 31, 1973.

Example 2. D, a partner in the DEF partnership, retired from the partnership as of December 31, 1972. The taxable year of both D and the partnership is the calendar year. During the partnership's taxable year ending December 31, 1973, D rendered no service with respect to any trade or business carried on by the partnership. On or before December 31, 1973, all obligations (other than with respect to retirement payments under the plan) from the other partners to D were liquidated, and D's share of the capital of the partnership was paid to him. Retirement payments received by D pursuant to the partnership's plan in his taxable year ending December 31, 1973, are excluded in determining his net earnings from self-employment (if any) for that taxable year.

Example 3. Assume the same facts as in Example 2 except that as of the close of December 31, 1973, D had a right to a fixed percentage of any amounts collected by the partnership after that date attributable to services rendered by him prior to his retirement for clients of the partnership. The monthly payments received by D in his taxable year ending December 31, 1973, are not excluded from net earnings from self-employment since as of the close of the partnership's taxable year which ended with D's taxable year, an obligation (other than an obligation with respect to retirement payments) existed from the other partners to D.

3. Section 404.1061 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 404.1061 Ministers and members of religious orders (computations of net earnings).

(a) *In general.* For each taxable year ending after 1954 in which a minister or a member of a religious order is engaged in a trade or business, within the meaning of section 211(c) of the Act (see § 404.1070(e)), net earnings from self-employment from such trade or business include the gross income derived during the taxable year from any such trade or business, less the deductions attributable to such gross income. For each taxable year ending on or after December 31, 1957, such minister or member of a religious order shall compute his net earnings from self-employment derived from the performance of such service without regard to the exclusions from gross income provided by section 107 of the Internal Revenue Code of 1954 (relating to rental value of parsonages) and section 119 of such code (relating to meals and lodging furnished for the convenience of the employer). Thus, a minister, engaged in a trade or business within the meaning of section 211(c) of the Act will include in the computation of his net earnings from self-employment for a taxable year ending on or after December 31, 1957, the rental value of a home furnished to him as remuneration for services performed in the exercise of his ministry or the rental allowance paid to him as remuneration for such services irrespective of whether such rental value or rental allowance is excluded from gross income by section 107 of the Internal Revenue Code of 1954. Similarly, the value of any meals or lodging furnished to a minister or to a member of a religious order in connection with services performed in the exercise of his ministry or as a member of such order will be included in the computation of his net earnings fom self-employment for a taxable year ending on or after December 31, 1957, notwithstanding the exclusion of such value from gross income by section 119 of the Internal Revenue Code of 1954.

(b) *Taxable years beginning after 1972.* For taxable years beginning after 1972, if a minister or member of a religious order engaged in a trade or business within the meaning of section 211(c) of the Act (see § 404.1070(e)) and was a citzien of the United States performing services outside the United States in his capacity as a minister or member of a religious order, his net earnings from self-employment derived from the performance of such service shall be computed as provided in paragraph (a) of this section but without regard to the exclusions from gross income provided in section 911 of the Internal Revenue Code of 1954, relating to earned income from sources without the United States, and section 931 of the Internal Revenue Code of 1954, relating to income from sources within possessions of the United States. Thus, even though all the income of the minister or member, for service of the character to which this paragraph is applicable, was derived from sources outside the United States, or from sources within possessions of the United States and, therefore, may for income tax purposes be excluded from gross income, such income is included in computing net earnings from self-employment. The provisions of this paragraph do not apply to a minister or a member of a religious order who has been granted an exemption from the payment of the tax on self-employment income under §§ 404.1086–404.1089.

(c) *Taxable years beginning before 1973.* (1) *In the employ of an American employer.* For taxable years beginning before 1973, if a minister or member of a religious order engaged in a trade or business within the meaning of section 211(c) of the Act (see §§ 404.1070(e) and 404.1080) was a citizen of the United States and performed service, in his capacity as a minister or member of a religious order, as an employee of an American employer, as defined in § 404.1003(c)(3), his net earnings from self-employment derived from such service shall be computed as provided in paragraph (a) of this section but without regard to the exclusions from gross income provided in section 911 of the Internal Revenue Code of 1954, relating to earned income from sources without the United States, and section 931 of the Internal Revenue Code of 1954, relating to income from sources within possessions of the United States. Thus, even though all the income of the minister or member of a religious order performing service of the character to which this paragraph is applicable was derived from sources outside the United States, or within possessions of the United States, and therefore may for income tax purposes be excluded from gross income, such income is included in computing net earnings from self-employment. The provisions of this paragraph do not apply with respect to a minister or member of a religious order who has been granted an exemption from the payment of the social security self-employment tax on self-employment tax on self-employment income as ment income as provided in §§ 404.1086–404.1089.

(2) *Minister in a foreign country whose congregation is composed predominantly of citizens of the United States.*—(i) *Taxable years ending after 1956.* For any taxable year ending after 1956, a minister of a church, who engaged in a trade or business within the meaning of section 211(c) of the Act (see §§ 404.1070(e) and 404.1080), was a citizen of the United States, performed service in the exercise of his ministry in a foreign country, and had a congregation composed predominantly of citizens of the United States, shall compute his net earnings from self-employment derived from his services as a minister for such taxable year without regard to the exclusion from gross income provided in section 911 of the Internal Revenue Code of 1954, relating to earned income from sources without the United States. For taxable years ending on or after December 31, 1957, such minister shall also disregard sections 107 and 119 of the Internal Revenue Code of 1954 in the computation of his net earnings from self-employment. (See paragraph (a) of this section.) For purposes of section 211(a)(7) of the Act and this paragraph a "congregation composed predominantly of citizens of the United States" means a congregation the majority of which throughout the greater portion of its minister's taxable year were U.S. citizens. The provisions of this subdivision do not apply with respect to a minister who has been granted an exemption from the payment of the tax on self-employment income as provided in §§ 404.1086–404.1089.

(ii) *Election for taxable years ending after 1954 and before 1957.* (a) A minister described in paragraph (c)(2)(i) of this section who, for a taxable year ending after 1954 and before 1957, had income from service described in such paragraph (c)(2)(i) of this section which would have been included in computing net earnings from self-employment if such income had been derived in a taxable year ending after 1956 by an individual who had filed a waiver certificate under section 1402(e) of the Internal Revenue Code of

1954 may elect to have section 211(a)(7) of the Act and paragraph (c)(2)(i) of this section apply to his income from such service for his taxable years ending after 1954 and before 1957. If such minister filed a waiver certificate prior to August 1, 1956, in accordance with § 404.1080, or he files such a waiver certificate on or before the due date of his return (including any extensions thereof) for his last taxable year ending before 1957, he must make such election on or before the due date of his return (including any extensions thereof) for such taxable year or before April 16, 1957, whichever is the later. If a waiver certificate is not so filed, the minister must make this election on or before the due date of the return (including any extensions thereof) for his first taxable year ending after 1956. Notwithstanding the expiration of the period prescribed by section 1402(e)(2) of the Internal Revenue Code of 1954 (see § 404.1081) for filing such waiver, the minister may file a waiver certificate at the time he makes the election. In no event shall an election be valid unless the minister files prior to or at the time of the election a waiver certificate in accordance with § 404.1080.

(*b*) The election shall be made by filing with the District Director of Internal Revenue with whom the waiver certificate, Treasury/IRS Form 2031, is filed a written statement indicating that, by reason of the Social Security Amendments of 1956, the minister desires to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to his services performed in a foreign country as a minister of a congregation composed predominantly of U.S. citizens beginning with the first taxable year ending after 1954 and prior to 1957 for which he had income from such services. The statement shall be dated and signed by the minister and shall clearly state that it is an election for retroactive self-employment tax coverage under the Self-Employment Contributions Act of 1954. In addition, the statement shall include the following information:

(*1*) The name and address of the minister.

(*2*) His social security number, if he has one.

(*3*) That he is a duly ordained, commissioned, or licensed minister of a church.

(*4*) That he is a citizen of the United States.

(*5*) That he is performing services in the exercise of his ministry in a foreign country.

(*6*) That his congregation is composed predominantly of citizens of the United States.

(*7*)(*i*) That he has filed a waiver certificate and, if so, where and under what circumstances the certificate was filed and the taxable year for which it is effective; or

(*ii*) That he is filing a waiver certificate with his election for retroactive coverage and, if so, the taxable year for which it is effective.

(*8*) That he has or has not filed income tax returns for his taxable years ending after 1954 and before 1957. If he has filed such returns, he shall state the years for which they were filed and indicate the District Director of Internal Revenue with whom they were filed.

(*c*) Notwithstanding the provisions set forth in section 1402(e)(3) of the Internal Revenue Code of 1954 (see § 404.1082 relating to such provisions), a waiver certificate filed pursuant to § 404.1080 by a minister making an election under this paragraph shall be effective (regardless of when such certificate is filed) for such minister's first taxable year ending after 1954 in which he had income from service described in paragraph (c)(2) of this section or for the taxable year of the minister prescribed by section 1402(e)(3) of the Internal Revenue Code of 1954 (see § 404.1082), if such taxable year is earlier, and for all succeeding taxable years.

* * * * *

4. Section 404.1061a is added to read as follows:

§ 404.1061a United States citizens temporarily living outside the United States; computation of net earnings.

For taxable years beginning after 1972, an individual engaged in a trade or business as described in section 211(c) of the Act, who is a citizen of the United States, who derives earnings from self-employment outside the United States, and who has been a resident of the United States during the entire taxable year, shall compute his net earnings from self-employment without regard to the exclusion from gross income provided by section 911(a)(2) of the Internal Revenue Code of 1954. Thus, even though all income of the individual to which this section is applicable was derived from sources outside the United States, and therefore may for income tax purposes be excluded from gross income, such income is included in computing net earnings from self-employment. (See § 404.1061 relating to ministers or members of a religious order performing services outside the United States.)

5. Section 404.1066 is added to read as follows:

§ 404.1066 Options available in computing net earnings from nonfarm self-employment.

(a) *In general.* For any taxable year beginning after 1972, an individual self-employed on a regular basis as defined in paragraph (d) of this section may use an optional method to determine his net earnings from nonfarm self-employment. This option is available when the actual net earnings from nonfarm self-employment are less than $1,600 and less than 66⅔ percent of the individual's gross nonfarm income. However, an individual may not use the nonfarm option with respect to earnings derived in more than 5 taxable years, nor may he report less than his actual net earnings from nonfarm self-employment.

(b) *Computing net earnings from nonfarm self-employment.* An individual who is self-employed on a regular basis as defined in paragraph (d) of this section may, under the optional method of computing net earnings from nonfarm self-employment, report 66⅔ percent of his gross nonfarm self-employment income not to exceed $1,600 as his net earnings from nonfarm self-employment, if his actual net earnings from such self-employment are less than $1,600 and less than 66⅔ percent of his gross income from such self-employment.

Example: A operates a grocery store and files his income tax returns on a calendar year basis. He meets the "self-employed on a regular basis" requirement as he had actual net earnings from self-employment of $400 or more in 1971 and in 1972. His gross income and net profit from operating his grocrey store in 1973 through 1975 are as follows:

	1973	1974	1975
Gross income	$2,800	$1,200	$1,000
Net profit	300	400	800

For the year 1973, A may report as his annual net earnings from self-employment either:

1. None. (Actual net earnings from self-employment are less than $400); or

2. $1,600. (Nonfarm option, 66⅔ percent of $2,800 but not to exceed the $1,600 maximum.)

For the year 1974, A may report as his annual net earnings from self-employment either:

1. $400. (Actual net earnings from self-employment); or

2. $800. (Nonfarm option, 66⅔ percent of $1,200.)

For the year 1975, A must report $800, his actual net earnings from self-employment. The nonfarm option is not available to him because his actual net earnings are not less than 66⅔ percent of his gross income.

(c) *Computing net earnings from both nonfarm and farm self-employment.* An individual who is self-employed on a regular basis may use the nonfarm optional method where both nonfarm and farm businesses are involved, if his actual net earnings from nonfarm self-employment combined with his actual net earnings from farm self-employment, or optional net earnings from farm self-employment, if used, are less than $1,600, and the net nonfarm earnings are less than 66⅔ percent of his gross nonfarm self-employment income. If an individual qualifies for using both the nonfarm and farm option, he may report less than his actual total net earnings but not less than his actual net earnings from nonfarm self-employment alone; if he elects to use both options in a given taxable year, the combined maximum reportable net earnings from self-employment may not exceed $1,600.

Example 1: B operated a grocery store and a farm. He files his income tax return on a calendar year basis. He had actual net earnings from self-employment of $400 or more in 1971 and in 1972 thus meeting the "self-employed on a regular basis" test. His gross

income and net profit from operating both of his businesses in 1973 through 1975 are:

	1973	1974	1975
Grocery store:			
Gross income...	$1,800	$2,100	$1,500
Net profit.....	200	400	500
Farm:			
Gross income...	$2,400	$1,200	$1,200
Net profit.....	100	400	900

For the year 1973, B may report as his net earnings from self-employment:

1. None. (Actual net earnings from self-employment from both businesses less than $400); or

2. $1,300. ($1,200 nonfarm option (66⅔ percent of $1,800 grocery store gross income) and $100 farm profit); or

3. $1,800. ($1,600 farm option (66⅔ percent of $2,400 farm gross income) and $200 grocery store profit).

The nonfarm option is not available to B for 1973 if he uses the farm option because the "less than $1,600" requirement would not be met. For the year 1974, B may report as his net earnings from self-employment:

1. $800. (Actual net earnings from self-employment from both businesses); or

2. $1,200. ($800 farm option (66⅔ percent of $1,200 farm gross income) and $400 grocery store profit); or

3. $1,800. ($1,400 nonfarm option (66⅔ percent of $2,100 grocery store gross income) and $400 farm profit); or

4. $1,600. ($800 farm option and $1,400 nonfarm option totaling $2,200 but not to exceed the $1,600 maximum).

For the year 1975, B may report as his net earnings from self-employment:

1. $1,400. (Actual net earnings from self-employment from both businesses); or

2. $1,300. ($800 farm option (66⅔ percent of $1,200 farm gross income) and $500 grocery store profit); or

3. $1,900. ($1,000 nonfarm option (66⅔ percent of $1,500 grocery store gross income) and $900 farm profit); or

4. $1,600. ($800 farm option and $1,000 nonfarm option totaling $1,800 reduced to $1,600 so as not to exceed the maximum).

Example 2: C was regularly self-employed having derived actual net earnings from self-employment of $400 or more in 1971 and in 1972. His gross income and net profit from operating both a grocery store and a farm in 1973 are:

GROCERY STORE

Gross income	$1,000
Net profit	800

FARM

Gross income	$2,600
Net profit	400

For the year 1973, C may report $1,200 (actual net earnings from self-employment from both businesses), or $2,400 ($1,600 farm option (66⅔ percent of $2,600 farm gross income not to exceed $1,600) and $800 grocery store profit). C cannot use the nonfarm option for 1973 because his actual grocery store net exceeds 66⅔ percent of his grocery store gross income.

(d) *Self-employed on a regular basis.* For any taxable year beginning after 1972, an individual is deemed to be self-employed on a regular basis, or to be a member of a partnership on a regular basis, if in at least 2 of the 3 taxable years immediately preceding such taxable year he had actual net earnings from self-employment of not less than $400 from farm and nonfarm trades or businesses (including his distributive share of the net income or loss from any partnership of which he is a member).

6. Section 404.1068 is amended by deleting paragraph (b)(2), redesignating paragraph (b)(3) as (b)(2) and by revising paragraphs (b)(1) and (c) to read as follows:

§ 404.1068 Self-employment income.

* * * * *

(b) *Maximum creditable self-employment income.* (1) The maximum creditable self-employment income of an individual for any taxable year (whether a period of 12 months or less) is

(i) The excess of—

(*a*) For taxable years ending before 1955, $3,600,

(*b*) For taxable years ending after 1954 and before 1959, $4,200,

(*c*) For taxable years ending after 1958 and before 1966, $4,800,

(*d*) For taxable years ending after 1965 and before 1968, $6,600,

(*e*) For taxable years ending after 1967 and beginning before 1972, $7,800.

(*f*) For taxable years beginning after 1971 and before 1973, $9,000,

(*g*) For taxable years beginning after 1972 and before 1974, $10,800,

(*h*) For taxable years beginning after 1973 and before 1975, $13,200,

(*i*) For taxable years beginning after 1974, an amount equal to the contribution and benefit base as determined under section 230 of the Act which is effective for such calendar year, which is

(*1*) $14,100 for taxable years beginning after 1974 and before 1976,

(*2*) $15,300 for taxable years beginning after 1975,

(*3*) $16,500 for taxable years beginning after 1976,

(ii) over the amount of any wages (as defined in section 209 of the Act) paid to such individual in such taxable year. For example, if during the taxable year ending in 1973 the individual had $12,000 of net earnings from self-employment, and was paid $1,000 of such wages he had only $9,800 of creditable self-employment income for the taxable year.

* * * * *

(c) *Minimum net earnings from self-employment.* Self-Employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than $400. Thus, an individual having only $300 of net earnings from self-employment for the taxable year would not have any creditable self-employment income. However, an individual having net earnings from self-employment of $400 or more for the taxable year may have less than $400 of creditable self-employment income. This could occur in a case in which the amount of the individual's net earnings from self-employment is $400 or more for a taxable year and the amount of such net earnings from self-employment plus the amount of the wages paid to the individual during that taxable year exceed the maximum creditable earnings as prescribed in section 211(c) of the Act (see paragraph (b) of this section) for such year. For example, if an individual had net earnings from self-employment of $1,000 for 1973, and was also paid wages of $10,500 during 1973, his creditable self-employment income for 1973 was $300.

* * * * *

7. Section 404.1070 is amended by revising paragraphs (d)(1), (1)(i) and (d)(2), (e), and (g) to read as follows:

§ 404.1070 Trade or business.

* * * * *

(d) *Members of certain professions—*(1) *Professional service exclusion.* An individual is not engaged in carrying on a trade or business with respect to the performance of service in the exercise of his profession:

(i) As a Christian Science practitioner, except as provided in § 404.1080 for taxable years ending before January 1, 1968, and in 404.1087 for taxable years ending after December 31, 1967, or

* * * * *

(2) *Election of coverage.* Service performed by a Christian Science practitioner in the exercise of his profession during taxable years ending before January 1, 1968, for which a waiver certificate filed pursuant to § 404.1080 is effective, constitutes a trade or business within the meaning of section 211(c) of the Act. However, service performed by a Christian Science practitioner in the exercise of his profession during taxable years ending after 1967 constitutes a trade or business within the meaning of section 211(c) of the Act, unless an exemption from such coverage has been granted on the basis of filing for such exemption pursuant to § 404.1087.

* * * * *

(e) *Ministers and members of religious orders—*(1) *General.* Except as provided in § 404.1080 and § 404.1087, the performance of services by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order does not constitute a trade or business within the meaning of section 211(c) of the Act.

(2) *Taxable years ending before 1968.* The Social Security Amendments of 1954 extended coverage on an individual elective basis to duly ordained, commissioned, or licensed ministers of a church and members of religious orders who had not taken a vow of poverty effective for taxable years ending after 1954. Those who elected coverage are considered as self-employed persons, even though working in the exercise of their ministry as employees. To have elected coverage a minister, performing service described in § 404.1015, must have filed an irrevocable waiver certificate (see §§ 404.1080–404.1086).

(3) *Taxable years ending after 1967.* The Social Security Amendments of 1967 extended self-employment coverage of ministerial service, described in § 404.1015, performed by duly ordained, commissioned, or licensed ministers and members of religious orders who have not taken a vow of poverty for all taxa-

ble years ending after 1967, unless the minister has been granted an exemption from such coverage by the Internal Revenue Service on the basis of timely filing for such an exemption (see §§ 404.1087–404.1089). Service performed by members of religious orders who have taken a vow of poverty which are in the exercise of the duties required by the order are not covered by the self-employment provisions of the Act. An exemption cannot be granted to a minister who filed a waiver certificate which is effective for any taxable year ending before 1968.

* * * * *

(g) *Public office.* The performance of the functions of a public office does not constitute a trade or business, except as provided in paragraphs (g) (1) and (2) of this section for certain fee basis public officers and employees. The term "public officers and employees. The term "public office" includes any elective or appointive office of the United States or any possession thereof, the District of Columbia, or of a State or its subdivision, or of a wholly owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a member of Congress, a State representative, a county commissioner, a judge, a county or city attorney, a marshal, a sheriff, a register of deeds, or a notary public performs the functions of a public office.

(1) *Self-employment on fee basis.* Effective with taxable years beginning after 1967, services performed by public officers and employees of State and local governments in positions compensated solely on a fee basis constitute a trade or business under the self-employment provisions of the Social Security Act if such services are eligible for (but are not made the subject of) an agreement between the State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Act to extend social security coverage thereto. (Since notaries public are not "employees" within the meaning of section 218 of the Social Security Act, their services are not eligible for an agreement under that section. Accordingly, such services do not constitute a trade or business.) If an individual performs services for a State or political subdivision thereof in any period in more than one position, each position is treated separately for purpose of determining whether he is engaging in a trade or business on a fee basis. However, public officers and employees engaging in a trade or business on a fee basis in 1968 may elect not to have his fees covered under the self-employment provisions of the Act by filing Treasury/IRS Form 4415 pursuant to paragraph (g) (2) of this section.

(2) *Election by fee basis public officials and State and local employees with respect to fees received in 1968.* Any individual who in 1968 was in a position described in paragraph (g) (1) of this section and received fees in such position may elect to have the performance of functions or services in such position excluded from the term "trade or business" for the purpose of the self-employment social security tax on self-employment income. Such election shall not be limited to service to the performance of functions or services which the fees received in 1968 are attributable but must also apply in subsequent years to the performance of any functions or services which, except for the election, would constitute a trade or business pursuant to the provisions of paragraph (g) (1) of this section. An election made pursuant to the provisions of this paragraph (g) (2) is irrevocable. An individual shall make such an election by filing a certificate of election of exemption (Treasury/IRS Form 4415) on or before the due date of his income tax return (including any extension thereof) for his taxable year which begins in 1968. The certificate of election of exemption shall be filed with an internal revenue office in accordance with the instructions on the certificate.

* * * * *

8. Section 404.1080 is amended by revising the section heading and first sentence of paragraph (a) to read as follows:

§ 404.1080 Election of self-employment coverage prior to 1968: waiver certificate.

(a) *In General.* For taxable years ending before January 1, 1968, any individual who is:

* * * * *

9. Section 404.1081 is amended by revising paragraph (a) to read as follows:

§ 404.1081 Time limitation for filing waiver certificate.

(a) *General Rule.* For taxable years ending before January 1, 1968, a waiver certificate on Treasury/IRS Form 2031 must be filed on or before the due date of the individual's income tax return, including any extension thereof (see § 6072 and § 6081 of the Internal Revenue Code of 1954), for his second taxable year ending after 1954 for which he has net earnings from self-employment (completed as prescribed in paragraph (d) of this section) of $400 or more, any part of which is derived from service to which § 404.1080 applies.

* * * * *

10. Sections 404.1087, 404.1088 and 404.1089 are added to read as follows:

§ 404.1087 Exemption from self-employment coverage by ministers, members of religious orders and Christian Science practitioners for taxable years ending after 1967.

(a) *In General.* For taxable years ending after December 31, 1967, any individual who is a duly ordained, commissioned, or licensed minister of a church, or a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order); or, a Christian Science practitioner, may request an exemption from the tax on self-employment income with respect to services performed by him in his capacity as a minister, member of a religious order, or a Christian Science practitioner, as the case may be. Such a request shall be made by filing an application for exemption on Treasury/IRS Form 4361 in the manner provided in paragraph (b) of this section and within the time specified in § 404.1088. For provisions relating to the taxable year or years for which an exemption from the tax on self-employment income with respect to service performed by a minister, member of a religious order, or Christian Science practitioner in his capacity as such is effective, see § 404.1089. An exemption from the tax imposed on self-employment income with respect to service performed by a minister, member of a religious order, or Christian Science practitioner in his capacity as such may not be granted where he (in accordance with the provisions of § 404.1080) filed a valid waiver certificate on Treasury/IRS Form 2031 (§§ 404.1080–404.1084) electing to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to service performed by him in the exercise of his ministry or in the exercise of duties required by the order of which he is a member, or in the exercise of his profession as a Christian Science practitioner.

(b) *Application for exemption.* An application for exemption on Treasury/IRS Form 4361 shall be filed in triplicate with the internal revenue officer or the internal revenue office, as the case may be, designated in the instructions on the form. The application for exemption must be filed within the time prescribed in § 404.1088.

(1) The application for exemption shall contain, or there shall be filed with such application, a statement to the effect that the individual making application for exemption is conscientiously opposed because of religious considerations to, or because of religious principles is opposed to, the acceptance (with respect to services performed by him in his capacity as a minister, member of a religious order, or Christian Science practitioner) of any public insurance which makes payments in the even of death, disability, old age, or retirement, or makes payments toward the cost of, or provides services for medical care (including the benefits of any insurance system established by the Social Security Act). Thus, ministers, members of religious orders, and Christian Science practitioners requesting exemption from social security coverage must meet either of two alternative tests: (i) A religious principles test which refers to the institutional principles and discipline of the particular religious denomination to which he belongs, or (ii) a conscientious opposition test which refers to the opposition because of religious considerations of individual ministers, members of religious orders, and Christian Science practitioners (rather than opposition based upon the general conscience of any such individual or individuals).

(2) The term "public insurance", as used in paragraph (b) (1) of this section

refers to governmental, as distinguished from private, insurance and does not include insurance carried with a commercial insurance carrier. To be eligible to file an application for exemption on Treasury/IRS Form 4361, a minister, member of a religious order, or Christian Science practitioner need not be opposed to the acceptance of all public insurance making payments of this specified type; he must, however, be opposed on religious grounds to the acceptance of any such payment which, in whole or in part, is based on, or measured by earnings from services performed by him in his capacity as a minister, member of a religious order, or Christian Science practitioner. For example, a minister performing service in the exercise of his ministry may be eligible to file an application for exemption on Treasury/IRS Form 4361 even though he is not opposed to the acceptance of benefits under the Social Security Act with respect to service performed by him which is not in the exercise of his ministry.

(c) *Approval of application for exemption.* The filing of an application for exemption on Treasury/IRS Form 4361 by a minister, a member of a religious order, or a Christian Science practitioner does not constitute an exemption from the tax on self-employment income with respect to services performed by him in his capacity as a minister, member, or practitioner. The exemption is granted only if the application is approved by an appropriate internal revenue officer.

§ 404.1088 Time limitation for filing application for exemption.

(a) *General rule.* (1) Any individual who desires an exemption from the tax on self-employment income with respect to service performed by him in his capacity as a minister or member of a religious order or as a Christian Science practitioner must file the application for exemption (Treasury/IRS Form 4361) on or before whichever of the following dates is later:

(i) The due date of the income tax return, including any extension thereof for his second taxable year ending after 1967, or

(ii) The due date of the income tax return, including any extension thereof, for his second taxable year beginning after 1953, for which he has net earnings from self-employment of $400 or more, any part of which:

(*a*) In the case of a duly ordained, commissioned, or licensed minister of a church, consists of remuneration for service performed in the exercise of his ministry; or

(*b*) In the case of a member of a religious order who has not taken a vow of poverty as a member of such order, consists of remuneration for service performed in the exercise of duties required by such order; or

(*c*) In the case of a Christian Science practitioner, consists of remuneration for service performed in the exercise of his profession as a Christian Science practitioner.

(2) No part of the net earnings from self-employment (computed as prescribed in paragraph (c) of this section) for the taxable year shall be considered as derived from service performed as a minister, member of a religious order, or Christian Science practitioners if he derived his gross income in the taxable year both from service performed in such capacity and from the conduct of another trade or business, and the deductions allowed by Chapter I of the Internal Revenue Code which are attributable to the gross income derived from service performed in such capacity equal or exceed the gross income derived from service performed in such capacity.

(3) The application of the rules set forth in paragraphs (a)(1) and (a)(2) of this section may be illustrated by the following examples:

Example 1. M, who makes his income tax returns on a calendar year basis, was ordained as a minister in January 1960. During each of two or more taxable years ending before 1968 M has net earnings for self-employment in excess of $400 some part of which is from service performed in the exercise of his ministry. M has not filed an effective waiver certificate on Treasury/IRS Form 2031 (See §§ 404.1080ff.). If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

Example 2. M, who makes his income tax returns on a calendar year basis, was ordained as a minister in January 1966. M has net earnings of $350 for the taxable year 1966 and has net earnings of $350 for the taxable year 1966 and has net earnings in excess of $400 for each of his taxable years 1967 and 1968 (some part or all of which is derived from service performed in the exercise of his ministry). M has not filed an effective waiver certificate on Treasury/IRS Form 2031 (see §§ 404.1080ff.). If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

Example 3. Assume the same facts as in Example 2 except that M has net earnings in excess of $400 for each of his taxable years 1967 and 1969 (but less than $400 in 1968). The application for exemption must be filed on or before the due date of his income tax return for 1969, or any extension thereof

Example 4. M was ordained as a minister in May 1973. During each of the taxable years 1973 and 1975, M, who makes his income tax returns on a calendar year basis, derived net earnings in excess of $400 from his activties as a minister. M had net earnings of $350 for the taxable year 1974, $200 of which was derived from service performed by him in the exercise of his ministry. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or any extension thereof.

Example 5. M, who was ordained a minister in January 1973, is employed as a toolmaker by the XYZ Corporation for the taxable years 1973 and 1974 and also engages in activties as a minister on weekends. M makes his income tax returns on the basis of a calendar year. During each of the taxable years 1973 and 1974 M receives wages of $10,800 and $13,200 respectively from the XYZ Corporation and derives net earnings of $400 from his activities as a minister. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry he must file an application for exemption on or before the due date of his income tax return for 1974, or any extension thereof. It should be noted that although by reason of section 211(b)(1)(G) and (H) of the Act and section 1402(b)(1)(G) and (H) of the Internal Revenue Code no part of the $400 represents "self-employment income," nevertheless the entire $400 constitutes "net earnings from self-emplolyment" for purposes of fulfilling the requirements of section 1402(e)(2) of the Internal Revenue Code.

Example 6. M, who files his income tax returns on a calendar year basis, was ordained as a minister in March 1973. During 1973 he receives $410 for service performed in the exercise of his ministry. In addition to his ministerial services, M is engaged during the year 1973 in a mercantile venture from which he derives net earnings from self-employment in the amount of $4,000. The expenses incurred by him in connection with his ministerial services during 1973 and which are allowable deductions under Chapter I of the Internal Revenue Code amount to $410. During 1974 and 1975, M has net earnings from self-employment in amounts of $4,600 and $4,800 respectively, and some part of each of these amounts is from the exercise of his ministry. The deductions allowed in each of the years 1974 and 1975 by Chapter I of the Internal Revenue Code which are attributable to the gross income derived by M from the exercise of his ministry in each of such years, respectively, do not equal or exceed such gross income in such year. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or any extension thereof.

(b) *Effect of death.* The right of an individual to file an application for exemption shall cease upon his death. Thus, the surviving spouse, administrator, or executor of a decedent shall not be permitted to file an application for exemption for such decedent.

(c) *Computation of net earnings*—(1) *Taxable years ending before 1968.* Net earnings from self-employment for taxable years ending before 1968 shall be determined without regard to the fact that without an election (Treasury/IRS Form 2031) under section 1402(e) of the Internal Revenue Code (as in effect prior to amendment by section 115(b)(2) of the Social Security Amendments of 1967), the performance of services by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, or the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, does not constitute a trade or business for purposes of the tax on self-employment income.

(2) *Taxable years ending after 1967.* Net earnings from self-employment for taxable years ending after 1967 shall be determined without regard to the fact

that Treasury/IRS Form 2031 has not been filed. Services performed by duly ordained, commissioned, or licensed ministers, members of religious orders who have not taken a vow of poverty, and Christian Science practitioners are covered unless the individual has been granted an exemption from such coverage pursuant to the procedures outlined in § 404.1087(b).

§ 404.1039 Period for which exemption is effective.

(a) *In general.* If an application for exemption on Treasury/IRS Form 4361 is filed by a minister, a member of a religious order, or a Christian Science practitioner eligible to file such an application and is approved, the exemption from the tax on self-employment income shall be effective for the first taxable year ending after 1967 for which such minister, member, or practitioner has net earnings from self-employment of $400 or more any part of which was derived from the performance of service in his capacity as a minister, member, or practitioner, and for all succeeding taxable years. However, the exemption applies only to income derived from services which the individual performs in his exercise of the ministry, or in his exercise of duties required by the religious order, or from his practice as a Christian Science practitioner.

(b) *Exemption irrevocable.* An exemption granted to a minister, a member of a religious order, or a Christian Science practitioner pursuant to the provisions of section 1402(e) of the Internal Revenue Code is irrevocable.

[FR Doc.77-9822 Filed 4-1-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 164]

[CGD 77-002]

LORAN-CON VESSELS OF 1600 GROSS TONS OR MORE

Notice of Proposed Rulemaking; Extension of Comment Deadline

The Coast Guard published a Notice of Proposed Rulemaking in the January 31, 1977, issue of the FEDERAL REGISTER (42 FR 5966). This notice solicited comments on an amendment to the navigation safety regulations to require LORAN-C on vessels of 1600 gross tons or more.

Because of a request of an extension of the comment deadline by an interested party, the Coast Guard is hereby extending the comment deadline for this notice until April 20, 1977.

Dated: March 30, 1977.

A. F. FUGARO,
Rear Admiral, United States Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.77-10024 Filed 4-1-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 173]

COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

Proposed Priorities for Special Projects for Fiscal Year 1977

Notice is hereby given that pursuant to the authority contained in section 106 of Title I of the Higher Education Act of 1965, as amended (20 U.S.C. 1005a), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish the priorities set forth below for reviewing applications submitted by institutions of higher education (or combination thereof) for special programs and projects which are designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution. When the priorities are published in final form, they will be codified in Part 173 of Title 45 of the Code of Federal Regulations.

Review of application. (a) All applications will be reviewed and evaluated in accordance with the regulations set forth in 45 CFR Part 100a and Part 173, subparts A and C (Part 173 was published in the FEDERAL REGISTER on March 17, 1975, 40 FR 12084-12086).

(b) Fiscal Year 1977 Priorities. Applications for new awards for Fiscal Year 1977 must be directed to one of the following priorities (attention may be given within the scope of any of the priorities to the special needs of particular groups, such as women or 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 developing, 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.

(4) National and regional evaluations of multi-institutional programs 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)

Interested persons are invited to submit written comments, suggestions, or objections regarding this notice to Mr. Edwin J. Neumann, Community Service and Continuing Education Program, Bureau of Postsecondary Education, Regional Office Building 3, Room 3717, 7th and D Streets, SW., Washington, D.C. 20202. (Telephone 202/245-96868.) Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant materials must be received not later May 19, 1977.

NOTE.—The Office of Education 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.

(Catalog of Federal Domestic Assistance Number 13.557; Higher Education University Community Service—Special Projects)

Dated: February 7, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: March 28, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

[FR Doc.77-9960 Filed 4-1-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 148]

[CGD 76-198]

CARRIAGE OF SOLID HAZARDOUS MATERIALS IN BULK

Proposed Changes; Table of Permitted Cargoes

The Coast Guard is considering revising the amendments published in the FEDERAL REGISTER (41 FR 23401) on June 10, 1976, by correcting the Table for Permitted Cargoes, providing a relaxation to the requirements for the bulk shipment of metal borings, shavings, turnings, and cuttings, adding a special additional requirement to the carriage of unslaked lime, and exempting unmanned vessels from the requirements of shipping papers and dangerous cargo manifests.

Interested persons are invited to participate in this proposed rule making by submitting written data, views or arguments to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 76-198), and give reasons in support of his comment. Comments received before May 15, 1977, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in light of the comments received. No oral hearing is contemplated, but it will be held if

requested by anyone who raises a genuine issue.

In the consolidation of hazardous materials regulations (41 FR 15972) the hazardous articles of 46 CFR 146.27 were reclassified as ORM (other regulated materials) in Title 49. In order to update the Table of Permitted Cargoes in § 148.-01–7, it is proposed that all hazardous materials now classified as hazardous articles be classified as ORM.

It is proposed to relax the shipping paper requirements, 46 CFR 148.02–1, for unmanned barges transporting solid hazardous material in bulk to allow the shipping papers to be kept on board the towing vessel; and it is proposed to exempt unmanned barges from the requirements for a dangerous cargo manifest, 46 CFR 148.02–3, when transporting solid hazardous materials in bulk.

It is proposed that the specified moisture content of coconut pellets be revised to conform with the consolidation of hazardous materials (41 FR 15972) and the entry for tankage, garbage or rough ammoniate solid be revised to specify a moisture content of more than 7 percent because at 7 percent moisture or less this item is a flammable solid and not permitted in bulk.

It is proposed that the special requirements for metal borings, shavings, turnings or cuttings (§ 148.04–13) be amended to exempt this item from the requirements of § 148.04–13 when shipped in unmanned barges and transported entirely on the navigable waters of the United States. This exemption is based on a relaxation previously included in 46 CFR 146 that was inadvertently omitted from the amendments.

It is proposed that a special additional requirement for the carriage of "Lime, unslaked" be added that is consistent with the previous requirement of 46 CFR 146.27–29 which provided for the carriage of this material in bulk.

In consideration of the foregoing, it is proposed to amend Part 148 of Title 46 Code of Federal Regulations as follows:

1. By revising the part heading to read as follows:

PART 148—CARRIAGE OF SOLID HAZARDOUS MATERIALS IN BULK

2. By revising the Table of contents by adding, in the proper numerical sequence, the following:

Sec.
148.04–23 Unslaked lime.

3. By revising the table in § 148.01–7 to read as follows:

§ 148.01–7 Permitted cargoes.

* * * * *

Shipping name of the hazardous material	Hazard class of the hazardous material	Characteristic properties of the material
Aluminum dross	Flammable solid	Contact with water may cause self heating and the evolution of flammable gas.
Aluminum nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Ammonium nitrate fertilizer, formulation or mixture, containing less than 60 pct ammonium nitrate with no organic filler.	do	Do.
Ammonium sulfate nitrate	ORM-C	If involved in a fire will intensify the burning of combustible materials.
Barium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Calcium nitrate	do	Do.
Charcoal briquets	Flammable solid	Contact with water may cause self heating.
Coconut meal pellets (or copra pellets) containing at least 6 pct and not more than 13 pct moisture and not more than 10 pct residual fat content.	ORM-C	Subject to spontaneous heating by biological decay or by oxidation.
Copra, dry	ORM-C	Susceptible to spontaneous heating or fire from spark or open flame.
Ferrophosphorous	ORM-A	May evolve poisonous gas (phosphine) in contact with moisture.
Ferrosilicon, containing less than 45 pct or more than 70 pct silicon.	ORM-A	May evolve poisonous and flammable gases (arsine/phosphine) in contact with water, acids or alkalines.
Fishmeal or scrap, ground, containing 6 to 12 pct moisture and no more than 18 pct fat by weight.	ORM-C	Susceptible to spontaneous heating and ignition.
Fishmeal or scrap, ground and pelletized (mixture), containing 6 to 12 pct moisture and no more than 18 pct fat by dry weight.	ORM-C	Do.
Fishmeal or scrap; pellitized, containing 6 to 12 pct moisture and no more than 18 pct fat by weight.	ORM-C	Do.
Lead nitrate	Oxidizing material	If involved in fire will greatly intensify the burning of combustible materials.
Lime, unslaked	ORM-B	Evolves heat on contact with water.
Magnesium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Metal borings, shavings, turnings, or cuttings.	ORM-C	Susceptible to spontaneous heating and ignition.
Petroleum coke, calcined, at 130° F or above.	ORM-C	Do.
Petroleum coke, uncalcined	ORM-C	Do.
Potassium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Radioactive material, low specific activity (LSA).	Radioactive material	Radiation hazard from ingestion, inhalation and contact with mucus membranes.
Sawdust	ORM-C	Susceptible to fire from sparks or open flame.
Sodium nitrate	Oxidizing material	If involved in a fire will greatly intensify the burning of combustible materials.
Strontium nitrate (not radioactive)	do	Do.
Sulfur	ORM-C	Dust forms explosive mixtures with air.
Tankage, garbage or rough ammoniate, solid, containing 7 pct or more moisture.	ORM-C	Susceptible to spontaneous heating and ignition.

4. By revising § 148.02–1(c) to read as follows:

§ 148.02–1 Shipping Papers.

* * * * *

(c) The shipping paper required in paragraph (a) of this section must be kept on board the vessel along with the dangerous cargo manifest (§ 148.02–3 of this subpart) except when the shipment is by an unmanned barge in which case it may be kept on board the towing vessel.

§ 148.02–3 [Amended]

5. By deleting paragraph (b) in § 148.02–3.

6. By revising the introductory text in § 148.04–13(a) to read as follows:

§ 148.04–13 Metal Borings, Shavings, Turnings, Cuttings.

(a) This section applies to the stowage and transportation in bulk of hazardous materials described as metal borings, shavings, turnings or cuttings on board vessels. However unmanned barges on which the article is stowed for or transported on a voyage entirely on the navigable waters of the United States are exempt from the requirements of this section. Metal borings, shavings, turnings and cuttings must not be stowed and transported in bulk unless the following conditions are met:

* * * * *

7. By adding a new § 148.04–23 to read as follows:

§ 148.04–23 Unslaked lime.

Unslaked lime may be transported in bulk in unmanned, all steel, double skin barges equipped with weathertight hatches or covers, if no other article is transported in these barges at the same time.

(46 U.S.C. 170, 49 U.S.C. 1655(b); 49 CFR 1.46.)

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

Dated: March 25, 1977.

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

[FR Doc.77-9625 Filed 4-1-77;8:45 am]

Materials Transportation Bureau

[49 CFR Parts 172, 175]

[Docket No. HM-149; Notice 77-2]

AIR TRANSPORTATION OF SMALL QUANTITIES OF MATERIALS EXHIBITING VERY LOW LEVELS OF RADIATION

Proposed Exemption Renewal

Correction

In FR Doc. 77-9207, appearing at page 16459 of the issue for Monday, March 28, 1977, the following changes should be made:

1. The last paragraph on page 16459 should read, "1. In § 172.204, paragraph (c)(4) would be amended by changing the last sentence to read, "* * * This requirement does not apply to materials excepted under the provisions of § 175.10(b) of this subchapter."

2. The first paragraph on page 16460 should read, "2. In § 175.10, paragraph (a)(6) would be revised and paragraph (b) added to read as follows:"

Federal Highway Administration

[49 CFR Part 395]

[Docket No. MC-69-2; Notice No. 77-4]

DRIVER'S MULTI-DAY LOG

Request for Comments

Purpose. The purpose of this Notice is to seek public comment on a proposal to permit commercial motor carriers engaged in interstate or foreign commerce to use a multi-day log.

Consideration is being given to amending Part 395 of the Federal Motor Carrier Safety Regulations which would permit drivers of commercial motor vehicles engaged in interstate or foreign commerce to record their time on a new log form. The major feature of the new proposed form would permit the use of a one day log sheet or any number of days on one sheet of paper as the carrier chooses to suit its particular operation. The proposed minimum size of the single daily driver's log would be 7" x 3". Additional units to be added on a single sheet would be 7" x 2". The log may be so located on the paper so as to provide approximately 1½" margin on the right for recapitulation of hours on duty if so desired.

This proposal is in line with governmental policy to minimize the paperwork burden upon businesses, consistent with its needs for information as set forth in Pub. L. 93-556, signed on December 27, 1974, which established a Commission on Federal Paperwork. One of the areas Congress instructed the Commission to consider involved "* * * the procedures used and the extent to which considerations of economy and efficiency impact upon Federal information activities, particularly as these matters relate to costs burdening the Federal Government and providers of information * * *"

This notice of rulemaking stems from the results of comments filed in response to two other rulemaking Notices. The first one was an Advance Notice of Proposed Rulemaking, Docket MC-47; Notice No. 74-20, which was published in the FEDERAL REGISTER on September 10, 1974 (39 FR 32620) following an experimental program of using a 7-day driver's daily log which took place from April 1, 1973, to April 1, 1974. The second rulemaking action involved a Notice of Proposed Rulemaking in Docket MC-69; Notice No. 76-1, proposing a 4-day driver's log.

The petition and claimed benefits of the 7-day log were studied in-depth, and alternative solutions considered. Because of objections raised to certain limitations placed on the 7-day log, a 4-day log was proposed as an alternative solution to overcome anticipated difficulties. Comments received on the proposed 4-day log were generally favorable including some preferring approval of the previously proposed 7-day log. Several carriers indicated that they could see no savings and would continue using the daily log. There were others, that although they approved of the 4-day log suggested an 8-day log, or a 5-day log based on their type of operation.

In reviewing all the comments submitted in response to both Notices, the American Trucking Associations, Inc., suggested that the concept of a multi-day log be adopted with a maximum limit of 7 days to a sheet. This suggestion appears to have merit and is therefore being proposed.

A copy of the multi-day log together with revisions to the instructions contained in § 395.8 for completing it, is reproduced below. The first section or unit will be the daily log, if used singely. This unit must be the first unit on a single sheet of paper when using more than 1 day since the additional units do not contain the information shown on the top half portion of the first unit. The first unit shall not be less than 7" x 3" and the additional units shall not be less than 7" x 2". All units must have at least a 1" of space for the remarks section.

There are three items not included in the proposed multi-log that are included in the present daily log. These are origin, destination and total mileage today.

The instructions for preparing the log shall be printed on either the front or back cover of the log book. In addition, a daily recap of the total hours worked and hours available must be provided with each log book. (An executed specimen multi-log will be provided in any final rule that may be issued).

A motor carrier will have the option of using either the daily log or any combination up to 7 days of logs on one sheet to suit his particular operation. It is proposed that carriers be limited to only one combination of daily logs. Carriers that elect to use a multi-day log must use it for all drivers in their employ that are subject to the daily log requirement. Conversion to a multi-day log may commence at any time a carrier chooses. However, if a safety survey reveals that the multi-day logs are being prepared in such a manner that the Safety Investigator is having a serious problem in making his survey, it is proposed that the Director, Regional Motor Carrier Safety Office issue a notice requiring that carrier to cease using the multi-day log and use the single day log only.

Interested persons are invited to submit written data, views, or arguments pertaining to adoption of the new format. All comments should refer to the Docket number and Notice number that appears at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. Comments received before the close of business on July 1, 1977, will be considered before further action is taken. Comments received will be available for examination by any interested person in the Docket Room of the Bureau of Motor Carrier Safety, Room 3404, 400 Seventh Street, SW., Washington, D.C. 20590, both before and after the closing date for comments.

1. Section 395.8 is amended by revising paragraphs (a), (e), (q), (r), and (s), adding paragraphs (u) and (v), and by amending paragraph (t) by deleting subparagraph (4) and redesignating subparagraph (5) as subparagraph (4).

§ 395.8 Driver's Log Sheet.

(a) Except provided in paragraph (t) of this section, every motor carrier shall require that a driver's log, Form MCS-139, or a multi-day driver's log, Form MCS-139 combined with additional units (MCS-139-A), not to exceed 7 consecutive days on one sheet, shall be made in duplicate by every driver used by him or it and every driver who operates a motor vehicle may make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and the carrier liable to prosecution. Drivers logs shall be prepared and retained in accordance with the provisions of paragraph (b) through (s) of this section.

(1) Form MCS-139 shall be not less than 7 inches by 3 inches overall dimensions with a minimum of 1" for the remarks section, as follows:

Form MCS 139
(Rev. 12/76)

U.S. DEPT. OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

DRIVER'S LOG

I certify these entries are true and correct:

Form Approved
OMB No.

(Name of carrier or carriers)

(Driver's signature in full)

(Main Office Address)

(Home Terminal Address)

(Month)_____ (Day)_____ (Year)____ (Vehicle numbers) (Name of co-driver) Total Hours

1. Off Duty
2. Sl. Berth
3. Driving
4. On Duty (Not Driving)

1 2 3 4 5 6 7 8 9 10 11 Noon 1 2 3 4 5 6 7 8 9 10 11

Remarks:

Total Mileage Driven Today

Shipping Number

(2) Carriers choosing to use the multi-day log sheet (combination of MCS 139 and 139 A), other than the single day sheet, must use that format exclusively.

(3) Form MCS–139 A shall be not less than 7 inches by 2 inches overall dimensions with a minimum of 1'' for the remarks section as follows:

(Month)_____ (Day)_____ (Year)____ (Vehicle numbers) (Name of co-drivers) Total Hours

1. Off Duty
2. Sl. Berth
3. Driving
4. On Duty (Not Driving)

1 2 3 4 5 6 7 8 9 10 11 Noon 1 2 3 4 5 6 7 8 9 10 11

Remarks:

Total Mileage Driven Today

Shipping Number

DOT—FHWA—MCS 139A (12-76)

* * * * *

(e) *Total mileage driven today.* Total mileage driven today shall be that mileage traveled while driving.

* * * * *

(q) *Continuous off-duty periods.* Continuous off-duty periods of 2 days or more may be recorded on one log unit.

(r) *Filing Driver's Log.* The driver shall forward the original log sheet, upon completion of the last unit, to his home terminal or to the carrier's principal place of business.

(s) *Retention of Driver's Log.* Log sheets for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt. However, upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the Region in which a motor carrier has his principal place of business, a motor carrier may forward and retain such logs at a regional or terminal office. The addresses and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of this subchapter. The driver shall retain a copy of each log sheet totaling 30-days activities which shall be in his possession while on duty.

* * * * *

(u) *Non-compliance.* If investigation discloses violations of the regulations attributable to the use of the multi-day logs by a motor carrier, the Director, Regional Motor Carrier Safety Office, may require the carrier to use the single day log in lieu of the multi-day log.

(v) *Unused Units.* Unused units on a multi-day log sheet must be appropriately noted.

(Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304), Sec. 6, Pub. L. 89–670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48; 49 CFR 389.4.)

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A107.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person—Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590 (202–426–9767).

Principal Lawyer—Francis J. Mulcahy, Attorney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590 (202–426–0834).

Issued on March 28, 1977.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.77-9750 Filed 4-1-77;8:45 am]

notices

CIVIL AERONAUTICS BOARD

[Docket No. 29123, etc.; Agreement CAB 26439 R-1—R-4, etc.; Order 77-3-162]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Passenger Fare, Cargo Rate and Currency Matters; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of March, 1977. (Docket Nos. 29123, 27573; Agreement C.A.B. 26439, R-1 through R-4, Docket 27592; Agreement C.A.B. 26483; Agreement C.A.B. 26486, R-1 through R-17; Agreement C.A.B. 26488.)

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carTraffic Conferences of the International Air Transport Association (IATA).

Agreement C.A.B. 26439 was adopted at the Eighth Meeting of the IATA Cargo Agency Committee held in Ft. Lauderdale, November 29–December 2, 1976. The agreement, inter alia, revalidates and amends certain elements of the reduced-fare program for IATA cargo agents. The existing productivity feature for U.S.-based agents, which provides reduced-fare tickets above the normal yearly allotment where an agent's annual commissionable international sales exceed the average for all U.S. agents by a specified amount, would be revalidated through December 31, 1979. The extension of retroactive discounts, granted where an agent shows good cause for not having submitted the normal advance application, would be limited to a period of three months from the date of ticket purchase.[1] Finally, reduced tickets for agents' travel to group training courses would be permitted for courses of two-five days' duration rather than the present three-five days.[2] The Board will approve the resolutions inasmuch as they merely revalidate existing provisions already approved; limit the potential for abuse under the retroactive discount provisions; or do not affect U.S.-based agents.

Agreements C.A.B. 26483, 26486 and 26488, adopted at the recent currency conference in Cannes, largely involve amendments to currently effective currency surcharge and discount resolutions from foreign points, intended to align selling fares in local curency more closely with recent fluctuations in exchange rates. Agreement C.A.B. 26486 would also extend the validity of several resolutions which set up the basic framework by which IATA hopes to move toward a new fare and rate specification system based on the International Monetary Fund's Special Drawing Right (SDR) [3].

Finally, the method of calculating fares sold outside the country of commencement of travel would be clarified to further limit potential misuse of tickets sold in third countries; and the calculation of currency-related discounts on cargo rates from strong-currency countries would also be clarified.

The Board will approve the proposed amendments to these previously approved resolutions subject, where applicable, to previous conditions. We would note that the method of calculating discounts on cargo rates specifies rounding up in all cases, and is subject to the Board's recently-imposed condition on all rounding procedures, which stipulated normal rounding-up or down to be effective April 1, 1977. (See Order 77-2-22, February 3, 1977.)

Pan American World Airways, Inc. (Pan American), in a motion, states that, although it does not object to the rounding procedure specified by the Board, it nevertheless believes that the Board should delay the implementation date until October 1, 1977, insofar as it relates to cargo rates. In support of its request, Pan American asserts that the April 1 date poses no practical tariff-filing problem for pasenger fares which generally change on that date anyway. Cargo rates, however, are ordinarily published with a September 30 expiry date and for the carriers to meet the April 1 requirement would require a worldwide tariff revision entailing considerable cost (which Pan American estimates at $60,000 out-of-pocket alone). If the implementation of the condition is delayed until October 1, it can be undertaken as part of the annual worldwide cargo tariff revision.

The Board has determined to grant Pan American's motion, and will amend the effective date of our condition insofar as it relates to cargo rates to October 1, 1977. The intent of our action in Order 77-2-22 was to provide uniformity with previous Board conditions relating to rounding, and thus avoid confusion in fare and rate construction. Besides the consideration of extra costs to the carriers in publishing an extra worldwide tariff revision, we believe that implementation on October 1, 1977, the traditional date for worldwide cargo rate revisions, will assure the most orderly transition with the least possible confusion.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, does not find that the following resolutions, which have direct or indirect application in air transportation as defined by the Act and are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

[1] Presently there is no time limitation.

[2] Reduced tickets for training courses are not available to U.S. agents due to the Board's disapprovals of governing resolution 203e for U.S. agents in Order 76-3-160, March 25, 1976 and 74-3-109, March 26, 1974.

[3] These resolutions were approved with conditions by Order 76-4-135, April 26, 1976.

Agreement C.A.B.	IATA No.	Title	Application
26439:			
R-1	002	Standard Revalidation Resolution (New)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-2	203a	Reduced Fares for Cargo Agents (United States Only) (Amending).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-3	203c	Reduced Fares for Cargo Agents (Except United States) (Amending).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-4	203e	Training Courses for Cargo Agents (Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
26483	0221	JT12/JT123 (South Atlantic) Adjustment Factors for Sales of Passenger Air Transportation.	1/2; 1/2/3.
R-1	001aa	Expedited—Specia lEffectiveness Resolution (Amending)	1; 2; 3.
R-2	003	Expedited—Standard Rescission Resolution (New)	2/3; 3/1; 1/2/3.
R-3	013a	Establishing Basic SDR Passenger Fares and Related Charges (Revalidating and Amending).	1; 2; 3.
R-4	013b	Establishing Specified Cargo Rates and Charges Expressed in Special Drawing Rights (SDRs) (Revalidating and Amending).	1; 2; 3.
R-5	021L	Special Rules for Fares Currency Adjustments (Amending).	1; 2; 3.
R-6	022b	Expedited—JT23/123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3; 1/2/3.
R-7	022i	Expedited—JT12 (Mid and South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R-8	022j	Expedited—JT12 (North Atlantic) Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R-9	022jj	Expedited—JT12 (North Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R-10	022k	Expedited—JT12 (Mid Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R-11	022kk	Expedited—TC2 Special Rules for Sales of Cargo Air Transportation (Amending).	2.

Agreement C.A.B.	IATA No.	Title	Application
R-12	022L	Expedited—JT12 (South Atlantic) Special Rules of Sales of Cargo Air Transportation (Amending).	1/2.
R-13	022m	Expedited—TC2 Special Rules ofr Sales of Cargo Air Transportation (Amending).	2.
R-14	022mm	Expedited—JT23/123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3; 1/2/3.
R-15	022pp	Expedited—JT31 (North and Central Pacific) Special Rules for Sales of Cargo Air Transportation (Amending).	3/1.
R-16	022uu	Expedited—TC3 Special Rules for Sales of Cargo Air Transportation (Amending).	3.
R-17	023a	Expedited—Rounding-off Passenger Fares (Amending)	1; 2; 3; 1/2; 2/3; 3,1; 1/2/3.
26488	022d	JT23/JT123 Adjustment Factors for Sales of Passenger Air Transportation (New).	2/3; 1/2/3.

Accordingly, *it is ordered*, That:

1. Agreements C.A.B. 26439, R–1 through R–4, C.A.B. 26483, C.A.B. 26486, R–1 through R–17, and C.A.B. 26488, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Ordering paragraph 5(a) of Order 77–2–22 be and hereby is amended insofar as it affects cargo rates and charges in air transportation as defined by the Act to apply effective October 1, 1977; and

3. The March 3, 1977 motion of Pan American World Airways, Inc. in Docket 29123 be and hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-9809 Filed 4-1-77;8:45 am]

[Docket No. 30465]

SPANTAX, S.A. AND OVERSEAS NATIONAL AIRWAYS, INC.

Proposed Approval of Application

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until April 14, 1977, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 30, 1977.

PHYLLIS T. KAYLOR,
Secretary.

[Docket No. 30465]

SPANTAX, S.A. AND OVERSEAS NATIONAL AIRWAYS, INC.

ORDER GRANTING APPROVAL OF APPLICATION

Issued under delegated authority.

Spantax, S.A. (Spantax) and Overseas National Airways, Inc. (ONA) have requested that the Board approve without hearing, pursuant to the third proviso of section 408 (b) of the Federal Aviation Act of 1958, as amended (the Act), the lease of one DC–8–61 aircraft by ONA to Spantax. By amendment to their application, Spantax and ONA have requested that the Board approve a conditional sales contract in lieu of the lease.

ONA is a certificated supplemental air carrier authorized to perform domestic, transatlantic, and Caribbean air transportation.

Spantax holds a foreign air carrier permit under section 402 of the Act which authorizes transatlantic charter service to and from the United States.

Under the terms of the agreement, Spantax is required to make monthly payments of $98,000 for a minimum of two years. At the end of two years, it has a choice of terminating the agreement through payment of $50,000, of purchasing the aircraft outright for a fixed sum, or of continuing the agreement for two-year terms ending in 1958. Should it choose to purchase the aircraft, during this period, Spantax has the option of acquiring title to the aircraft at any time upon 120 days' notice. Unless Spantax pays the $50,000 termination fee in 1985, it is required to pay the purchase price and take title to the aircraft.

Spantax is to provide insurance and flight crews and all necessary overhauls, modifications, and repairs to the aircraft. Spantax is also required to make periodic payments into a reserve account for overhaul expenses. Payments are based on aircraft usage. Unused funds are to be returned to Spantax at the termination of the contract by payment of the $50,000 fee. Upon taking title to the aircraft, Spantax has a right to the entire account.

In support of their request, Spantax and ONA assert, inter alia, that the transaction would be subject to the exemption provided by Part 299 of the Board's Economic Regulations but for the fact that Spantax is not an air carrier; [1] that the transaction was the result of arm's length bargaining; that there are no control or interlocking relationships between ONA and Spantax; and that the transaction will not interfere with ONA's service commitments, but will, on the contrary, assist financially in the introduction of two DC–10 aircraft into ONA's fleet.

The applicants have also requested expedited action so that the aircraft can be delivered to Spantax at the earliest possible date.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the above, it is concluded that ONA is an air carrier, that Spantax is a person engaged in a phase of aeronautics, and that the aircraft involved in the contemplated transaction constitutes a substantial part of the properties of ONA, all within the meaning of section 408 of the Act; and that the transaction is therefore subject to that section. However, it is further concluded that the above-described transaction will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation or tend to unreasonably restrain trade, substantially lessen competition, or create a monopoly. This transaction was entered into after arm's length bargaining and there appear to be no interlocking or control relationships between ONA, on the one hand, and Spantax, on the other. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It does not appear that ONA will be hindered in performing its certificate obligations since ONA will be taking delivery of two DC–10 aircraft shortly after the subject lease takes effect. It thus appears that the transaction will not be inconsistent with the public interest or leave the requirements of section 408 of the Act otherwise unfulfilled.

It is therefore found, pursuant to authority duly delegated by the Board in the Board's regulations, 14 CF 385.13, that the transaction as described above should be approved without hearing, pursuant to the third proviso of section 408(b) of the Act.[2]

Accordingly, it is ordered, That: The application for approval of the transaction described herein be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations 14 CFR 385.50 may file such petitions within 10 days of the date of service of this order.

This order shall be effective immediately and the filing of such petitions shall not stay its effectiveness.

[FR Doc.77-9953 Filed 4-1-77;8:45 am]

[1] The aircraft involved constitutes 6.2 percent of ONA's aircraft, 9.5 percent of its overall lift capacity, and 12.3 percent of the market value of ONA's fleet.

[2] It is further found, pursuant to § 385.6 of the Board's that the action taken herein is governed by prior Board precedent and policy and that immediate action is required to enable effectuation of the transaction. Therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately. (See e.g. Hawaiian Airlines, Inc., Aerolinee Itavia, S.P.A., Lease Transaction, Order 76–5–141, May 27, 1976.)

CIVIL RIGHTS COMMISSION

MEMPHIS, EQUAL PROTECTION OF THE LAWS UNDER THE CONSTITUTION

Collection of Information Concerning Legal Developments Constituting Denial; Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on May 9, 1977, at the Memphis Federal Building, 167 North Main Street, Memphis, Tennessee. An executive session, if appropriate, may be convened at any time before or during the hearing.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning police/community relations; to appraise the laws and policies of the Federal Government with respect to de-

nials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning police/community relations; and to disseminate information with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning police/community relations.

Dated at Washington, D.C., March 28, 1977.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc.77-9955 Filed 4-1-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

SUBCOMMITTEE ON EXPORT ADMINISTRATION OF THE PRESIDENT'S EXPORT COUNCIL

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Thursday, April 28, 1977, at 9:00 a.m., in Room 7A23 of the Federal Building at 1100 Commerce Street, Dallas, Texas.

The Subcommittee on Export Administration was initially established on June 1, 1976. On January 6, 1977, the Assistant Secretary for Administration approved the recharter and extension through December 31, 1978, of the Subcommittee, pursuant to the provisions of section 3 of Executive Order 11753 (December 20, 1973), as extended by section 1(k) of Executive Order 11948 (December 20, 1976), and the Federal Advisory Committee Act.

The Subcommittee advises the Secretary of Commerce on matters pertinent to those portions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401 et seq.), that deal with United States policy of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

The Subcommittee meeting agenda has seven parts:

GENERAL SESSION—9 A.M. TO 2:30 P.M.

1. Unfinished business.
   a. Demonstration policy.
   b. Provision of information to embassies.
2. Congressional action.
3. Identification by the Subcommittee of those parts of the Export Administration Regulations needing simplification and clarification.
4. Views of the Subcommittee on the appropriate basis for the Commodity Control List: Schedule B? CoCom List? Other?
5. Views of the Subcommittee on the nature and frequency of reports on agreements/understandings which may result in the export of technology.

EXECUTIVE SESSION—2:30 TO 5 P.M.

6. Unfinished business—CoCom.
7. Compliance inquiry views of the Subcommittee.

The General Session is open to the public. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to Agenda Items 6 and 7, the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 11, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In the Sunshine Act (Pub. L. 94-409), that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters specifically authorized under criteria established by Executive Order 11652 to be kept secret in the interest of the national defense or foreign policy. Materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close portions of the series of meetings of the Subcommittee on Export Administration of the President's Export Council is printed at 42 FR 3011 (January 14, 1977).

Copies of the minutes of the General Session will be available upon written request addressed to Mr. Edward P. Kemp, Office of the Director, Bureau of East-West Trade, Room 3836, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Kemp either in writing at the address shown above or by telephone at (202) 377-5334.

Dated: March 29, 1977.

ARTHUR T. DOWNEY,
Deputy Assistant Secretary for East-West Trade.

[FR Doc.77-9921 Filed 4-1-77;8:45 am]

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE OBSERVER PROGRAM

Fishing by Foreign Vessels in Waters Under the Jurisdiction of the United States of America

The Director, National Marine Fisheries Service, (the "Director") hereby issues notice of an observer program for foreign vessels fishing in the waters over which the United States exercises exclusive fishery management authority pursuant to the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801-1882) (the "Act"). Section 201(c)(2)(D) of the Act requires that any foreign nation which enters into a governing international fishery agreement, and the owner or operator of any fishing vessel fishing pursuant to such agreement, "* * * will abide by the requirement that * * * duly authorized United States observers be permitted on board any such vessel and that the United States be reimbursed for the cost of such observers."

Certain other requirements concerning the observer program, with which the foreign nation and the owner or operator of the fishing vessel must comply, are set forth in the Department of Commerce/NOAA/NMFS Foreign Fishing Regulations, at 50 CFR 611.8 (42 FR 8813, 8817, February 11, 1977).

This observer program is being established to meet the need of the United States to obtain onboard catch and effort data that are essential to the continued management of those fishery resources allocated to foreign nations and to determine compliance with the regulations promulgated for those fisheries. Therefore the responsibilities of the observers and the methods and procedures for implementation of the observer program are presented.

PURPOSE OF OBSERVER PROGRAM

Observers will be primarily responsible for data collection, including foreign vessel total catch, catch composition, fishing effort, gear utilized, disposition of catch, vessel efficiency, marine mammal catch, and biological sampling. Observers will record any violations of regulations and the terms of vessel permits and will determine the accuracy of foreign vessel reporting. The observers will not have direct enforcement responsibilities. However, their presence may serve as a deterrent to violations of U.S. regulations. The observers' records may be used in subsequent enforcement actions and in planning for deployment of observers and agents in future years.

FOREIGN VESSEL COVERAGE

The use of observers aboard fishing vessels will be limited to the level needed for providing a technically valid statistical sample of data for each fishery and to provide a presence to insure compliance with U.S. regulations. Allocations, the nature of the fishery, the incidental catch, the history of compliance in the fishery, and the number of vessels permitted to fish will be used to determine which vessels and nations will receive observers and in what number. Initial observer coverage for the 1977 program will be established at approximately the 20 percent level, although this may vary in the individual fisheries based upon the above considerations. After some operational experience has been gained, the effectiveness of this level of coverage will be evaluated.

DEPLOYMENT OF OBSERVERS

In 1977, observers will be placed on vessels of the following nations operating in the Northwest Atlantic:

Bulgaria	Republic of Korea
France	Romania
German Democratic Republic	Spain
Italy	Union of Soviet Socialist Republics
Japan	West Germany
Poland	

Observers will also be placed aboard foreign fishing vessels of the following nations operating in the North and West Pacific:

Japan	Republic of Korea
Poland	Union of Soviet Socialist Republics
Republic of China (Taiwan)	

Observers also will be placed aboard vessels of other nations subsequently authorized to fish. Physically placing the observers on foreign fishing vessels will be accomplished by a variety of means, including boarding the vessel in its home port, having the Coast Guard arrange for boarding on the high seas, and permitting the foreign vessel to enter selected U.S. ports to pick up observers.

OBSERVER PROGRAM COSTS AND BILLING

The United States will recover the full costs of the observer program including appropriate costs of NMFS, NOAA, Navy, and Coast Guard. The NMFS will prepare a single bill which will be submitted to each foreign nation or that nation's agent for payment. The rationale used to calculate each nation's bill will be made available to that foreign nation.

Billing actual costs to each nation should provide an incentive to foreign nations to minimize the need for observers. It should encourage the adherence to regulations and the reporting of accurate statistics. It may further provide incentives to cooperate with the U.S. in reducing the costs of placing observers on board vessels.

It is currently estimated that the average trip of two months for each observer will cost the U.S. government about $4,000, including both direct and indirect support costs. The exact cost will be determined by the National Marine Fisheries Service, NOAA, as indicated in the accounting records of the applicable Financial Management Centers (FMCs). FMC records will be broken down into sufficient detail to indicate the name of the observer, the vessel, the foreign nation and the fishery, as well as the time period covered by the costs, and the amounts applicable to support costs. These costs will be accumulated for the period March 1, 1977 through December 31, 1977. The listing of observer costs will be transmitted by February 15, 1978 to the Office of Fisheries Management, NMFS (F3), Washington, D.C. 20235 for the preparation of a request for billing to the Central Accounting Branch (AD54), NOAA Finance Division, NBOC-1, Rockville, Maryland 20852. Bills for Collection prepared by the Central Accounting Branch covering payments due will be sent via covering transmittal memo to the Department of State, Office of the Deputy Assistant Secretary for Oceans and Fisheries Affairs (AES/OFA/FA): Attn: Coast Guard Fisheries Enforcement Officer, Washington, D.C. 20520, for forwarding to the foreign nations.

All payments received must be drawn in U.S. dollars, payable at a bank in the United States and be made payable to the U.S. Department of Commerce, NOAA. Payments should be sent to the Director, National Marine Fisheries Service, Attn: F3, Washington, D.C. 20235. Payments may be made in the United States also at NOAA Field Finance Offices located at 1700 Westlake Avenue, North, Seattle, Washington 98109, and at 75 Virginia Beach Drive, Building 2, Miami, Florida 33149.

PUBLIC NOTICE

The Director has determined that the Observer Program outlined herein is equitable and will be effective within the intent of the Act.

NOTE.—The National Marine Fisheries Service has determined that this document does not contain rulemaking and therefore does not require the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 29, 1977.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.77-9915 Filed 4-1-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM FEDERATIVE REPUBLIC OF BRAZIL

Establishment of Import Levels

MARCH 30, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: New levels for cotton textiles and cotton textile products exported from Brazil during the year beginning on April 1, 1977.

SUMMARY: The Bilateral Cotton Textile Agreement of April 22, 1976 between the Governments of the United States and the Federative Republic of Brazil establishes levels of restraint for certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Brazil and exported to the United States during the three-year period, beginning on April 1, 1976 and extending through March 31, 1979. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit to the designated levels of restraint the amounts of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/23, 26 (duck), 26/27 (other than duck), 30/31, 43, 44, 45, 46, 50, 51, 55, 56, 62 and parts of 64, produced or manufactured in Brazil, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the agreement period which begins on April 1, 1977 and extends through March 31, 1978.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230. (202-377-5423).

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on April 1, 1977, and for the twelve-month period extending through March 31, 1978, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/23, 26 (duck), 26/27 (other than duck), 30/31, 43, 44, 45, 46, 50, 51, 55, 56, 62, and parts of 64 in excess of the following levels of restraint:

Category	Twelve-Month Level of Restraint	
1–4	9,304,348	pounds
9	16,371,000	square yards
18/19	13,803,000	square yards
22/23	6,099,000	square yards
26 (duck) [1]	3,424,000	square yards
26/27 (other than duck) [2]	8,881,000	square yards
30/31	9,224,138	numbers
43	151,906	dozen
44	43,614	dozen
45	86,670	dozen
46	96,300	dozen
50	123,050	dozen
51	90,184	dozen
55	32,100	dozen
56	107,000	dozen
62	227,957	pounds
64 (only T.S.U.S.A. 366.6500)	674,565	pounds
64 (floor coverings) [3]	465,217	pounds

[1] The T.S.U.S.A. Nos. for duck fabric are:

320.—01 through 04,06,08
321.—01 through 04,06,08
322.—01 through 04,06,08
326.—01 through 04,06,08
327.—01 through 04,06,08
328.—01 through 04,06,08

[2] All T.S.U.S.A. Numbers in Category 26, except those listed in footnote 1.

[3] The T.S.U.S.A. Numbers for floor coverings are:

360.2000
360.2500
360.3000
360.7600
360.8100
361.0522
361.0542
361.1820
361.2010
361.5000
361.5422
361.5622

In carrying out this directive, entries of cotton textile products in the foregoing categories, produced or manufactured in Brazil and exported to the United States prior to April 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period April 1, 1976 through March 31, 1977. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions of the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.77-10027 Filed 4-1-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on April 19–20, 1977, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 9:00 a.m. on both days and terminate at 5:30 p.m. on April 19 and 4:30 p.m. on April 20. All sessions will be closed to the public.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order, including intelligence briefings on Soviet military capabilities and recent operational developments, U.S. naval strategy, specialized technology and U.S.-allied naval capabilities. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Commander William A. Armbruster, USN, Executive Secretary of the CNO Executive Committee, 1401 Wilson Blvd., Room 405, Arlington, VA 22209, telephone number (202) 694–3191.

Dated: March 29, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Administrative Law).

[FR Doc.77-9911 Filed 4-1-77;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON COUNTER-COMMUNICATIONS, COMMAND AND CONTROL (C^3)

Advisory Committee Meeting

The Defense Science Board Task Force on Counter-Communications, Command and Control (Counter-C^3) will meet in closed session on 19 and 20 April 1977 in the Pentagon, Washington, D.C. The title of this Task Force has been changed from Electronic Warfare and Counter-Communications, Command and Control to Counter-Communications, Command and Control to reflect that electronic warfare is not the only consideration of the Task Force.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of the communications, command and control (C^3) employed by potentially hostile forces and identify countermeasures that might be of significant help if the Department of Defense were required to counter those forces.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

MARCH 25, 1977.

[FR Doc.77-9893 Filed 4-1-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 708-7; OPP-50286]

ELANCO PRODUCTS CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973;

89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1471-EUP-49. Elanco Products Company, Indianapolis, Indiana 46206. This experimental use permit allows the use of 1,600 pounds of the herbicide tebuthiuron on sugarcane to control a broad spectrum of weeds and grasses. A total of 1617 acres is involved; the program is authorized only in the States of Louisiana, Florida, and Texas. The experimental use permit is effective from March 11, 1977, to March 11, 1978. Any crops treated under this permit will be destroyed or used for research purposes only.

No. 677-EUP-11. Diamond Shamrock Corporation, Cleveland, Ohio 44114. This experimental use permit allows the use of 972 pounds of the fungicide chlorothalonil on soybeans to evaluate control of Septoria brown spot and downy mildew. A total of 141 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, South Dakota, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from March 9, 1977, to March 9, 1978. Any crops treated under this permit will be destroyed or used for research purposes only.

No. 6922-EUP-2. Armak Company, Chicago, Illinois 60606. This experimental use permit allows the use of the remaining supply of approximately 75 gallons of undecanol as a chemical pinching agent to treat an estimated 2,250,000 chrysanthemums and other flowers; this use was authorized in a previous experimental use permit. The program is authorized only in the States of Alabama, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, and Virginia. The experimental use permit is being extended from January 22, 1977, to January 22, 1978.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-9887 Filed 4-1-77;8:45 am]

[FRL 708-8]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Open Meeting

Pursuant to Pub. L. 92-423, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93-523, the "Safe Drinking Water Act," will be held at 9:00 a.m. on April 28, 1977, in Conference Room 3305, Mall Area, Waterside Mall, and at 8:30 a.m., April 29, 1977, in Conference Room 3305, Mall Area, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

The purpose of the meeting will be to discuss the National Academy of Sciences' Report on the health aspects of constituents found in drinking water; to review the revisions in EPA's Underground Injection Control Regulations; and to examine EPA's proposed regulation to control trihalomethanes in drinking water. In addition, five new Council members will be sworn in.

Both days of the meeting will be open to the public. The Council encourages the hearing of outside statements and allocates a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at Council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Water Supply (WH-550), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The telephone number is: Area Code 202-426-8847.

ANDREW W. BREIDENBACH,
Assistant Administrator
for Water and Hazardous Materials.

MARCH 29, 1977.

[FR Doc.77-9888 Filed 4-1-77;8:45 am]

[FRL 708-4; OPP-50283]

STAUFFER CHEMICAL CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 476-EUP-77. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 5,224 pounds of the fungicide Captan on soybeans to evaluate control of Anthracnose, Cercospora leaf spot, Cercospora purple stain, mildew, Septoria brownspot, and Diaporthe pod and stem blight. A total of 1,306 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas. The experimental use permit is effective from March 1, 1977, to March 1, 1978. A permanent tolerance for residues of the active ingredient in or on soybeans has been established (40 CFR 180.103).

No. 476-EUP-86. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 490 pounds of the herbicide S-propyl dipropylthiocarbamate on soybeans to evaluate control of various annual grasses. A total of 180 acres is involved; the program is authorized only in the States of Kentucky, Illinois, Indiana, and Louisiana. The experimental use permit is effective from March 1, 1977, to March 1, 1978. A permanent tolerance for residues of the active ingredients in or on soybeans has been established (40 CFR 180.240).

No. 7968-EUP-8. BASF Wyandotte Corporation, Parsippany, New Jersey 07054. This experimental use permit allows the use of 5,440 pounds of the herbicide pyrazon in sugar beets to evaluate control of various annual weeds. A total of 1,600 acres is involved; the program is authorized only in the States of Arizona, California, Colorado, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Ohio, Oregon, Utah, Washington, and Wyoming. The experimental use permit is effective from March 1, 1977, to March 1, 1978. A permanent tolerance for residues of the active ingredient in or on sugar beets has been established (40 CFR 180.316).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-9884 Filed 4-1-77;8:45 am]

[FRL 708-6; OPP-50285]

STAUFFER CHEMICAL CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172. Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 476-EUP-88. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 350 pounds of the herbicide S-ethyl dipropylthiocarbamate for pre-plant application through irrigation water on potatoes to evaluate control of lambsquarters, pigweed, nightshade, watergrass, and foxtail. A total of 92 acres is involved; the program is authorized only in

the States of California, Idaho, Texas, and Washington. The experimental use permit is effective from February 14, 1977, to February 14, 1978. A permanent tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.232).

No. 476-EUP-89. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 138.5 pounds of the herbicide S-ethyl dipropylthiocarbamate impregnated on dry fertilizer on alfalfa, potatoes, beans, and sugarbeets to evaluate control of annual grasses, and broadleaf and perennial weeds. A total of 45 acres is involved; the program is authorized only in the States of Idaho, Minnesota, Oregon, Pennsylvania, Washington, and Wisconsin. The experimental use permit is effective from February 16, 1977, to February 16, 1978.

No. 38338-EUP-1. University of Idaho Cooperative Extension Service, Twin Falls, Idaho 83301. This experimental use permit allows the use of 310 pounds of the insecticide methoxychlor on irrigation canals to evaluate control of blakfly larvae. The areas involved are the Twin Falls Canal in Murtaugh; the Northside Canal in Burley; the Walker Ditch and the Pioneer Reservoir in King Hill; and the East Branch Canal, the Bench Canal, the Turner Canal and the Soda Canal in Grace. The program is authorized only in the State of Idaho. The experimental use permit is effective from May 1, 1977, to May 1, 1978.

No. 1109-EUP-1. Cities Service Company, Atlanta, Georgia 30302. This experimental use permit allows the use of a fungicide which is a mixture of copper abietate, copper linoleate, and copper oleate on peaches and plums to evaluate control of bacterial spot. The experimental use permit is effective from February 18, 1977, to March 15, 1978.

No. 1109-EUP-2. Cities Service Company, Atlanta, Georgia 30302. This experimental use permit allows the use of a fungicide which is a mixture of cooper abietate, cooper linoleate, and cooper oleate on peaches and plums to evaluate control of bacterial spot. A total of 27 acres are involved in this permit and the one above; approximately 77 pounds of the fungicide will be used for both permits. The permits are authorized only in the States of Georgia, Illinois, Missouri, New Jersey, South Carolina, and Texas. This experimental use permit is also effective from February 18, 1977, to March 15, 1978. The permits will use the same active ingredient, but different formulations. An exemption from the requirement of a tolerance for residues of the fungicide mixture in or on peaches and plums has been established (40 CFR 180.1001(b)(1).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-9886 Filed 4-1-77;8:45 am]

[FRL 708-5; OPP-50284]

ZOECON CORP. AND TENNESSEE VALLEY AUTHORITY

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 20954-EUP-5. Zoecon Corporation, Palo Alto, California 94304. This experimental use permit allows the use of 346.9 pounds of the insecticide Methoprene in non-fish-bearing waters to evaluate control as an insect growth regulator for various species of mosquitoes. A total of 163 aquatic acres are involved; the program is authorized only in the States of Arizona, Arkansas, California, Florida, Georgia, Illinois, Louisiana, Minnesota, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington. The experimental use permit is effective from April 7, 1977, to April 7, 1978.

No. 39305-EUP-1. Tennessee Valley Authority, Muscle Shoals, Alabama 35660. This experimental use permit allows the use of 72 pounds of the herbicide diquat dibromide in the reservoirs on the Tennessee River to evaluate control of various aquatic weeds. The program is authorized only in the States of Alabama and Tennessee. The experimental use permit is effective from March 4, 1977, to March 4, 1978. A permanent tolerance for residues of the active ingredients in potable water has been established (40 CFR 193.160).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-9885 Filed 4-1-77;8:45 am]

[FRL 709-4]

SCIENCE ADVISORY BOARD; ENVIRONMENTAL POLLUTANT MOVEMENT AND TRANSFORMATION ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Pollutant Movement and Transformation Advisory Committee of the Science Advisory Board will be held on April 20, 1977, at 9:00 a.m. to 4:30 p.m. in Conference Room 1112A of Crystal Mall No. 2. The address is 1921 Jefferson Davis Highway, Arlington, Virginia.

The agenda includes discussions with selected grantees of the Office of Research and Development dealing with modeling studies in air pollution as part of the Committee's evaluation of the quality of research programs of the Office of Research and Development, and items of Member interest.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Dr. Joel L. Fisher, Executive Secretary of the Environmental Pollutant Movement and Transformation Advisory Committee by close of business April 14, 1977, at 703-557-7710.

LLOYD T. TAYLOR,
Acting Staff Director,
Science Advisory Board (A-101).

MARCH 30, 1977.

[FR Doc.77-9999 Filed 4-1-77;8:45 am]

[FRL 709-2]

SCIENCE ADVISORY BOARD; ENVIRONMENTAL POLLUTANT MOVEMENT AND TRANSFORMATION ADVISORY COMMITTEE

Request for Nominations for Members

The Administrator requests nominations for the Environmental Pollutant Movement and Transformation Advisory Committee, an entity of the Science Advisory Board. Current terms for five of the members expire in May, 1977.

The function of the Committee is to provide to the Administrator expert advice on issues related to the scientific and technical problems associated with the movement of pollutants through various media (air, water, land) and their subsequent chemical transformations within those media, and within biotic substrates (organisms and their tissues). Also of primary concern to the Committee is to provide advice on the intermedia aspects of pollutant movement and transformation.

The members are scientists of recognized accomplishment and stature in professional fields such at atmospheric chemistry, oceanography, limnology, biophysics, chemical and mechanical engineering. They are knowledgeable about problems of establishing material balances for selected pollutants on regional and global scales; modeling of the dynamics of pollutant movement and transformation in various media; and experienced in the uses of scientific information for various kinds of decision-making and regulatory activities. Employees of Federal Agencies will not be considered for membership.

Any interested person or organization may nominate one or more qualified persons for membership. Nominees should be

identified by name, occupation or position, address, and telephone number. The nominations should include a resume of the nominee's background, experience and qualifications. This request for nominees does not imply any commitment on the part of the Agency to appointment of individuals nominated, nor will formal replies to letters of nomination be sent.

Nominations should be submitted to Mrs. Mary Beatty, Committee Management Office (PM-213), Room W405, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, no later than May 30, 1977.

LLOYD T. TAYLOR,
Acting Staff Director,
Science Advisory Board.

MARCH 28, 1977.

[FR Doc.77-9998 Filed 4-1-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOVERNMENT-WIDE STANDARD RACE/ETHNIC CATEGORIES

In a memorandum from the Office of Management and Budget dated October 13, 1976, the Equal Employment Opportunity Commission was advised that OMB had changed the government-wide standard race/ethnic categories. This revision requires EEOC to change its race/ethnic categories. These definitions do not revise the underlying regulations. Accordingly, the following changes are being made in the EEO-4, EEO-5, and EEO-6 survey definitions:

1. White, not of Hispanic Origin.—Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East

Change: Indian Subcontinent deleted.

2. American Indian or Alaskan Native.—Persons having origins in any of the original peoples of North America, *and who maintain cultural identification through tribal affiliation or community recognition*

Change: Italicized wording added.

3. Asian or Pacific Islander.—Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Somoa.

Change: Indian Subcontinent added.

With this notice, employers should have no difficulty implementing the changes, and will have ample time to change their internal records to reflect the changes.

The Equal Employment Opportunity Commission hereby gives notice that the State and Local Government Information (EEO-4) as required by 29 CFR 1602.30 for 1977 and for subsequent years will reflect five (5) revised race/ethnic categories. The same race/ethnic categories will also be reflected on the Elementary-Secondary Staff Information (EEO-5); 29 CFR 1602.39, and the Higher Education Staff Information (EEO-6) 29 CFR 1602.48 for 1977 and subsequent years. The five race/ethnic categories are defined as follows:

White, not of Hispanic Origin.—Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black, not of Hispanic Origin.—Persons having origins in any of the Black racial groups of Africa.

Hispanic.—Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

American Indian or Alaskan Native.—Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander.—Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

Signed at Washington, D.C. this 28th day of March, 1977.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.77-9920 Filed 4-1-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

AMES ELECTRIC UTILITY'S AMES GENERATING STATION, POWERPLANT 7

Negative Determination of Environmental Impact

Pursuant to 10 CFR 208.4 and 305.9, the FEA hereby gives notice that it has performed an analysis and review of the environmental impact of the proposed issuance of a Notice of Effectiveness for the prohibition order to Ames Electric Utility's Ames Generating Station, Powerplant 7.

On June 30, 1975, the FEA issued a prohibition order to the above-listed powerplant which prohibited the powerplant from burning natural gas or petroleum products as its primary energy source. The prohibition order provided, however, that in accordance with the requirements of 10 CFR Parts 303 and 305, the order would not become effective until either, (1) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that a particular powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under Section 119, or (2) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to Section 119 (d)(1)(B) of the Clean Air Act is the earliest date that a particular powerplant will be able to comply with all applicable air pollution requirements under section 119 of that Act; and, until FEA has performed an analysis of the environmental impact of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 305.9, and has served the powerplant the Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37 (b), and 305.7.

The FEA has analyzed and reviewed the effect on the human environment of issuance of the Notice of Effectiveness, and has determined it is clear that issuance of a Notice of Effectiveness for the prohibition order to the above-listed powerplant is not a "major Federal action significantly affecting the quality of the human environment." National Environmental Policy Act, at 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), FEA concludes that an environmental impact statement is not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessment upon which it is based are available upon request from the FEA National Energy Information Center, Room 1404, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C.

Interested persons are invited to submit data, views, or arguments with respect to the environmental impacts of the Notice of Effectievness and the associated negative determination and environmental assessment to Executive Communications, Box LJ, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Negative Determination—Proposed NOE to Ames Electric Utility's Ames Generating Station, Powerplant 7." Fifteen copies should be submitted on or before April 25, 1977.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in 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.

Issued in Washington, D.C., March 30, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-1000 Filed 3-31-77;9:34 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND BUNGE CORP.

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 NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and 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 April 25, 1977. 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.

Mr. Carl S. Parker, Jr., Traffic Manager, Port of Galveston, P.O. Box 328, Galveston, Texas 77553.

Agreement No. T-3289-3, between the Board of Trustees of Galveston Wharves (Wharves) and Bunge Corporation (Bunge), further modifies the basic lease of a grain elevator and terminal facilities. The modification enlarges the leased premises to include certain railroad trackage, as further described in the basic amendment. As compensation, Bunge will pay Wharves additional quarterly rental payments of $3,000.

By Order of the Federal Maritime Commission.

Dated: March 30, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-9988 Filed 4-1-77;8:45 am]

CITY OF LONG BEACH AND PIERPOINT MANAGEMENT CORP.

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 NW., Room 1026; 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 April 25, 1977. 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.

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, California 90802.

Agreement No. T-3295-1, between City of Long Beach (City) and Pierpoint Management Company (Pierpoint), modifies the parties' basic agreement providing for the nonexclusive preferential assignment by City of certain premises at Pier A, to be used in the operation of a marine terminal. The purpose of the modification is to increase the area of the leased premises.

By Order of the Federal Maritime Commission.

Dated: March 30, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-9989 Filed 4-1-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9583]

CENTRAL POWER & LIGHT CO. AND WEST TEXAS UTILITIES CO.

Filing of Complaint

MARCH 28, 1977.

Take notice that on March 7, 1977, Central Power and Light Company (CP&L) and West Texas Utilities Company (WTU) (collectively called the Petitioners) filed a Petition to Intervene and request that the order entered in the above-referenced docket by the Commission on February 4, 1977, be modified or supplemented by the issuance of an appropriate order pursuant to Section 202 (c) of the Federal Power Act, 16 U.S.C. 824a(b). Pursuant to Section 1.6 of the Commission's Rules (18 CFR 1.6), the above-mentioned Petition to Intervene has been accepted for filing as a Complaint.

CP&L is a Texas Corporation with its principal place of business at Corpus Christi, Texas. WTU is a Texas Corporation with its principal place of business at Abilene, Texas. All of the outstanding shares of Common Stock of CP&L and WTU are owned by Central and South West Corporation (CSW), a Delaware Corporation with its offices in Wilmington, Delaware.

CP&L and WTU assert that they are members of the Electric Reliability Council of Texas (ERCOT) and are interconnected with each other and with certain other members of ERCOT, specifically Lower Colorado River Authority and the municipal electric utility systems of the City of Austin and the City of San Antonio, Texas (the South Texas Governmentals). Petitioners contend that prior to May 4, 1976, they were also interconnected and operated in synchronism with the major member of ERCOT, Texas Electric Service Company, (TESCO), (and through it with the other operating subsidiaries of Texas Utilities Company (TU): Dallas Power and Light Company (DP&L) and Texas Power & Light Company (TP&L)), and were also interconnected with Houston Light & Power Company (HL&P).

WTU states that on May 4, 1976, it commenced sales of electricity to three small communities in Oklahoma from its previously intrastate transmission lines, thus placing all ERCOT systems in interstate commerce. Petitioners state that TESCO and HL&P responded by opening their interconnections with CP&L, WTU and the South Texas Governmentals. On July 21, 1976, in Docket No. E-9558, the Commission entered an order authorizing emergency interconnection pursuant to Section 202(d) of the Federal Power Act.

In addition, Petitioners contend that substantially all of their present electric generating facilities are regularly fueled by natural gas purchased from intrastate sources. Petitioners state that in 1976, 97.5% of the Kilowatt-hour output was generated using natural gas and the remaining 2.5% using oil.

Petitioners assert that following the entry by the Commission on February 4, 1977, of its order authorizing emergency reinterconnection of ERCOT to facilitate reduction of gas consumption by ERCOT members so that gas could be diverted to interstate markets, CP&L and WTU, through C&SW's service company affiliate, wrote a letter to HL&P and TU requesting reinterconnection as a basis for reducing gas used to fuel spinning reserves. In addition, Petitioners contend that they have clearly indicated their desire to make gas available to the interstate market and are discussing arrangements with their respective principal gas suppliers Lo Vaca Gathering Company and Lone Star Gas Company, to transport diverted gas into the interstate pipeline system.

Therefore, Petitioners request that the Commission enter an order under Section 202(c) of the Federal Power Act requiring the immediate resumption and continuation of all interconnected service among all of the members of ERCOT as it was on May 3, 1976, specifically requiring HL&P and TESCO as well as DP&L and TP&L, to restore all of the interconnections and services which were opened on May 4, 1976. Petitioners aver that such an order is necessary in addition to, or in substitution for, the order already entered under Section 202(d) since neither TESCO nor HL&P has been willing to act under the earlier order.

Any person desiring to be heard or to make any protest with reference to said Complaint should on or before April 25, 1977, file with the Federal Power Com-

mission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Complaint is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9938 Filed 4-1-77;8:45 am]

[Docket No. CP77-300]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

MARCH 29, 1977.

Take notice that on March 16, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorckle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP77-300 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for PPG Industries, Inc. (PPG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 3,500 Mcf of natural gas per day for PPG for a primary period of two years, which gas would be received into Applicant's Lines O-880 and FO-1633 in Valley and Center Townships. Guernsey County, Ohio, to an existing point of delivery from Transcontinental Gas Pipe Line Corporation (Transco) to Applicant near Dranesville, Fairfax County, Virginia. Transco would transport such gas to the Cities of Lexington and Shelby, North Carolina, for ultimate delivery and use by PPG's facilities in these locations. Deliveries to Transco would be accomplished by reducing Applicant's scheduled receipts from Transco at Dranesville.

The application states that PPG has contracted with David S. Towner dba David S. Towner Enterprises (Towner) to purchase gas for a primary term extending from the date of first delivery of such gas through April 30, 1979, at which time PPG has the option to extend the contract for a two-year period and from year-to-year thereafter under terminated. It is stated that Towner has contracted to sell an average daily volume of 1,500 Mcf of gas per day in the contract periods of November 1 through April 30 of each year and 1,000 Mcf per day in the contract periods of May 1 through October 31 of each year. It is further stated that Towner affirms that gas from the lease covered by the PPG contract has never been sold in interstate commerce, that the gas would not be sold in the interstate market because intrastate markets are available, and that marginal gas reserves such as these cannot be developed for the regulated interstate market because of the high cost of development. The price at which PPG would purchase gas from Towner is $2.20 per Mcf from first delivery through April 30, 1977; $2.05 per Mcf from May 1 through October 31, 1977; $2.30 per Mcf from November 1, 1977, through April 30, 1978.

It is stated that PPG's plants in Lexington and Shelby make up its entire Fiber Glass Division, which accounts for approximately 40 percent of the continuous fiberglass filament produced in the United States and the gas to be transported would be used in furnace forehearths, refiners and cannals and other miscellaneous fiber "conditioning" equipment for which alternate fuels cannot be used since they require the constant flame and precise temperature control characteristics of a gaseous fuel.

It is asserted that PPG employs approximately 2,600 people in these two plants and is the major employers in the City of Lexington with a population of 1,350 people and in the City of Shelby with a population of 1,300 people and continued operation of these two plants is seriously threatened by present curtailment conditions. A shutdown of PPG's operations would have a direct economic effect on the Cities of Lexington and Shelby and ripple effects in the rest of North Carolina, it is said.

Applicant states that it has available pipeline capacity, to transport the natural gas without the construction of additional facilities.

It is stated that Applicant's transportation charge for all volumes delivered into its Line O-890 would be its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted-for gas, which is currently 22.21 cents per Mcf effective November 1, 1976; for all volumes delivered into its Line FO-1633, the transportation charge would be Applicant's average systemwide unit gathering, storage and transmission costs exclusive of company-use and unaccounted-for gas, which charge is currently 24.75 cents per Mcf effective November 1, 1976. Applicant would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of PPG, which percentage is currently 3.1 percent. The transported gas is subject to diversion to Applicant in emergency periods when such gas is required for the protection of Priority 1 requirements on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9939 Filed 4-1-77;8:45 am]

[Docket No. CP77-165]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

MARCH 29, 1977.

Take notice that on March 16, 1977, Columbia Gas Transmission Corporation (Applicant 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP77-165 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Wheeling-Pittsburgh Steel Corporation (Wheeling-Pittsburgh), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas for Wheeling-Pittsburgh from an existing point of Delivery from Texas Gas Transmission Corporation (Texas Gas) to Applicant in Warren County, Ohio, to existing points of delivery by Applicant to Columbia Gas of Ohio, Inc. (Columbia, Ohio), Columbia Gas of West Virginia, Inc. (Columbia, W. Va.), and Columbia Gas of Pennsylvania, Inc. (Columbia Pennsylvania), all of which are wholesale customers of Columbia. The gas would be delivered by the distributors to Wheeling-Pittsburgh's plants in Steubenville, Martins Ferry, and Yorkville, Ohio, in Beech Bottom, Follansbee, and Wheeling, West Virginia, and in Allenport, Pennsylvania.

It is asserted that Wheeling-Pittsburgh has been advised by Columbia Ohio that on February 1, 1977, its Steu-

benville, Ohio, would receive only plant maintenance gas and Columbia, W. Va. and Columbia, Pennsylvania had both increased curtailments to Wheeling-Pittsburgh plants. Applicant proposes herein to transport natural gas for Wheeling-Pittsburgh for a two-year period.

Wheeling-Pittsburgh, the ninth largest steel producer in the United States, is an integrated steel company manufacturing plates, hot and cold rolled sheets, coated sheets, tin mill products, welded and seamless tubular products and semi-finished steel, it is said. It is stated that Wheeling-Pittsburgh currently employs approximately 7,700 people in its Ohio operations to which natural gas deliveries would be made, approximately 1,500 people in its West Virginia operations to which deliveries would be made and approximately 2,500 people in its Pennsylvania operation to which deliveries would be made.

Applicant states that Wheeling-Pittsburgh has contracted with McGoldrick Joint Venture No. 1–73 (McGoldrick) to purchase gas for a period of 730 consecutive days from and after the date of first delivery of such gas. It is stated that McGoldrick would sell 5,000 Mcf of gas per day on a take or pay basis to Wheeling-Pittsburgh from certain of its leaseholds in Clairborne Parish, Louisiana, and Wheeling-Pittsburgh would pay McGoldrick $1.70 per Mcf, subject to Btu adjustment, for the first 365 days, after which time the price is subject to renegotiation on the basis of the highest price then being paid for natural gas in the Monroe and Shreveport, Louisiana, Conservation Districts, provided that the price would not be less than $1.85 nor more than $2.52 per Mcf. There is also a provision for the sale and purchase of excess gas, it is said.

Applicant states it would transport up to 5,000 Mcf per day. The gas is subject to diversion to Applicant in emergency periods when required for the protection of Priority 1 requirements on Applicant's system. Applicant states it would not have to construct any additional facilities.

Applicant states that its transportation charge for this service would be its average systemwide unit storage and transmission costs exclusive of company-use and unaccounted-for gas, which is 22.21 cents per Mcf effective November 1, 1976, and that it would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Wheeling-Pittsburgh, which percentage is currently 3.1 percent.

It is indicated that the natural gas which Wheeling-Pittsburgh will purchase from McGoldrick is not available to the interstate market, and that the gas would be used for Priority 2 purposes or those Priority 3 uses that would have been in Priority 2 had the gas been purchased on a firm basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9940 Filed 4-1-77;8:45 am]

[Docket No. ER77-244]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

MARCH 28, 1977.

Take notice that on March 14, 1977, The Connecticut Light and Power Company (C.L. & P.) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated January 1, 1977 between (1) C.L. & P., The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Middleborough Gas and Electric Department (MGED).

CL&P states that the Transmission Agreement provides for a transmission service to MGED during the period from January 1, 1977 to October 31, 1977.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utility system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which MGED is entitled to receive.

C.L. & P. requests an effective date of January 1, 1977 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

C.L. & P. states that copies of this rate schedule have been mailed or delivered to C.L. & P., Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and MGED, Middleborough, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1977. 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 proceedings. 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.77-9931 Filed 4-1-77;8:45 am]

[Docket No. CP77-201]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MARCH 29, 1977.

Take notice that on March 18, 1977, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77-201 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for two years for Mobay Chemical Corporation (Mobay), an existing distribution customer of Applicant's Hope Natural Gas Company division (Hope), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for Mobay up to 2,000 Mcf of gas per day for two years for use at Mobay's New Martinsville, West Virginia, chemical plant. The natural gas proposed to be transported would be received by Applicant into its existing Line Nos. 3, 4, and 106 in Wetzel County, West Virginia, and for delivery by Applicant into the distribution facilities of Hope, for Mobay's account at an existing point of delivery in Wetzel County, West Virginia.

It is stated that Hope is Mobay's sole gas supplier, that Hope curtailed deliveries to Mobay to the minimum level sufficient to protect property from January 16, 1977, to February 9, 1977, and that deliveries are currently being curtailed by 20 percent of Mobay's priority 2 requirements. Deliveries of Mobay's priority 5 boiler fuel gas have been completely curtailed since 1975, it is said.

Applicant states it filed a telegraphic request for temporary emergency authorization for the transportation of natural gas for Mobay on February 11, 1977, and was granted a temporary certificate by the Commission on February 16, 1977.

It is stated that Mobay's New Martinsville plant employs approximately 850 persons and is one of the largest employers in the New Martinsville area. Mobay produces, among other things, polyurethane chemicals, plastics, and coating materials at the New Martinsville plant, which products are used in the manufacture of home and industrial insulation products, automobiles, and furniture, it is said. It is further stated that Mobay intends to use the volumes proposed to be transported for priority 2 process or feedstock uses in its reformer, sulphuric acid concentration and environmental control facilities. The reformer facility, which consumes approximately 90 percent of the gas proposed to be transported requires gaseous fuel as feedstock to produce carbon monoxide and hydrogen, which are essential in the operation of Mobay's TDI unit, it is said. Applicant states that continued insufficient gas supplies would result in shortages of critical materials, as well as the layoff of part or all of Mobay's work force, which layoffs would adversely affect the economic situation in that area.

Applicant states that it would charge Mobay 8.92 cents per Mcf for this transportation service[1] and would retain 4 percent of the gas to provide the service. The gas to be transported would be produced by Mobay from its own wells located in Wetzel County, West Virginia, and has never been sold in interstate commerce, the application states.

It is further stated that Applicant has available pipeline capacity to perform the proposed transportation service without the construction of additional facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1977, file with the Federal Power Commission, Washington, D.C. 20460, 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.

[1] It is stated that Applicant's February 9, 1977, telegraphic request for temporary emergency authorization to transport natural gas for Mobay in the instant docket inadvertently stated Applicant's proposed transportation charge as 7.60 cents per Mcf. Applicant states this error was due to a misapprehension as to the location of Mobay's plant and wells with respect to Applicant's zone boundaries.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-9941 Filed 4-1-77;8:45 am]

[Docket No. ER76-536]

GEORGIA POWER CO.

Filing of Settlement Agreement

(MARCH 29, 1977).

Take notice that on March 15, 1977, the Georgia Power Company submitted a Settlement Agreement in the above-named docket.

On March 18, 1977, the Presiding Administrative Law Judge certified the offer of settlement in this contested proceeding to the Commission for its consideration and ruling.

The proposed settlement provides that Georgia Power will file a revised tariff sheet containing rates which would have produced, on an annualized basis, an increase in revenues of $15,000,000 for the twelve-month period ending on December 31, 1976, based on the sales estimates contained in the Period II data as originally filed with the Commission on March 1, 1976. Georgia Power will refund to the collective Cities who are parties to this proceeding and to the City of Dalton, Georgia, also a party, with simple interest at 9% per annum, the difference between the amounts actually collected and the amounts which would have been collected if the revised rates had been in effect. Georgia Power will also file revised tariff sheets which will clarify the procedure used in applying the fuel adjustment clause.

Any person wishing to do so may submit comments in writing concerning the proposed Settlement Agreeemnt to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before April 29, 1977. The Settlement Agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9942 Filed 4-1-77;8:45 am]

[Docket No. ER77-145]

GULF STATES UTILITIES CO.

Filing of Agreement

(MARCH 28, 1977).

Take notice that on March 16, 1977, Gulf States Utilities Company (Gulf States) tendered for filing an agreement for wholesale service between it and the City of College Station, Texas.

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 April 8, 1977. 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.77-9933 Filed 4-1-77;8:45 am]

[Docket No. ER77-252]

ILLINOIS POWER CO.

Filing New Connection Point

MARCH 28, 1977.

Take notice that Illinois Power Company ("IP" or "Illinois Power") on March 21, 1977 tendered for filing two additional connection points to be included in Appendix A of the Interconnection Agreement between Central Illinois Public Service Company ("CIPS"), Union Electric Company ("UE") and Illinois Power. Illinois Power indicates that the new connection point, indentified as CIPS–IP Connection Point 34—West Mt. Vernon 345 kv, provides for a new 345 kv connection point in Class County, Illinois. Illinois Power also indicates that the new connection point, identified as CIPS–IP Connection Point 35—Humrick, provides for a new 69 kv connection point in Vermilion County, Illinois. Effective dates of March 12, 1976 and March 8, 1977 are respectfully requested.

A copy of this filing has been served upon CIPS and UE. In addition, Connection 34 is being filed with the Illinois Commerce Commission, Springfield, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1977. 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.77-9943 Filed 4-1-77;8:45 am]

[Docket No. ER77-242]

INDIANA & MICHIGAN ELECTRIC CO.

Changes in Rates and Charges

MARCH 28, 1977.

Take notice the American Electric Power Service Corporation (AEP) on March 14, 1977, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), a letter of agreement dated January 15, 1977 to the Operating Agreement dated March 1, 1966, between I&M and Michigan Companies, designated Indiana Rate Schedule FPC No. 68.

AEP states that the letter of agreement provides for an increase in the minimum energy charge for Emergency Service from 17.5 mills to three cents per kilowatt hour, proposed to become effective April 15, 1977. A similar letter agreement between Illinois Power Company and I&M was recently submitted to the Commission as a proposed settlement of FPC Docket No. ER76-21 and on September 8, 1976 the Commission issued an order approving this settlement making it effective as of March 2, 1976. AEP also states that since the use of Emergency Service under the proposed minimum charge cannot be accurately determined or estimated, it is impossible to determine or estimate the increase in revenues resulting from the letter of agreement.

Copies of the filing were served upon Michigan Companies, The Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 April 8, 1977. 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.77-9932 Filed 4-1-77;8:45 am]

[Docket No. ER77-249]

KENTUCKY POWER CO.

Changes in Rates and Charges

MARCH 29, 1977.

Take notice that American Electric Power Service Corporation (AEP) on March 18, 1977 tendered for filing on behalf of its affiliate Kentucky Power Company (Kentucky Company), Modification No. 1 dated March 1, 1977 to the Interconnection Agreement dated May 14, 1963, between Kentucky Power Company and East Kentucky Power Cooperative, Inc. designated Kentucky Company rate schedule FPC No. 14.

AEP indicates that modification No. 1 replaces the existing Short Term Service Schedule E with a new updated version of that service. AEP also indicates that the modification provides for (1) an increase in the demand charge for Short Term Power from $0.30/kW-week to $0.60/kW-week, (2), reservation of Short Term Power from the system of a third party with a transmission charge of $0.15/kW-week and (3) a new initial rate schedule entitled "Limited Term Power" Service Schedule G with a demand charge rate of $3.25/kW-month and a transmission charge of $0.65/kW-month for third party transactions. AEP states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

Copies of the filing were served upon East Kentucky Power Cooperative, Inc. and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 April 13, 1977. 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9944 Filed 4-1-77;8:45 am]

[Docket Nos. RI77-13 and CI76-806]

MESA OFFSHORE CO.

Order Consolidating Proceedings, Setting Consolidated Proceedings for Hearing, Setting Notice Period

MARCH 28, 1977.

On November 22, 1976, Mesa Offshore Company, a wholly owned subsidiary of Mesa Petroleum Company ("Mesa") filed in the instant docket, a Petition for special relief pursuant to § 2.56a(g) of the Commission's General Policy and Interpretations (18 CFR § 2.56a(g)) authorizing the sale of natural gas from the Federal Domain, offshore Louisiana as described below. Mesa Offshore requests authorization to sell its interests in gas underlying Eugene Island 256 an undeveloped block, and Vermilion 228, a developed block which is available for delivery upon completion of the connection to the pipeline ("Sea Robin Pipeline Company").

The underlying gas purchase contract between Mesa Offshore ("Offshore") and United Gas Pipe Line Company ("United"), dated February 1, 1972 covered the instant two blocks as well as Eugene Island 330 and Blocks 199 and 270 in the East Cameron Area. Mesa commenced sales of its interest in Eugene Island 330 and East Cameron 270 in July, 1973 for a one year limited term at 35 cents/Mcf under a certificate issued in Docket No. CI73-663. Thereafter, sales have continued at the applicable national rate under the authority of a small producer certificate issued to Mesa in Docket No. CS67-82. East Cameron 199 apparently is still undeveloped and without a pending request for Commission action.

The 1972 gas purchase contract ("contract") set a sale price for the gas of 35.0 cents/Mcf with tax and Btu adjustments for the first year following commencement of deliveries with a 0.5 cents/Mcf annual escalation thereafter for the duration of the 20 year contract term. The contract also included a FPC area rate clause which allowed the seller to collect any Commission established area rate applicable to the premises which was higher than the 35 cents/Mcf (with escalation) rate mentioned above. Under the area rate clause, seller could collect the higher applicable area rate for the first year following the establishment of such area rate and annual escalations of 0.5 cents/Mcf each year thereafter.

By an amendatory agreement dated October 7, 1976 Sea Robin (United's successor-in-interest to the February 1, 1972 contract, by virtue of a February 1, 1972 assignment) agreed to pay Mesa Offshore any price authorized by a final Commission order pursuant to the Commission's special relief regulations (18 CFR 2.56a(g); 2.76) for the Vermilion 228 and Eugene Island 256 gas. As was mentioned above, Offshore, on November 22, 1976 petitioned the Commission under Section 2.56a(g) for a special relief rate of $3.07/Mcf for its gas interests in the subject two blocks. Without special relief, Offshore is entitled to the base rates established in Opinion No. 770-A, namely 93 cents/Mcf or 1.43/Mcf depending on the particular well commencement dates involved. Offshore alleges that "its costs of producing all of the gas attributable to its interests in the two Blocks covered by this Petition is approximately $3.07 per Mcf • • •" (Petition at 2). It estimates that its "proved, probable and possible equivalent gas reserves" in the two Blocks "amounts to 45,800 MMcf". (Ibid.)

All of the five above-mentioned blocks involved in the February 1, 1972 contract were acquired by Mesa in the December 15, 1970 Outer Continental Shelf ("OCS") Lease Sale. The primary lease term of five years from the effective date of the lease within which to develop and produce the properties expired on February 1, 1976 for Eugene Island 256, Vermilion 228 and East Cameron 199. Extentions of the lease term beyond the primary 5 year term in the absence or

cessation of production can be granted by a USGS supervisor in accordance with the pertinent regulations, particularly 30 CFR 250.1 et seq and OCS Order No. 4.

Mesa has not included into one project all of the leases it acquired at the December, 1970 OCS Lease Sale. There is a question as to whether the instant Petition for special relief is based upon one or more projects. Offshore does not allege in its Petition that the blocks herein have either geographical or geological coherence nor that these blocks were all the blocks it acquired at a single Outer Continental Shelf Lease Sale. In fact the distance between Eugene Island 256 and Vermilion 228 is approximately 60 linear miles. Accordingly, the Commission Staff is directed to examine those Blocks Mesa purchased at the Outer Continental Shelf Lease Sales in 1970, 1972 and 1973 in which its working interest was at least 5 percent. And the Commission directs Petitioner to submit evidence of gas supply and cost data for each of the instant blocks individually. Petitioner may also submit evidence supporting its view that the blocks should be treated as a single project. Petitioner shall fully explain why these blocks were included in the present Petition and other, as yet uncertificated blocks that they acquired in the 1970, 1972 and 1973 OCS Lease Sales were not so included.

In their Petition for special relief, Petitioner states its willingness "to accept the applicable Opinion No. 770–A National Rate" pending approval of its special relief rate in the event Sea Robin is willing and able to take deliveries, "provided such Petition will be acted upon by the Commission within 7 months" of the filing date [Petition at 3]. Petitioner also requests that this filing be consolidated with that of Pennzoil Offshore Gas Operators, Inc. in Docket No. CI76–806.

The delivery points for the gas herein involved are to be on the offshore production platforms at Eugene Island 256 and Vermilion 228. Petitioner's present ownership interest in Eugene Island 256 is 16.77% and it now owns 43.285% of Vermilion 228. It estimates that sales volumes from its interests in the two blocks will be 540,830 Mcf/month equally about 6,489,960 Mcf/year.

Mesa Petroleum Company, Incorrated in Delaware in 1964, formed Mesa Offshore Co. in 1971. Offshore is one of Mesa's seven wholly-owned subsidiaries. In addition, Mesa has interests in 2 other companies, General American Oil Company of Texas and Sunlite Oil Co., Ltd. As of December 31, 1975, Mesa had 7,365,563 Gross Acres of undeveloped acreage including leases, drilling permits and petroleum and natural gas reservations. In December, 1976 it had agreed to purchase McMoRan Exploration Company's interests in 6 Federal offshore Louisiana blocks and one Federal offshore Texas block, subject to certain closing conditions.

An examination of the Petition for Special Relief and the data submitted in support thereof raises a question as to whether there is sufficient basis for the Commission to find the proposed rate to be just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to help determine answers to all of the issues raised.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is necessary and in the public interest that the above-docketed proceeding (RI77–13) be consolidated with that of Pennzoil Offshore Gas Operators, Inc. in Docket No. CI76–806.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing in Docket No. RI77–13 shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washintgon, D.C. 20426 for the purpose of hearing and disposition of the issues in this proceeding.

(B) The proceeding in the instant docket is hereby and hereafter consolidated for all purposes with the proceeding in Docket No. CI76–806.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) Any person desiring to be heard or to make any protest with reference to this consolidated proceeding should, on or before April 12, 1977, file with the Federal Power Commission, at the address stated in Ordering Paragraph (A), a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules.

(E) The interventions granted in Ordering Paragraph (G) of the Order Setting Proceeding For Hearing And Granting Interventions, in Docket No. CI76–806, issued March 11, 1977 are hereby and hereafter granted intervention in this consolidated proceeding under the same terms and conditions stated in the aforementioned Ordering Paragraph (G).

(F) Pursuant to § 1.8 of the Commission's Rules of Practice and Procedure (18 CFR 1.8), the Presiding Administrative Law Judge is hereby authorized to permit the participation at the prehearing conference or hearing of any party that has filed a petition to intervene pursuant to Ordering Paragraph (D) that has not been acted upon by the Commission.

(G) Petitioner and any intervenor supporting the Petition for special relief shall file their direct testimony and evidence on or before April 12, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding. Petitioner shall submit gas supply and cost data for each block individually. Petitioner may submit evidence supporting its view that the blocks should be treated as a single project. Mesa shall submit evidence as to why these blocks were included in this Petition and others that they acquired in the 1970, 1972 and 1973 OCS Lease Sales were excluded. Petitioner shall file not only opinion evidence on the costs and the gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. The aforementioned list of evidence is not intended to foreclose data, testimony, or other evidence not specifically enumerated from being brought within this proceeding. All relevant and material evidence shall be admissible.

(H) The Commission staff shall examine, and copy where appropriate, the records, accounts and memoranda of Mesa pertaining to its blocks purchased in the Outer Continental Shelf Lease Sales held in 1970, 1972, and 1973 in which it held a working interest of at least 5 percent.

(I) The Presiding Judge shall preside at a pre-hearing conference to be held in this consolidated proceeding on April 29, 1977 at 10 a.m. e.s.t. in a hearing room at the address noted in Ordering Paragraph (A).

(J) Upon completion of the necessary pipeline connections Petitioner is hereby authorized to commence deliveries to Sea Robin and receive the applicable national rate for such gas sales, in accordance with the terms of Opinion No. 770–A. Within 10 days of commencement of any deliveries under this Ordering Paragraph, Offshore shall so notify the Commission.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9945 Filed 4-1-77;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Order Accepting Briefs on and Opposing Exceptions as Amici Curiae

MARCH 29, 1977.

On March 3, 1975, Nevada Power Company (Nevada) tendered for filing a notice of cancellation of wholesale service to California-Pacific Utilities Company (Cal-Pac) at Henderson, Nevada, to become effective as of June 1, 1975. In its notice of cancellation, Nevada stated that the reason for termination is its

inability to attract capital to support its sales to Cal-Pac at Henderson.

Notice of the March 3, 1975, filing was issued on March 18, 1975, with comments, protests or petitions to intervene due on or before May 1, 1975. Subsequently, Cal-Pac filed a motion to intervene within the prescribed period. Cal-Pac resisted the notice of cancellation of service at Henderson, Nevada and moved that Nevada's tendered filing of March 18, 1975, be rejected for not conforming with the terms of § 35.15 of the Commission's Regulations under the Federal Power Act.

The Initial Decision of Administrative Law Judge Curtis L. Wagner, Jr., in Docket No. E–9306, rendered December 15, 1976, permits Nevada to terminate service to Cal-Pac. On January 11, 1977, Cal-Pac, by letter, requested an extension until January 21, 1977 for filing briefs on exceptions. This extension was granted by notice issued January 17, 1977.

On January 18, 1977, North Carolina Electric Membership Corporation (N.C. EMC) and Four County Electric Membership Corporation (Four County EMC) filed a motion for Allowance of Untimely Petition to Intervene, For Acceptance of Brief on Exceptions or, in the Alternative, For Acceptance of Brief on Exceptions as Amicus. N.C. EMC and Four County EMC receive most of their power at wholesale in transactions governed by the Federal Power Act, and therefore seek to intervene in order to protect their interests and the interests of N.C. EMC's distribution member systems. By order issued February 9, 1977, the Commission denied N.C. EMC and Four County EMC's petition to intervene out of time, but accepted its Brief on Exceptions as amicus curiae.

On February 11, 1977, N.C. EMC and Four County EMC filed a motion for acceptance of its Brief Opposing Exceptions or, in the Alternative, for Acceptance of its Brief Opposing Exceptions as amicus curiae. For the reasons set forth in the Commission's order of February 9, 1977, we accept N.C. EMC and Four County EMC's Brief Opposing Exceptions as amicus curiae.

On March 1, 1977, the American Public Power Association (APPA) filed a Brief on Exceptions as amicus curiae pursuant to the Commission's Rules and Regulations, 18 CFR 1.31. On March 4, 1977, the National Rural Electric Cooperative Association (NRECA) joined in the APPA brief. The APPA is a national service organization representing over 1,400 local consumer-owned electric utility power systems, including municipalities, public utility districts and rural electric cooperatives. NRECA is an association representing 1,000 rural electric cooperatives. Many members of APPA and NRECA purchase all or part of their electric power requirements at wholesale from public utilities subject to regulation by the Federal Power Commission.

We find that it may be in the public interest to accept the APPA's brief on exceptions and we will allow Nevada fourteen days in which to respond to the brief.

The Commission finds:

(1) Good cause exists to accept N.C. EMC and Four County EMC's Brief Opposing Exceptions as amicus curiae.

(2) Good cause exists to accept APPA's Brief on Exceptions as amicus curiae.

The Commission orders:

(A) The motion of North Carolina Electric Membership Corporation and Four County Electric Membership Corporation for acceptance of its Brief Opposing Exceptions as Amicus Curiae is granted.

(B) The American Public Power Association's Brief on Exceptions, joined in by the National Rural Electric Cooperative Association is accepted as *amici curiae*.

(C) Nevada Power Company is granted 14 days from the date of this order to respond to the American Public Power Association's brief.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9946 Filed 4-1-77;8:45 am]

[Docket No. CP77-288]

NORTHERN UTILITIES, INC.

Notice of Application

MARCH 29, 1977.

Take notice that on March 9, 1977, Northern Utilities, Inc. (Applicant), 1075 Forest Avenue, Portland, Maine 04103, filed in Docket No. CP77–288 an application pursuant to Section 3 of the Natural Gas Act for authorization to import liquefied natural gas (LNG) from Montreal, Canada to Lewiston, Maine, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement with Gaz Metropolitan, Inc. (Gaz Metro) for the purchase of 100,000 Mcf vaporous equivalent of LNG for delivery during November and December, 1977, which it proposes to take delivery of at Gaz Metro's storage tanks in Montreal, Canada and to transport to its facilities at Lewiston, Maine, via cryogenic semi-trailer tanker trucks which it would supply.

It is stated that Applicant and Gaz Metro have agreed upon a price of $2.80 per Mcf vaporous equivalent of LNG sold during November, 1977, and $3.25 per Mcf for volumes sold during December, 1977, and that these prices are subject to any gas cost increases approved by the Canadian National Energy Board. It is further stated that Applicant may take delivery of a portion of the 100,000 Mcf prior to November 1, 1977, dependent upon availability by Gaz Metro.

It is asserted that Applicant utilizes LNG for peak shaving, and to maintain service to its distribution customers during periods of curtailment of its natural gas supply; that Applicant obtains its entire natural gas supply from its wholly-owned subsidiary, Granite State Gas Transmission, Inc. (Granite State), which in turn receives its entire gas supply from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at Haverhill, Massachusetts. It is further asserted that Tennessee is currently curtailing service to its customers; the curtailments which Granite State experiences from Tennessee are passed on to Applicant, necessitating Applicant's requirements for supplemental LNG supplies.

Applicant further asserts that the location on the LNG storage and supply facility at the terminus of its system in Maine is an important safety factor in maintaining service to both the Portland and the Lewiston/Auburn markets in the event of an outage on Applicant's line in Maine or in the event of further extreme curtailments from Tennessee.

Applicant states that in the past, it purchased LNG from New England distributors which have LNG liquefaction capability and had excess LNG beyond their own immediate market requirements, but these purchases have been somewhat inflexible, being limited to single 60-day periods in the wintertime, and truck deliveries due to wintertime road meeting scheduled delivery dates. Applicant further states that it may request deliveries of a portion of its contract volume prior to November 1, 1977, which it desires to avail itself of because cryogenic tank trucks are less in demand during the off-season and road conditions are better, allowing more precise scheduling of deliveries.

It is stated that the prices per Mcf for LNG deliveries in November and December, 1977 as specified are less than what Applicant has paid for LNG supplies during the 1976–77 winter and probably less than what it could expect to pay for LNG supplies next winter from U.S. suppliers.

Any person desiring to be heard or to make any protest with reference to to said application should on or before April 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9947 Filed 4-1-77;8:45 am]

[Docket No. ES77-14]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

MARCH 28, 1977.

Take notice that on March 21, 1977, Northwestern Public Service Company

(Applicant) filed an application, pursuant to Section 204 of the Federal Power Act and the Regulations thereunder, for authorization to enter into a loan agreement with the City of Salix, Iowa, in connection with arrangements pursuant to which the City is to issue not to exceed $4,000,000 aggregate principal amount of its pollution control revenue bonds and loan the proceeds therefrom to Applicant to use to pay Applicant's share of the cost of pollution control facilities being constructed at Unit No. 4 at the George Neal Steam Electric Generating Station located near the City. Neal Unit No. 4 is owned by the Company and others as tenants in common with Applicant having an 8.681 percent interest. The loan agreement between Applicant and the City will provide for payments to be made thereunder by Applicant sufficient to enable the City to pay the principal, premium if any, and interest on the pollution control revenue bonds, when due.

The pollution control revenue bonds will be sold to underwriters by the City under a bond purchase agreement to be entered into by the City and the underwriters. Applicant will not be a party to such bond purchase agreement. The sale of the pollution control revenue bonds will be governed by State law and will be accomplished without competitive bidding by the City. The obligations of the Company under the loan agreement must correlate with the terms of the pollution control revenue bonds so that competitive bidding with respect to the loan agreement is not possible. Consequently, as part of its application, Applicant has requested an exemption from competitive bidding under Section 34.-2(f) of the Commission's Regulations with respect to the loan agreement.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Iowa, Nebraska, North Dakota, and South Dakota, with its principal business office at Huron, South Dakota. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

Any person desiring to be heard, or to make any protest with reference to the application, should on or before April 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to became parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commision's Rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9948 Filed 4-1-77;8:45 am]

[Docket No. ES77-23]

PACIFIC POWER & LIGHT CO.

Notice of Application

MARCH 29, 1977.

Take notice that on March 17, 1977, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue not to exceed 2,500,000 shares of its Common Stock of the par value of $3.25 per share (Additional Common Stock).

Applicant proposes to sell the Additional Common Stock at competitive bidding in accordance with the applicable requirements of Section 34.1a of the Commission's Regulations.

Proceeds from the issuance and sale of the shares of Additional Common Stock will be used to refund $29,000,000 of First Mortgage Bonds, 3½ percent Series due 1977, to repay short-term notes prior to or as they mature and to finance, in part, Applicant's 1977–1978 construction program presently estimated at $602,-141,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9949 Filed 4-1-77;8:45 am]

[Docket No. ES77-24]

PACIFIC POWER & LIGHT CO.

Request for Permission To Negotiate With Underwriters for the Issue and Sale of Securities

MARCH 29, 1977.

Take notice that on March 14, 1977, Pacific Power & Light Company (Pacific), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed a request with the Federal Power Commission (Commission) seeking permission to negotiate with underwriters for the issue and sale of securities. Pacific states that it plans to issue in early May, 1977, up to $40,000,000 in principal amount of its Serial Preferred Stock in the form of either up to 1,600,000 shares of its No Par Serial Preferred Stock with a $25 stated value or up to 400,000 shares of its $100 Par Serial Preferred Stock (Securities). It is anticipated that proceeds from the sale of the Securities will be used to retire outstanding short-term indebtedness issued to temporarily finance part of the Company's 1977 construction program.

Pacific states that at this time it applies for permission to negotiate with the underwriters with respect to terms on which the Securities might be issued in order to determine whether application for exemption from the competitive bidding requirements of Section 34.1a of Federal Power Commission Regulations should be made. Pacific states that it has not engaged in any negotiations for the sale or underwriting of the Securities, and will not do so prior to the Commission's granting of this request for permission to negotiate.

Pacific states that although it supports competitive bidding of debt and common issues during receptive markets, in the case of preferred stocks, it would like to have as an alternative the ability to seek to sell the Securities through negotiation in the event that market conditions require such a procedure for Pacific to obtain the lowest dividend cost. For the foregoing reasons, therefore, Pacific respectfully requests that the Commission grant it permission to engage in preliminary negotiations with underwriters in order to determine if exemption from the Commission's competitive bidding requirements should be sought.

Any person desiring to be heard or to make any protest with reference to the request should on or before April 8, 1977, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 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 protestant a party 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9936 Filed 4-1-77;8:45 am]

[Docket No. ER77-248]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Cancellation

MARCH 29, 1977.

Take notice that on March 18, 1977, Rochester Gas and Electric Corporation (RG&E) tendered for filing a notice of cancellation of its Rate Schedule FPC No. 21 whereby it agrees to sell 100 MW of Firm Capability and the energy associated therewith to New York State Electric and Gas Corporation from October 31, 1976 through April 23, 1977. RG&E states that the Schedule will expire in accordance with its term provision on April 23, 1977.

RG&E further states, that a copy of the filing was served on New York State Electric and Gas Corporation.

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 April 8, 1977. 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.77-9935 Filed 4-1-77;8:45 am]

[Docket No. CP76-314]

SOUTHERN TRANSMISSION CORP.

Supplement to Application

MARCH 29, 1977.

Take notice that on March 11, 1977, Southern Transmission Corporation (Applicant), 1114 Avenue of the Americas, New York, N.Y. 10036, filed in Docket No. CP76-314 the second supplement to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity by which supplement Applicant sets forth that agreements have been negotiated between Memphis Light, Gas and Water Division, City of Memphis, Tennessee, (MLG&W), Applicant and W. R. Grace & Co. (Grace), Applicant's parent, as a result of which MLG&W's objection to the pipeline proposed herein has been satisfied, all as more fully set forth in the supplement on file with the Commission and open to public inspection.

The supplement states that on March 30, 1976, Applicant filed in the instant docket an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of its proposed 148 miles of 8⅝ inch O.D. pipeline from the location of certain natural gas reserves owned by Grace in Monroe County, Mississippi to the anhydrous ammonia and urea fertilizer plant (Grace Plant) owned by Grace located approximately 12 miles north of Memphis in Shelby County, Tennessee.

It is stated that on April 21, 1976, MLG&W filed a petition to intervene in this proceeding which states although it has been the sole supplier of gas to the Grace Plant, it would be unable for the foreseeable future to meet Grace's requirements, but it has a policy of cooperation with its industrial customers in any attempts to obtain additional supplies of natural gas. However, MLG&W stated that it objected to the construction of a gas pipeline within its " * * * service area, which consists of Shelby County, Tennessee." The petition states that MLG&W expressed its willingness to provide transportation service for Grace " * * * from a point on the boundary of Shelby County to the Grace plant north of the City of Mexico."

It is indicated that on August 24, 1976, Applicant filed with the Commission a Supplement to the application in which it submitted responses to requests of the Secretary of the Commission dated May 28, 1976, and July 6, 1976, for additional information. Notice of a conference was issued on December 6, 1976, to attempt to resolve any and all questions presented by the application, the Secretary's letters of May 28 and July 6, 1976, and the petitions to intervene. An affidavit was submitted by Southern Transmission which concluded that " * * * it is apparent that a satisfactory long-term firm agreement cannot be worked out with existing pipelines which would assure the continued operation of the Grace anhydrous ammonia and urea plant."

In the instant supplement Applicant states that on January 11, 1977, a conference was held and attended by representatives of the various parties. A representative of Texas Eastern Gas Pipeline Company (Texas Eastern) stated that Texas Eastern could offer Grace only short-term interruptible transportation service. At the conference, Staff requested that a revised transportation tariff be filed.

It is indicated that several agreements were entered into, of which, the "Pipeline Agreement" contains the overall agreement reached between MLG&W and Applicant and incorporates as a part of such contract the "Construction Agreement," the "Pipeline Operating Contract," and the "Easement in Perpetuity."

Applicant states that the agreement provides that: MLG&W would support Applicant in its efforts to obtain expeditiously such Federal Power Commission authorizations as may be required for the construction and operation of the proposed pipeline during the term of the agreement and would withdraw its opposition to the application in this proceeding; MLG&W would design and construct for Applicant the 37-mile segment of the proposed pipeline to be located in Shelby County, Tennessee, referred to in the agreement as "Shelby Pipeline;" MLG&W would operate and maintain Shelby Pipeline; MLG&W would locate the Shelby Pipeline within MLG&W's utility easements and grant to Applicant all required easement rights; and MLG&W is granted the option upon the expiration of a 20-year period, to purchase the Shelby Pipeline and the related easements which Applicant obtained from MLG&W.

It is indicated that these changes do not alter the objective of the original application. Applicant states that the very minor change in the route of the line at the northwestern end is to provide that all of the Tennessee segment would be located in Shelby County. It is stated that the benefits flowing from this change are that the entire Shelby Pipeline would be located within utility easements now owned by MLG&W plus a short five-mile utility easement to be acquired by MLG&W.

In the instant supplement Applicant states that the effect of the agreements upon the cost of getting the gas through Shelby County, to the Grace Plant is difficult to evaluate. It is said that the Pipeline Operating Contract provides, in general, that Applicant shall pay to MLG&W $91,000 per year, subject to escalations after the first three calendar years of operation, and each succeeding three year period, tied into the actual cost experienced by MLG&W and as related to certain Federal Government price indices. The supplement further states that it is impracticable to estimate with any reasonable degree of accuracy what the effect would be upon the estimates of revenues, expenses and income, but, it is believed that it would be negligible.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before April 15, 1977, 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. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests in the instant docket or in the consolidated proceeding in Docket No. CP76-314, need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9950 Filed 4-1-77;8:45 am]

[Docket No. ER77-246]

KENTUCKY POWER CO.

Changes in Rates and Charges

MARCH 29, 1977.

Take notice that American Electric Power Service Corporation (AEP) on

March 18, 1977, tendered for filing on behalf of its affiliate, Kentucky Power Company (Kentucky Company), a letter of agreement dated March 1, 1977 to the Interconnection Agreement dated May 14, 1963 between Kentucky Power Company and East Kentucky Power Cooperative, Inc., designated Kentucky Company rate schedule FPC No. 14.

AEP states that the letter of agreement provides for a minimum energy charge for Emergency Service of "three ($0.03) cents" per kilowatt-hour, proposed to become effective May 1, 1977. A similar letter agreement between Illinois Power Company and I&M was submitted to the Commission as a proposed settlement of FPC Docket No. ER76-21 and on September 8, 1976 the Commission issued an order approving this settlement making it effective as of March 2, 1976. AEP also states that since the use of Emergency Service under the proposed minimum charge cannot be accurately determined or estimated, it is impossible to determine or estimate the increase in revenues resulting from the letter of agreement.

Copies of the filing were served upon East Kentucky Power Cooperative, Inc. and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C 20426, in accordance with 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 April 8, 1977. 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-9934 Filed 4-1-77;8:45 am]

[Docket No. E77-81]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On March 29, 1977, Texas Gas Transmission Corporation (Texas Gas), as agent for certain of its customers,[1] filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas which it is purchasing for certain of its customers and to construct the facilities necessary to receive the gas into its pipeline system.

Texas Gas, as agent, executed a contract on February 5, 1977, with National Exploration Company (National) for the purchase of approximately 1,000 Mcfd from the South Roanoke Field, Jefferson Davis Parish, Louisiana. The total price to be paid by Texas Gas, as agent, is $2.25 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will construct a meter station, side valve and related facilities adjacent to Texas Gas' pipeline in Jefferson Davis Parish, Louisiana, at an estimated cost of $9,500. These costs will be paid on a pro-rata basis by Texas Gas' customers which receive these volumes. In addition, Texas Gas' proposed transportation rates are based upon the cost data supporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76-17 and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis on which to fix other charges since the parties have agreed upon the transportation charges and payment of the construction costs.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from National, to construct facilities to receive such gas and to transport such gas for certain of its customers. This authorization is conditioned on (i) Texas Gas' submission of the names of the customers for which it is acting as agent, (ii) those customers agreeing to submit reports as required by Order No. 4 and (iii) such customers certifying that they are entitled to purchase gas under the provisions of Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and National. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 30, 1977.

[FR Doc.77-10004 Filed 4-1-77;8:45 am]

[Docket No. RP76-91]

MONTANA-DAKOTA UTILITIES CO.

Availability of Draft Environmental Impact Statement

MARCH 30, 1977.

Take notice that copies of the Draft Environmental Impact Statement prepared by the Commission's Staff in connection with the proposal of Montana-Dakota Utilities Co. in Docket No. RP76-91 to implement on its interstate pipeline system a scheme of natural gas delivery curtailments has been published and is available for review and comment pursuant to the requirements of the National Environment Policy Act of 1969 and Section 2.82(b) of the Commission's General Policy and Interpretations (18 CFR 2.82(b)). The Draft Environmental Impact Statement is on file with the Commission and open to public inspection at its Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

Any comments on the Draft Environmental Impact Statement shall be filed with the Commission on or before May 16, 1977, and mailed to the following address:

Secretary, Federal Power Commission, Washington, D.C 20426.

All parties filing comments with the Commission on the Draft Environmental Statement should transmit ten copies of their comments to the Council on Environmental Quality, Executive Office of the President, 722 Jackson Place NW., Washington, D.C. 20006.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10005 Filed 3-31-77;10:21 am]

[Docket No. ER77-241]

KENTUCKY UTILITIES CO.

Facilities Agreement

MARCH 28, 1977.

Take notice that on March 14, 1977, Kentucky Utilities Company (KU) tendered for filing Kentucky-Indiana Pool Facilities Agreement No. 3, dated June 18, 1974, among East Kentucky Rural Electric Cooperative Corporation, Indianapolis Power and Light Company, Public Service Company of Indiana, and KU. The agreement is in connection with the Kentucky-Indiana Pool Planning and Operating Agreement dated July 9, 1971, among the same parties. The latter agreement is designated as KU's Rate Schedule FPC No. 89.

KU states that the purposes of the agreement being filed are, among other things, to provide for an additional interconnection point between the members, and to determine what facilities are to be provided by each member, and how the operating expenses associated with the facilities are to be determined. KU further states that such an additional interconnection point was anticipated and referred to in the above mentioned agreement dated July 9, 1971.

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 or 1.10). All such petitions or protests should be filed on or before April 8, 1977. Protests will be considered by the Commission 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 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.77-9930 Filed 4-1-77;8:45 am]

[1] These customers are local distribution companies and interstate pipelines as defined in §§ 2(1),(5) of the Act (91 Stat. 4).

[Docket No. E77-80]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On March 25, 1977, Tennessee Gas Pipeline Company (Tennessee) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a request for an order authorizing certain emergency purchases of natural gas for which Tennessee had entered into an oral agreement on or prior to March 3, 1977. Tennessee furnished additional information with respect to some of the proposed purchases in a supplemental filing on March 29, 1977. For the reasons set forth below, I grant in part and deny in part Tennessee's application.

Tennessee is currently serving uses of natural gas classified in Federal Power Commission (FPC) Priorities 4 through 9 (18 CFR 2.78 (a)(1)(iv)-(ix)). Thus, under Order No. 6 (February 22, 1977), Tennessee is not eligible to make these proposed purchases unless it can satisfy the criteria of "Colorado Interstate Gas Company," Docket No. E77-31 (February 28, 1977). "Transwestern Pipeline Company," Docket No. E77-79 (March 28, 1977). "El Paso Natural Gas Company," Docket No. E77-53 (March 10, 1977); "Northern Natural Gas Company," Docket No. E77-49 (March 7, 1977); "Natural Gas Pipeline Company of America," Docket No. E77-48 (March 4, 1977); "United Gas Pipe Line Company," Docket No. E77-33 (March 2, 1977). Whether Tennessee has satisfied the "Colorado Interstate" criteria is to be determined at the time Tennessee determined that it was serving directly or indirectly any uses classified in Priorities 4 through 9. "Transwestern Pipeline," supra; "Columbia Gas Transmission Corporation," Docket No. E77-71 (March 24, 1977).

According to Tennessee's filing, it first learned on March 3, 1977, that certain of its customers were serving uses specified in Priorities 4 through 9. Tennessee's petitions indicate that only the proposed purchase from Texaco Inc. (Texaco) at the Roma Field, Starr County, Texas, satisfies the "Colorado Interstate" criteria. I will therefore approve this proposed sale. The other proposed purchases do not satisfy the "Colorado Interstate" criteria, and Tennessee is not eligible to make these purchases under Order No. 6.

Tennessee will purchase approximately 800 to 1000 Mcfd from Texaco at a price of $2.25 per MMBtu. This price is fair and equitable in accordance with Order No. 2.

Texaco will deliver this gas to Gulf Energy & Development Corporation (Gulf Energy) which will deliver the gas to Tennessee. Gulf Energy will charge 23.63 cents per Mcf, subject to refund, pursuant to rates filed with the FPC. I find no reason to prescribe other transportation charges since the parties have agreed on such charges.

Pursuant to section 6(a) of the Act, I authorize Texaco to sell natural gas from the Roma Field on the terms and conditions set for in Tennessee's filings in this proceeding. Pursuant to section 6 (c)(1) of the Act, I authorize Gulf Energy to transport and deliver gas to Tennessee.

Tennessee shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Tennessee, Texaco, Gulf Energy, C&K Petroleum Inc., Signal Petroleum Co., Clovelly Oil Company, Goodhope Refining Company, McCormick Exploration Company, The Dow Chemical Company, ON Coast Petroleum Company, Forman Exploration Company, Mitchell Energy and Development Corporation, Edwin L. Cox, and Tex-Can Resources. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 30, 1977.

[FR Doc.77-10093 Filed 4-1-77;8:45 am]

[Docket No. E77-38]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

On March 25, 1977, as supplemented by petition submitted on March 28, 1977, Columbia Gas Transmission Corporation (Columbia) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to (i) divert gas purchased from Delhi Gas Pipe Line Corporation (Delhi) under the March 1, 1977 authorization in this proceeding to Pacific Lighting Service Company (Pacific) and Pacific Gas & Electric Company (PG&E), (ii) have such gas transported by El Paso Natural Gas Company (El Paso), and (iii) amend the March 1, 1977 authorization to permit Columbia to purchase up to an average of 60,000 Mcfd from the commencement of deliveries through July 31, 1977. Columbia proposes these changes to permit it to use the subject volumes to satisfy its repayment obligations to Pacific and PG&E and the repayment obligation of the Columbia Distribution Companies (Columbia Distribution).[1] These obligations total approximately 5.095 Bcf.[2] For the reasons set forth below, I grant Columbia's petition for a supplemental order.

Columbia states that it will make volumes from Delhi available to Columbia Distribution to permit Columbia Distribution to satisfy its repayment obligation. Columbia Distribution will pay Columbia $2.25 per MMBtu for all Delhi volumes used to satisfy its repayment obligation and a proportional share of all transportation charges. Columbia will divert the Delhi volumes to Pacific and PG&E until all repayment obligation is satisfied and will then resume the transportation of the Delhi volumes to its system. Columbia further states that it is able to divert the Delhi volumes because of other purchases under the Act and warm weather in the areas served by its system which have resulted in significant improvement in its storage inventory.

Delhi will deliver these volumes to El Paso for Columbia's account in Pecos County, Texas. El Paso will transport and deliver the appropriate volumes to Pacific and PG&E at existing delivery points on the Arizona-California border. El Paso will charge 1.0 cent per Mcf delivered plus 5 percent of the volumes received from Delhi for shrinkage. Since the parties have agreed to the transportation charges to be paid, I find no basis for prescribing other charges.

Columbia also requests that the March 1, 1977 authorization which authorized purchases up to 60,000 Mcfd, be amended to authorize purchases up to an average of 60,000 Mcfd. Columbia states that Delhi has been unable to deliver the full 60,000 Mcfd on many days because of other systems demands and that Delhi has agreed to deliver volumes in excess of 60,000 Mcfd on certain days so that volumes for the remaining term will average 60,000 Mcfd.

Pursuant to section 6(a)(1) of the Act, I authorize Columbia to divert volumes purchased from Delhi to Pacific and PG&E to satisfy Columbia's and Columbia Distribution's repayment obligations to such companies and Columbia Distribution to reimburse Columbia for all Delhi volumes used to satisfy Columbia Distribution's repayment obligation. Pursuant to section 6(c)(1) of the Act, I authorize El Paso to receive volumes from Delhi for transportation and delivery to Pacific and PG&E for the account of Columbia and Columbia Distribution. Such transportation and delivery shall be on the terms and at the charges agreed to by the parties. The March 1, 1977 authorizaton in this proceeding is further amended to authorize Delhi to deliver up to an average of 60,000 Mcfd of natural gas from the date of this order through July 31, 1977. To the extent not inconsistent with the provisions of this order, the provisions of the March 1, 1977 order in this proceeding remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon

[1] Columbia Gas of Kentucky, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of New York, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc. and Columbia Gas of West Virginia, Inc. Columbia's petition refers only to Columbia Gas of Kentucky, Inc., Columbia Gas of Pennsylvania, Inc., and Columbia Gas of West Virginia, Inc.

[2] Columbia acquired approximately (1) 2.641 Bcf from Pacific in Docket No. E77-10 and (ii) 1.425 Bcf from PG&E in Docket No. E77-21. Columbia Distribution acquired approximately 1.029 Bcf from Pacific in Docket No E77-30.

Columbia, Columbia Distribution, Pacific, PG&E, and El Paso. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-10092 Filed 4-1-77;8:45 am]

FEDERAL RESERVE SYSTEM

HELMERICH & PAYNE, INC.

Prior Certification Pursuant to the Bank Holding Company Tax Act of 1976

Helmerich and Payne, Inc., Tulsa, Oklahoma ("H&P") has requested a prior certification pursuant to section 1101(b) of the Internal Revenue Code (the "Code"), as amended by section 2 (a) of the Bank Holding Company Tax Act of 1976, that its proposed divestiture of substantially all of the 85,510 shares of Utica Bankshares Corporation, Tulsa, Oklahoma ("Bankshares"), presently held by H&P, through the pro rata distribution of such shares to the common shareholders of H&P, is necessary or appropriate to effecutate the policies of the Bank Holding Company Act (12 U.S.C. 1841 et seq.) ("BHC Act"). H&P proposes to distribute to its shareholders one share of Bankshares for each 50 shares of H&P held by such shareholders. H&P shareholders who would be entitled to fractional interests in Bankshares will receive cash in lieu of such fractional interests. H&P anticipates that because it will not distribute fractional shares, it will, after the distribution, remain in possession of approximately 0.6 per cent of the total outstanding shares of Bankshares.

In connection with this request, the following information is deemed relevant, for purposes of issuing the requested certification: [1]

1. H&P is a corporation organized under the laws of the State of Delaware on February 3, 1940.

2. On July 7, 1970, H&P controlled 36.6 percent of the outstanding voting shares of Utica National Bank and Trust Company, Tulsa, Oklahoma ("Bank").

3. H&P became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its control at that time of more than 25 percent of the outstanding voting shares of Bank, and it registered as such with the Board in August 1971.

4. H&P holds property acquired by it on or before July 7, 1970, the disposition of which would be necessary or appropriate to effectuate section 4 of the BHC Act if H&P were to continue to be a bank holding company beyond December 31, 1980, which property is "prohibited property" within the meaning of section 1103 (c) of the Code.

5. On or about February 1, 1974, H&P sold 12,500 shares of voting stock of Bank, thereby reducing to approximately 23 per cent of Bank's outstanding voting stock the number of shares of such stock controlled by H&P. Subsequent to that date, H&P requested a determination by the Board that it was no longer a bank holding company. However, on July 11, 1974, H&P was advised that the Legal Division of the Board and the Federal Reserve Bank of Kansas City had concluded that H&P had not established that it no longer controlled or exercised a controlling influence over the management or policies of Bank. This conclusion was based in part upon the fact that H&P still held approximately 23 per cent of the voting shares of Bank; that three persons who were officers or directors of H&P served as directors of Bank; and that no other individual or organization controlled more than 9 per cent of Bank's voting stock.[2]

6. H&P has, continuously since its registration as a bank holding company, remained subject to the BHC Act and has conducted its affairs as a bank holding company. Specifically, on January 14, 1975, it filed with the Board, and the Board accepted, an irrevocable declaration, pursuant to § 225.4(d) of the Board's Regulation Y, that it will cease to be a bank holding company by January 1, 1981; on March 3, 1975, the Board approved an application filed by H&P as a bank-holding company pursuant to section 3(a)(3) of the BHC Act to acquire control of 22.2 per cent of the voting shares of Bankshares in connection with the reorganization of Bank into a wholly-owned subsidiary of Bankshares; and during 1975 and 1976 H&P filed with the Board all of the reports required of it under the BHC Act.

7. H&P has indicated that it will terminate all interlocking relationships between H&P and its subsidiaries, on one hand, and Bankshares and its subsidiaries, including Bank, on the other hand, within six months following the distribution of H&P's shares of Bankshares.

On the basis of the foregoing information, it is hereby certified that:

(A) H&P is a qualified bank holding corporation, within the meaning of subsection (b) of section 1103 of the Code, and satisfies the requirements of that subsection;

(B) the shares of Bankshares that H&P proposes to distribute to its shareholders are all or part of the property by reason of which H&P controls (within the meaning of § 2(a) of the BHC Act) a bank or bank holding company; and

(C) the distribution of such shares is necessary or appropriate to effectuate the policies of the BHC Act.

This certification is based upon the representations made to the Board by H&P and upon the facts set forth above. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by H&P, or that H&P has failed to disclose to the Board other material facts, it may revoke this certification. This certification is granted upon the condition that no later than six months after the distribution by H&P of its shares of Bankshares, no person who is an employee with management functions, officer or director (including an advisory or honorary director) of H&P or any subsidiary of H&P shall at the same time serve in any such capacity with Bankshares or any subsidiary of Bankshares, including Bank.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority, (12 C.F.R. 265.2(b)(3)), effective March 25, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-9903 Filed 4-1-77;8:45 am]

JACOBUS CO., ET AL.

Order Approving Formation of a Bank Holding Company and Acquisition of Two Bank Holding Companies

In the matter of the Jacobus Company, Inland Heritage Corporation and Inland Beloit Corporation.

The Jacobus Company, Wauwatosa, Wisconsin, and its 45.4 per cent owned subsidiary, Inland Heritage Corporation, Wauwatosa, Wisconsin (hereinafter jointly referred to as "Applicant"), both of which are bank holding companies within the meaning of the Bank Holding Company Act, have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to acquire all of the voting shares of Financial Network Corporation ("FNC"), a one-bank holding company that owns 95.4 per cent of the voting shares of The Beloit State Bank ("Beloit Bank"), and to acquire all the voting shares of Community Holding Corporation ("CHC"), a one-bank holding company that owns 75.3 per cent of the voting shares of Community Bank of Beloit ("Community Bank"), all of which are located in Beloit, Wisconsin. The proposed acquisition of FNC and CHC would be effected through the formation of a new holding company to be named Inland Beloit Corporation, Milwaukee, Wisconsin, a corporation that is to be wholly owned by Inland Heritage Corporation and for which a section 3(a)(1) application has been filed with the Board. The proposed acquisitions would involve the merger of FNC and CHC into Inland Beloit Corporation, giving Inland Beloit Corporation direct ownership of FNC and CHC. As the parent companies of Inland Beloit Corporation, The Jacobus Company and Inland Heritage Corporation would thereby gain indirect ownership of FNC and CHC. FNC and CHC serve no purpose other than to hold the stock of their respective banks in corporate form, and Inland Beloit Corporation serves no

[1] This information derives from H&P's correspondence with the Board concerning its request for this certification, H&P's Registration Statement filed with the Board pursuant to the BHC Act, and other records of the Board.

[2] In fact, although members of one family owned approximately 9 per cent of Bank's voting stock at that time, no single individual or organization controlled more than 5 per cent of Bank's voting stock.

purpose other than to facilitate the acquisition of FNC and CHC. Accordingly, the proposed acquisition of FNC and CHC by Inland Beloit Corporation is treated herein as the proposed acquisition of Beloit Bank and Community Bank by Applicant.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

By Order dated February 7, 1977, the Board denied Applicant's previous applications to acquire Beloit Bank and Community Bank.[1] Applicant's current applications differ from its earlier applications only with respect to their financial aspects.

Applicant presently controls four banks with aggregate deposits of $146.8 million.[2] Applicant's acquisition of Beloit Bank and Community Bank (aggregate deposits of $85.6 million) would represent Applicant's initial entry into the Janesville-Beloit banking market, and would result in Applicant controlling approximately 21.9 per cent of the deposits therein.[3] For reasons cited in the Board's earlier Order, the Board concludes that consummation of the proposed acquisitions would not have any significant adverse effects on existing or potential competition.

While competitive considerations were found to be consistent with approval of the proposed acquisitions, the Board was concerned with the financial aspects of Applicant's earlier proposal and concluded that the adverse financial considerations involved warranted denial of those applications. In its February 7th Order, the Board noted that the proposed acquisitions would result in a substantial addition ($3.6 million) to Applicant's already high level of long-term debt, and stated that it was concerned that Applicant would not be able to meet the increased debt servicing requirements and and also maintain and strengthen the capital of its existing subsidiary banks. The Board concluded that Applicant should direct its financial resources toward strengthening its existing subsidiaries before seeking further expansion of its banking interests.

In the context of Applicant's current proposal, the Board regards the financial and managerial resources and future prospects of Applicant, its subsidiaries, and the banks to be acquired, as generally satisfactory and consistent with approval of the applications. Applicant's current applications contain a substantially stronger financial proposal than that previously considered, and the Board is of the view that it would enable Applicant to meet the increased debt servicing requirements without placing additional funding requirements on its existing subsidiary banks. Pursuant to its revised financial plan, Applicant intends to promptly reduce the acquisition debt from $4.8 million to $1.3 million, and to bolster the capital positions of two of its existing subsidiary banks and of Beloit Bank by amounts totaling $1.25 million. Applicant would also maintain approximately $0.7 million as a reserve for future capital contributions to subsidiary banks which would be made as the need arose.[4] Accordingly, in view of the substantially revised financial aspects of the proposal, the Board concludes that banking factors are consistent with approval of the applications.

In its earlier Order, the Board noted that considerations relating to the convenience and needs of the community to be served were not sufficient to outweigh the adverse financial factors involved with the proposal. In view of the improved financial considerations reflected herein, it now appears that the proposed affiliation of the two Beloit banks with Applicant would enhance their operations and thereby benefit the residents of the area served by the two banks. Accordingly, convenience and needs considerations are consistent with approval of the applications. It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are 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, or (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 the order of the Board of Governors,[5] effective March 25, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-9904 Filed 4-1-77;8:45 am]

[1] 42 FEDERAL REGISTER 9059.

[2] All banking data are as of December 31, 1975, unless otherwise indicated.

[3] The Janesville-Beloit banking market is approximated by Rock County.

[4] In order to effect these actions, Applicant, in addition to using existing funds, has committed to issue and has received subscriptions for $2.0 million in convertible debentures, and has committed to sell $1.5 million in additional common stock of Inland Heritage Corporation.

[5] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell and Partee. Absent and not voting: Governors Jackson and Lilly.

SUMITOMO BANK, LTD.

Order Approving Acquisition of Additional Shares of Bank

The Sumitomo Bank, Limited, Osaka, Japan, 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 exercise preemptive rights to acquire additional voting shares of Central Pacific Bank, Honolulu, Hawaii ("Bank"). As a result of the exercise of these rights, Applicant would continue to hold 13.7 percent of the voting shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 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 section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently owns 13.7 percent of the voting shares of Bank. With deposits of approximately $240 million, Bank controls 8.5 percent of the total deposits held by commercial banks in Hawaii and is the third largest bank in the State.[1] Applicant proposes to acquire 6,867 additional voting shares of Bank through the exercise of its preemptive rights in connection with a new issue of Bank's voting shares. If all of Bank's new shares are purchased, Applicant's percentage ownership of shares of Bank will not increase as a result of the proposal. Consummation of the proposal would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have any adverse effect on other banks in the area. Thus, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Although there will be no immediate change or increase in the services offered by Bank as a result of the proposed transaction, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be consistent with the public interest and that the application should be approved.

Under section 3(d) of the Bank Holding Company Act [12 U.S.C. 1842(d)] the Board may not approve an application by a bank holding company under section 3 of the Act to acquire shares of any "additional bank" located outside of the State in which the operations of the bank holding company's banking subsidiaries were principally conducted as of July 1, 1966, or the date on which it became a bank holding company, whichever is later, unless such acquisition is specifically authorized by the statute laws of the State in which the bank whose shares are to be acquired is located. Applicant became a bank holding company on December 31, 1970, by virtue of its ownership of a majority of the voting shares of The Sumitomo Bank of California, San Francisco, California, and thus, California is the State of Applicant's principal banking operations. The statute laws of the State of Hawaii do not specifically authorize the acquisition of shares or assets of a

[1] All banking data are as of December 31, 1975.

State bank by an out-of-State bank holding company. Thus, the Board may only approve the subject application if Bank is not considered an "additional bank" for purposes of section 3(d).

Applicant's investment in Bank originated in 1954, prior to the enactment of the Bank Holding Company Act. Since section 3(d) is prospective in its application, that investment was effectively grandfathered at the time Applicant became a bank holding company in 1970. Consummation of the proposed transaction would enable Applicant to maintain its present interest in Bank.

The Board has considered the legislative history of section 3(d), particularly the intent of that section to prevent the interstate expansion of the commercial banking operations of bank holding companies, and has determined that, based on the particular facts and circumstances of this case, Bank should not be considered an "additional bank" for purposes of that section. Approval of this application would not permit Applicant either to acquire control of an additional bank or to expand its grandfathered interest in Bank. However, in keeping with the policy of section 3(d), this approval is granted subject to the condition that, in the event all of Bank's newly issued shares are not subscribed, Applicant will only acquire and hold such shares as are necessary in order to maintain its present interest in Bank.

In a letter of this date to Applicant, the Board has issued a preliminary determination, based upon the rebuttable presumptions of control in § 225.2(b)(1) of Regulation Y [12 CFR 225.2(b)(1)], that Applicant exercises a controlling influence over the management or policies of Bank. The Board's decision to approve the subject application was made independent of that preliminary determination of control, and does not signify a Board decision on any further action that may result from such preliminary determination.

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 or (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 San Francisco pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-9905 Filed 4-1-77;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governors Gardner and Wallich.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CELLULAR AND MOLECULAR BASIS OF DISEASE REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, June 6-10, 1977, National Institutes of Health, Building 31, Conference Room 4, Bethesda, Maryland.

This meeting will be open to the public on June 6, 1977, from 9 a.m. to 11 a.m. for background information and discussion of issues relevant to the Cellular and Molecular Basis of Disease Program of the National Institute of General Medical Sciences. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on June 6, 1977, from 11 a.m. to adjournment June 10, 1977, for the review, discussion, and evaluation of individual grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, National Institutes of Health, Room 9A05, Westwood Building, Bethesda, Maryland 20014 (Telephone: 301/496-7301) will provide summaries of meetings and rosters of committee members.

Dr. Lee Van Lenten, Executive Secretary, CMBD Review Committee, NIGMS, National Institutes of Health, Room 907, Westwood Building, Bethesda, Maryland 20014 (Telephone: 301/496-7518) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, General Medical Sciences.)

Date: March 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9898 Filed 4-1-77;8:45 am]

INFECTIOUS DISEASE COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases on April 22 in Building 31A, Conference Room 4, at the National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. until 9:00 a.m. on April 22 for the discussion of general policy matters and administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting of the committee will be closed to the public from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications and individual contract proposals. These applications, proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, National Institutes of Health, Building 31, Room 7A32, Bethesda, Maryland 20014, (301) 496-5717, will furnish rosters of committee members and summaries of the meetings. Dr. James A. Ferguson, Executive Secretary, Infectious Disease Committee, NIAID, National Institutes of Health, Westwood Building, Room 706, Bethesda, Maryland 20014, (301) 496-7465, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health.)

Date: March 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9896 Filed 4-1-77;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, May 26, 27, and 28, 1977, Building 31, Conference Room No. 7, National Institutes of Health, Bethesda, Maryland.

This meeting will convene each day at 9:00 a.m. and will be open to the public from 9:00 a.m. until 11:00 a.m. on May 26 and 27, for opening remarks by the Director, National Eye Institute, discussion of procedural matters, and a presentation by the intramural staff of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 11:00 a.m. until adjournment on Thursday, May 26 and Friday, May 27, and the entire day on May 28 until adjournment for the review, discussion and evaluation

of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning, National Eye Institute, Building 31, Room 6A–25, AC 301–496–5246 will provide summaries of meetings and rosters of committee members. Dr. William F. Raub, Associate Director for Extramural and Collaborative Programs, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health.)

Dated: March 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9895 Filed 4-1-77;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE COUNCIL

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, National Institutes of Health, May 26, 27, and 28, 1977, at 9:00 a.m. in Building 31–C, Conference Room 6, Bethesda, Md. 20014. The meeting will be open to the public from 9:00 a.m. until 1:00 p.m. on May 26, 1977, and from 9:00 a.m. until the conclusion of the meeting on May 28, 1977, to discuss program planning and program accomplishments, Attendance by the public will be limited to space available. In accordance with the provision set forth in Sections 552b(c)(4), and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1:00 p.m. on May 26, 1977, until the conclusion of the meeting that day, and from 9:00 a.m. until 5:00 p.m. on May 27, 1977, for review, discussion and evaluation of individual initial pending and renewal research grant applications and applications for Teacher-Investigator Awards and Research Career Development Awards. The portion of the meeting being closed involves the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland 20014, Telephone: (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary, Federal Building, Room 1020C, Bethesda, Maryland 20014, Telephone: (301) 496–9234, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Date: March 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9899 Filed 4-1-77;8:45 am]

NATIONAL DIABETES ADVISORY BOARD

Meeting

Notice is hereby given of a change in the meeting date of the National Diabetes Advisory Board, National Institute of Arthritis, Metabolism, and Digestive Diseases, which was published in the FEDERAL REGISTER on March 24, 1977, 42 FR 15972.

This Board was to have convened at 9:00 a.m. on April 15, 1977 only, but now it will meet on April 16, 1977 also, from 9 a.m. to adjournment at the address originally stated.

The meeting will be open to the public both days from 9 a.m. to adjournment.

Date: March 28, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-9897 Filed 4-1-77;8:45 am]

Assistant Secretary for Education

EDUCATION STATISTICS

Comments on Collection of Information and Data Acquisition Activity

Pursuant to Section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics, the National Institute of Education and the U.S. Office of Education have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before May 4, 1977, and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202–245–1022.

Dated: March 30, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center
for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Update of the Public Library Universe.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2349–1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "The (National) Center (for Education Statistics) shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request."

(Sec. 406(f)(1)(A) of the General Education Provisions Act (20 U.S.C. 1221–1).)

• • • "The (National) Center (for Education Statistics) shall • • • collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States • • •"

(Sec. 501(a) of Pub. L. 93–380 (20 U.S.C. 1223e–1).)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The data provided by an update of the public library universe would be used by the National Center for Education Statistics to generate a probability sample for the Public Library Survey, Library General Information Survey (LIBGIS) III, FY 77. An accurate current listing of public libraries is essential because the public library universe tape is run against the U.S. Bureau of the Census City Reference File to stratify the universe by location, region and population. These data will also be used by the Office of Libraries and Learning Resources and the Regional Library Officers of the U.S. Office of Education. The National Commission on Libraries and Information Science will use these data in support of its mandated National Library inventory, and in preparation for the White House Conference on Libraries and Information Services. Other Federal agencies have used these data for various projects in which communication with the public sector was directed through the public libraries throughout the United States. Such projects have been conducted by the Department of the Navy and the American Revolution Bicentennial Administration.

7. DATA COLLECTION PLAN

a. Method of collection: Mail.
b. Time of collection: Spring 1977.
c. Frequency: 3 year interval.

8. RESPONDENTS

a. Type: State Library Agencies.
b. Number: 56.
c. Estimated average man-hours per respondent: .5.

9. INFORMATION TO BE COLLECTED

A computer printout of each State Library agency's public libraries will be mailed to the State Library Agencies for review. Corrections, deletions, and additions may be made directly on the printout. Information sought is library name, address and zip code, and population of area served.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Survey of Special Libraries Serving State Government.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2394–1, 2394–2.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "The (National) Center (for Education Statistics) shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request."
(Sec. 406(f)(1)(A) of the General Education Provisions Act (20 U.S.C. 1221–1).)

• • • "The (National) Center (for Education Statistics) shall • • • collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States • • •
(Sec. 501(a) of Pub. L. 93–380 (Sec. 406(b) of the General Education Provisions Act (20 U.S.C. 1221e–1).)

The National Commission on Libraries and Information Science (NCLIS) requested data from this survey in support of their mandated national library inventory, and in preparation for The White House Conference on Library and Information Services. The legislation supporting these mandates are Pub. L. 91–345 and Pub. L. 93–568.

The National Commission on New Technological Uses of Copyrighted Works (CONTU) requested National Center for Education Statistics assistance in collecting data pertinent to and in direct support of their mission, as spelled out in Pub. L. 93–573.

5. VOLUNTARY/OBLIGATORY NATURE OF THE RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The data, to be collected from special libraries of State governments, are essential for management uses on the State level. The establishment of size and location of resources and subject specialization will be of importance to other libraries and researchers. For the above reasons, the Association of State Library Agencies (ASLA) has endorsed this survey, and together with the Chief Officers of State Library Agencies (COSLA) have recommended that the data requested in the survey collection instrument be collected.

Through the use of the Library General Information Survey system of standardized core data items, direct comparison of those libraries may be made with other libraries which have been surveyed under this system i.e., Public Libraries, College and University Libraries, Federal Libraries, and Special Libraries in Commerce and Industry. This will provide NCES with additional input to United Nations Educational, Scientific, and Cultural Organizations (UNESCO).

The data gathered by this survey will provide core data on receipts, expenditures, resources, staffing, reference and loan transactions, facilities, etc. For the first time, this survey will identify sources of similar subject matter which will stimulate inter-library loans, and identify subject resources for cooperatives and networks.

NCLIS will use the data of NCES surveys which will become part of the "National Inventory of Library Needs" in conjunction with The White House Conference on Libraries. CONTU will use the data for its report to Congress on the uses of copyrighted data in libraries. The National Library of Medicine will use the data to identify health science resources of special libraries in State governments.

The data will be used also by administrators, educators, researchers, and libraries in identifying similar interests and sources of interlibrary exchange information and sharing of resources.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: Verification survey—April–May 1977. Data Collection Survey—June–August 1977.
c. Frequency: Four year interval.

8. RESPONDENTS

Phase I—Verification of Universe

a. Type: State Library Agencies.
b. Number: 56.
c. Estimated average man-hours per respondent: .5.

Phase II—Data Collection Survey

a. Type: State agencies and departmental libraries.
b. Number: Approximately 2500 (sample).
c. Estimated average man-hours per respondent: .833.

9. INFORMATION TO BE COLLECTED

Phase I—Verification Survey

The names, addresses of State government libraries will be collected.

Phase II—Data Collection Survey

Information on expenditures, staff and resources will be collected. Specific information on photocopying and health science holdings will also be gathered.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Survey of State Library Agencies.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2395.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "The (National) Center (for Education Statistics) shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request."

(Sec. 406(f)(A) of the General Education Provisions Act (20 U.S.C. 1221–1).)

• • • "The (National) Center (for Education Statistics) shall • • • collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States • • •"

(Sec. 501(a) of Pub. L. 93–380, Sec. 406(b) of the General Education Provisions Act (20 U.S.C. 1221e–1).)

The National Commission on Libraries and Information Science (NCLIS) requested data from this survey in support of their mandated National library inventory, and in preparation for The White House Conference on Library and Information Services. The legislation supporting these mandates are Pub. L. 91–345 and Pub. L. 93–568.

The National Commission on New Technological Uses of Copyrighted Works (CONTU) has requested National Center for Education Statistics (NCES) assistance in collecting data pertinent to and in direct support of their mission, as spelled out in Pub. L. 93–573.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The data will be used by NCES, National Institutes of Health, National Library of Medicine, CONTU, college and university students, research staff, from State agencies and the private sector to determine the status of existing resources and plan for future needs.

State agencies will also be able to use these data in administering the various Federal library programs and in the planning and development of networks.

This will be the first time in depth information about State library agencies will be available to administrators of Federal programs, educators, and researchers in the public and private sectors.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: April–July 1977.
c. Frequency: 5 year interval.

8. RESPONDENTS

a. Type: State library agencies.
b. Number: 56.
c. Estimated average man-hours per respondent: 1.

9. INFORMATION TO BE COLLECTED

The data collected will be receipts, expenditures, personnel, resources (books, periodicals, microforms, audiovisual materials etc.) utilization, physical facilities, activities, functions, services, and consortia or networks arrangements.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Library Cooperatives, Consortia, and Networks Survey.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2396–1, 2396–2.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "The (National) Center (for Education Statistics) shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request." (Sec. 406(f)(1)(A) of the

General Education Provisions Act (20 U.S.C. 1221–1).)

• • • "The (National) Center (for Education Statistics) shall • • • collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States • • •" (Sec. 501 (a) of Pub. L. 93–380 (Sec. 406(b) of the General Education Provisions Act (20 U.S.C. 1221e–1)).)

The Higher Education Act (HEA), Title II B, provides Federal funds "• • • to eligible parties to support research and demonstration projects relating to the improvement of libraries or the improvement of training in librarianship, including the development of new techniques, systems and equipment for processing, storing, and distributing information and for the dissemination of information derived from such research and demonstration."

The National Commission on Libraries and Information Science (NCLIS) requested data from this survey in support of their mandated National library inventory, and in preparation for The White House Conference on Library and Information Services. The legislation supporting these mandates are Pub. L. 91–345 and Pub. L. 93–568.

The National Commission on New Technological Uses of Copyrighted Works (CONTU) requested NCES assistance in collecting data pertinent to and in direct support of their mission, as spelt out in Pub. L. 93–573.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

There is no comprehensive, nationwide, directory or statistical report of the library cooperatives, consortia, and networks, available, although the Federal Government, State governments, and local governments have been supporting this relatively new type of library organization at an increasing rate for some ten years. This survey will remedy this gap in our knowledge. The purpose of the survey is to collect and report data on the impact of computers on libraries and information centers, and to help assess the results of the Federal legislation designed to promote and support library cooperatives, consortia, and networks at the national multi-State, State, and local levels. At present, these organizations are spreading and interconnecting, forming linkages with Federal, State, and local libraries, and no directory and no statistical survey of their operations exist, nationally or regionally; only State networks have been surveyed in some degree.

This information will be used by the Office of Libraries and Learning Resources of the Office of Education to provide basic data for the drafting of new legislation for library cooperatives, consortia, and networks; to provide data for comparison purposes (i.e. so that these organizations that receive Federal monies can be compared with the ones that do not receive Federal monies); and to provide a statistical base so that when the survey is repeated in a few years, trends will be able to be determined for both the Federally funded and the non-Federally funded categories of these organizations.

State and local governments will use the information provided by this survey for the same purposes, at their levels. The academic, public, and special libraries that are either members and users or are potential users of the services of these organizations, will use the information for evaluation of the services provided by the library cooperatives, consortia, and networks available to them, as well as the comprehensiveness and cost of such services, as related to their expenditures for and use of such services in the future.

This information is also needed by the audiovisual, microform, computer, and other library-support industries in making decisions respecting the manufacturing and marketing of their products and services.

7. DATA ACQUISITION PLAN

	Universe data	Pretest	Actual survey
a. Method of collection	Update of printout	Questionnaire	Questionnaire.
b. Time of collection	April to July 1977	April to May 1977	February to August 1978.
c. Frequency	4 to 5 yr		4 to 5 yr.

8. RESPONDENTS

Universe Survey

a. Type: Chief State Library Officers.

b. Number: 51.

c. Estimated Average Man-Hours Per Respondent: .333.

Actual Survey of Library Cooperatives, Consortia, and Networks

a. Type: Library cooperatives, Consortia, and Networks.

b. Number: Between 700 and 1700 (best estimate: 1,000).

c. Estimated Average Man-Hours Per Respondent: .5.

9. INFORMATION TO BE COLLECTED

Universe Survey: Name and address of organization; name, title and telephone number of chief officer.

Actual Survey of Organizations: Staff, receipts, expenditures, governance, years operational, and services/activities.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

California Beginning Teacher Evaluation Study:

A. Teacher Attitude Questionnaire.

B. Demographic Data Form.

2. AGENCY/BUREAU/OFFICE

National Institute of Education.

3. AGENCY FORM NUMBER

NIE 182 A–B.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"(2) The Institute shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs—

"(A) Improvement in student achievement in the basic educational skills, including reading and mathematics;

"(B) Overcoming problems of finance, productivity, and management in educational institutions;

"(C) Improving the ability of schools to meet their responsibilities to provide equal educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged;

"(D) Preparation of youths and adults for entering and progressing in careers; and

"(E) Improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and institutions in the application of such results and knowledge." (Sec. 405(b)(2), the General Education Provisions Act as amended, Pub. L. 94–482, 20 U.S.C. 1221e.)

"(e)(1) In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education)." (Sec. 405(e)(1), General Education Provisions Act, Pub. L. 94–482, 20 U.S.C. 1221e.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED

In order to assist in research and the acquisition of new knowledge both parts of the above data collection and analysis will be used to categorize teachers and students so that further correlations may be drawn between teacher and student behavior and the variables (teacher attitudes and student socioeconomic status) to be assessed. Strict correlations will not be attempted but it is felt that information on these two variables can be useful within the context of all other teacher and student variables to be measured in other parts of the study.

7. DATA ACQUISITION PLAN

a. Method of Collection: Other—hand delivered by field worker, teacher completes form and returns to field worker.

b. Time of Collection: Late spring, 1977.

c. Frequency: One time only.

8. RESPONDENTS

a. Type: Teachers, elementary-secondary (Teacher Attitude Questionnaire).

b. Number: Sample (60).

c. Estimated Average Man-Hours Per Repondent: .20.

a. Type: Teachers, elementary/secondary (Demographic Data Form).

b. Number: Sample (60).

c. Estimated Average Man-Hours Per Respondent: .17.

9. INFORMATION TO BE COLLECTED

a. Teachers (Teacher Attitude Questionnaire)—will collect information on teachers' attitudes about reading and mathematics and their attitudes about instructing stu-

dents and training other teachers in these areas.

b. Teachers (Demographic Data Form)—will collect information on the occupation(s) of one or both of the parents of target and other students in each teacher's classroom.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Educational Opportunity Centers Financial Status and Performance Reports.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Postsecondary Education, Division of Student Services and Veterans Program.

3. AGENCY FORM NUMBER

OE 366.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

* * * Sec. 417B(b)(4) a program of paying up to 75 percentum of the cost of establishing and operating Educational Opportunity Centers which—

(A) Serve areas with major concentrations of low-income populations by providing, in coordination with other applicable programs and services—

(i) Information with respect to financial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education;

(ii) Assistance to such persons in applying for admission to institutions, at which a program of postsecondary education is offered, including preparing necessary applications for use by admission and financial aid officer; and

(iii) Counseling services and tutorial and other necessary assistance to such persons while attending such institutions; and

(B) Serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons. * * * (Pub. L. 92-318; 20 U.S.C. 1070d-1.)

"This Circular promulgates standards for obtaining consistence and uniformity among Federal agencies in the administration of grants to, and other agreements with, public and private institutions of higher education, public and private hospitals, and other quasi-public and private nonprofit organizations * * * Each Federal sponsoring agency shall require recipients to use the standardized Financial Status Report to report the status of funds for all nonconstruction projects or programs * * * Recipients shall submit a Performance Report (technical report) for each agreement" * * * (OMB Circular No. A-110)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The reports will be used to secure performance and financial information from grant-supported projects. The information will be used (a) to assess and monitor project effectiveness, and (b) to determine if the program is meeting the needs of the target populations intended and as a corollary to provide base information for planning future program needs and modifications.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.

b. Time of collection: Spring and summer, fall and winter.

c. Frequency: Annually.

8. RESPONDENTS

a. Type: Grant-supported projects in postsecondary institutions and nonprofit organizations.

b. Number: 13.

c. Estimated average man-hours per respondent: 16.

9. INFORMATION TO BE COLLECTED

Information/data collected are as follows:

(a) Description of actual accomplishments in terms of goals of the projects.

(b) Number of participants: By age; by sex; by ethno-racial background; by type of school enrolled in; by reason for dropping out. Also requested is the total number for each of the following: Physically disabled participants; veterans who are participants; participants receiving counseling, tutoring, or other assistance; participants who began or reentered postsecondary studies.

(c) Financial information required on the Office of Management and Budget (OMB) standard financial status report.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Special Programs for the Disadvantaged: Financial Status and Performance Reports.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Postsecondary Education, Division of Student Services and Veterans' Programs.

3. AGENCY FORM NUMBER

OE 1231.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

* * * "Sec. 417A.(a). The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education." * * * (Pub. L. 92-138; 20 U.S.C. 1070d).

Authorization for Reports: "Only the following forms will be authorized for obtaining financial information from recipients Financial Status Report * * * Each Federal sponsoring agency shall require recipients to use the standardized Financial Status Report to report the status of funds for all nonconstruction projects or programs." (OMB Circular No. A-110, Attachment G.3).

"Recipients shall submit a performance report (technical report) for each agreement" * * * (OMB Circular No. A-110, Attachment M.3).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Information collected will be used as the basis for making and justifying funding decisions in the OE regional offices; determining project compliance with eligibility criteria imposed by program legislation; and checking compliance with the Special Services regulation to have the ethno/racial composition of the students served reflect within a maximum 10 percent variance the ethno/racial composition of the students eligible to be served.

The data collected also serve as an effective measure of project accountability as indicated by project accomplishments: Number of clients served as compared with number proposed to be served; number of Talent Search clients placed in postsecondary education institutions and other education/training activities; number of clients prevented from dropping out of school; number of dropouts returned to school; number of clients receiving adequate financial assistance to enter postsecondary education institutions; kinds of services provided to Special Services clients; and client retention in Special Services projects. Detailed summary information maintained in the Program office serves as a data base from which to prepare budget reports and to respond to program information requests from Congress, Office of Management and Budget, the Department, various other Bureau programs, and other sources.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.

b. Time of collection: Winter and summer.

c. Frequency: Semiannually.

8. RESPONDENTS

a. Type: Directors of talent search projects.

b. Number: Grantee universe (118).

c. Estimated Average man-hours per respondent: .5.

a. Directors of special services projects.

b. Grantee universe (330).

c. Estimated average man-hours per respondent: .5.

9. INFORMATION TO BE COLLECTED

a. Performance reporting—both talent search and special services project directors:

1. Number of clients assisted.

2. Distribtuion of clients by program eligibility criteria.

3. Distribution of clients by ethno-racial background.

4. Distribution of clients by sex.

5. Number of veterans assisted.

6. Distribtuion of clients by educational status at beginning of program year.

b. Performance reporting—talent search project directors only:

1. Number of clients placed in postsecondary schools and types of schools where placed.

2. Number of clients assisted in entering other types of educational training programs.

3. Number of school dropouts returned to school or other educational programs, and number prevented from dropping out of school.

4. Number of clients placed in upward bound and special services programs.

5. Adequacy of financial aid for clients accepted in a postsecondary education program.

6. Number of clients who have delayed pursuing a postsecondary education for a period exceeding 12 months.

c. Performance reporting—special services project directors only:

1. Number of clients assisted by type of project activity.

2. Client retention in project as indicated by number of clients who left project for given reasons.

d. Financial reporting—both talent search and special services project directors: Items appearing on the standard financial status report, OMB Circular No. A-110.

DESCRIPTION OF PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Student loan application supplement.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, office of guaranteed student loans.

3. AGENCY FORM NUMBER

OE 1260.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

• • • "Sec. 428(a)(4). Each holder of a loan with respect to which payments of interest are required to be made by the Commissioner shall submit to the Commissioner, at such time or time and in such manner as he may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to determine the amount of the payment which he must make with respect to that loan." (Pub. L. 89-329, as amended; 20 U.S.C. 1078)

• • • "Sec. 498(a). Notwithstanding any other provision of law, no grant, or loan guarantee authorized under this title may be made unless the student to whom the grant, loan, or loan guarantee is made has filed with the institution of higher education which he intends to attend, or is attending (or in the case of a loan or loan guarantee with the lender), an affidavit stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance at such institution." • • • (Pub. L. 92-318; 20 U.S.C. 1088g)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

This information will be used to perform two functions:

(1) To determine eligibility of student for federal payments to reduce student interest costs.

(2) To establish amount of loan approved for the student.

7. DATA ACQUISITION PLAN

a. Method of collection: mail.

b. Time of collection: usually late summer/early fall.

c. Frequency: Annually.

8. RESPONDENTS

a. Type: Students.

b. Number: 30,000.

c. Estimated average man-hours per respondent: .167.

a. Type: Financial aid officers.

b. Number: 1,500.

c. Estimated average man-hours per respondent: .167.

a. Type: Financial institutions.

b. Number: 3,700

c. Estimated average man-hours per respondent: .083.

9. INFORMATION TO BE COLLECTED

a. Students: Notarized signature on affidavit.

b. Financial aid officers: Cost of education, financial support available, recommended loan amount.

c. Financial institutions: Amount of loan approved.

[FR Doc.77-9951 Filed 4-1-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-77-747]

NATIONAL INSURANCE DEVELOPMENT PROGRAM ADVISORY BOARD

Public Meeting

The purpose of this notice is to announce that the Acting Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, will hold the quarterly Public Meeting of the National Insurance Development Program Advisory Board in Room 10233 of the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. on Thursday, April 28, 1977, commencing at 10 a.m.

The National Insurance Development Program Advisory Board, established under the authority of Section 1202 of the National Housing Act, enacted by the Urban Property Protection and Reinsurance Act of 1975 (Pub. L. 94-13, April 8, 1975), advises the Secretary of existing or potential problems of unavailability of essential property insurance, and other matters related to FAIR (Fair Access to Insurance Requirements) Plan operations and riot reinsurance rates and coverage.

The effectiveness of the private sector to provide essential property insurance on reasonable terms and conditions at reasonable rates is a matter of deep concern.

The Federal Insurance Administration is charged with the responsibility to assure that the programs authorized under the Urban Property Protection and Reinsurance Act of 1968, as amended, aid the insurance purchasing consumer.

The Chairman and Acting Federal Insurance Administrator, J. Robert Hunter, announces that the quarterly Public Meeting of the Advisory Board will be held on Apirl 28, 1977, to consider the following:

(A) Review of minutes from January 26, 1977 meeting.

(B) Proposed solutions to the availability problem (including higher cost which contributes to making insurance unavailable) such as:

(1) Full insurance availability;

(2) Federal subsidy through federal stamp program;

(3) FAIR plans, automobile assigned risk pools and joint underwriting associations through self-supporting programs.

(C) Disaster insurance.

(D) New riot reinsurance contract.

(E) Proposed changes in federal crime insurance program.

(F) Other matters.

The meeting is open to the public. Public attendance may be limited depending on available space. Any member of the public may file a written statement before, during or after the meeting. To the extent that time permits, interested persons will be allowed public presentation or oral statements at the meeting.

All communications concerning this meeting should be addressed to Acting Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Issued in Washington, D.C. on March 31, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10139 Filed 4-1-77;9:36 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ELLENSBURG SERVICE

Public Meeting

This notice is published to notify interested citizens of a public meeting to be held by the Bonneville Power Administration on Thursday, May 5, 1977, at 8:00 p.m. in the City-County Silver Circle Community Center, 506 South Pine, Ellensburg, Washington.

The environmental impact of constructing between two and four miles of new 115-kV transmission line and the construction of a new substation will be described. Comments on these proposed new facilities will be received from the public.

All interested parties are urged to attend. All comments are welcomed in order to assist the administration in fully evaluating the environmental factors pertinent to this particular aspect of BPA's Fiscal Year 1978 Program. Comments received will be conisdered in the preparation of the Final Environmental Statement.

The purpose of the above project is to service growing commercial, industrial, and residential electric loads in the Ellensburg area.

BPA proposes to build between two and four miles of new 115-kV transmission line and a new substation occupying approximately two acres of land. One alternative would require approximately one-half mile of new access road.

Limitations on land use in the area of the right-of-way and the substation location could be expected to result from constructing the facility. Vegetation removal would total approximately four acres. Some erosion and sedimentation would occur. Minor short-term disturbances to agricultural land would also occur. In addition, there would be some visual impact as well as noise and other minor disturbances during construction.

In addition to the nonconstruction alternative, with its lack of environmental impacts and resultant inability to adequately service the anticipated electrical load growth in the Ellensburg area, three alternative transmission line locations have been identified. The locations of the various alternatives and the environmental impact associated with each are more thoroughly presented in the Draft Facility Location Supplement on Ellensburg Service.

Copies of the Draft Facility Location Supplement describing the proposal are available for inspection in the library of the Headquarters Office of BPA, 1002 N.E. Holladay Street, Portland, Oregon 97232; the BPA Washington, D.C., Office in the Interior Building, Room 5600, and at the Spokane Area Office, U.S. Courthouse, W. 920 Riverside Avenue, Spokane, Washington 99201.

Dated: March 31, 1977.

WILLIAM H. CLAGETT IV,
Assistant Administrator.

[FR Doc.77-10042 Filed 4-1-77;8:45 am]

Bureau of Land Management

CRAIG, MONTROSE, CANON CITY-GRAND JUNCTION TEAM LEADERS BRANCH OF ADJUDICATION, DIVISION OF TECHNICAL SERVICES COLORADO STATE OFFICE

Redelegation of Authority

1. Pursuant to authority contained in redelegation of authority, published in FEDERAL REGISTER, 42 FR 15372, No. 54—Monday, March 21, 1977 (FR Doc. 77-8333 Filed 3-18-77, 8:45 a.m.), I hereby redelegate to the Leaders, Craig, Montrose and Canon City-Grand Junction Teams, Branch of Adjudication, in the Division of Technical Services, authority to take action on the following matters:

Sections 2.2(b), 2.3(a), 2.5 (b) and (c), 2.6 (a) through (j) and (l), and 2.9 (a) through (f), (h) through (s), (u), (x), and (y), of Part II of Bureau Order No. 701, supra.

2. Effective date. This redelegation will become effective April 6, 1977.

JACK G. LORTS,
Acting Chief, Branch of Adjucations.

Approved:
DALE R. ANDRUS,
State Director.

[FR Doc.77-9900 Filed 4-1-77;8:45 am]

Fish and Wildlife Service

PATUXENT WILDLIFE RESEARCH CENTER

Endangered Species Permit Receipt of Request for Amendment

A permit authorizing the taking of eggs of Puerto Rican Parrot (*Amazona vittata*) was issued on December 3, 1975, to the Patuxent Wildlife Research Center, Laurel, Maryland (Dr. Lucille Stickel, Director).

A notice containing the application for the permit was published in the FEDERAL REGISTER on August 4, 1975 (40 FR 32766-68-69-70-71), soliciting public comments for a period of 30 days.

A notice of the issuance of the permit was published on March 9, 1976 (41 FR 10103-04).

Under date of March 24, 1977, the Patuxent Wildlife Research Center submitted a request for changes in the condition of this permit. Published herewith is a copy of the request for changes which will be considered as an amendment to this permit. This request is being considered pursuant to Section 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Withdrawal of one drop of blood from each 1977 Puerto Rican parrot chick, and retention of two male parrot chicks for captive propagation. If blood analysis procedure is unsuccessful, three developing feathers must be obtained for karyotyping to determine sex to obtain two male parrots to even sex ratio of the captive population in the Puerto Rican

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Patuxent Wildlife Research Center
Laurel, Maryland 20811
301-776-4880

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.
N/A
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Wildlife Research Center
Dr. Lucille F. Stickel, Director
Patuxent Wildlife Research Center
Laurel, Maryland 20811
Tel: 301-776-4880, Ext. 7211

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
U.S. Fish and Wildlife Service
Department of the Interior

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N/A

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Aviary, P. O. Box 21
Luquillo Experimental Forest
Palmer, Puerto Rico 00721

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit number(s)*)
PRT 8-86-B-C, PRT 8-85-C, PRT 8-169-C, PRT 2-913-BA, PRT 2-197

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of document*)

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
April 15, 1977

11. DURATION NEEDED
Through June 15, 1977

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachment (memorandum)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) Lucille F. Stickel
DATE 3/25/77

3-200
GPO 995-042

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Chief, Wildlife Permit Office
Attn: Larry LaRochelle

DATE: March 24, 1977

FROM : Director, Patuxent Wildlife Research Center
Laurel, Maryland

SUBJECT: Authorization for an exemption to the 30-day Federal Register publication requirement

As Dr. Ray Erickson informed Mr. Larry LaRochelle on Wednesday, March 23rd, the Puerto Rican Parrot (Amazona vittata) is one of the most seriously endangered birds in the world. Essential actions are in progress and steps are being proposed which, if delayed, could result in even greater impairment of the prospects of survival of this species. Approval of the following proposed exemption to the 30-day Federal Register publication requirement is requested on the basis of the justification which follows.

The wild population of Puerto Rican Parrots has been fluctuating at about 15-20 individuals for the last 6 years. A captive population of the species has been established to guard against calamitous loss of the wild population (e.g., from a hurricane) and to serve as stock for augmenting the existing wild population, and for establishing new wild populations of the species. Total captive stock now includes 11 birds, 9 of which are in Puerto Rico and 2 of which are at Patuxent. Of these 11 birds, 7 are now old enough to be breeders and 3 have laid eggs although there has as yet been no successful reproduction in captivity. Unfortunately, it now appears that the sex ratio of captives is biased toward females. Through egg-laying evidence and through karyotype analyses run on feather pulp by personnel of the Houston Zoo we now know that at least 5 of the mature birds are female, and there is only one certain male among the remaining 6 captives. Of the 5 captives still of uncertain sex, 3 are of sufficiently subnormal quality that their potential for eventual breeding is in considerable doubt. Thus, regardless of what sex these unknowns turn out to be, there is a shortage of healthy males in the captive population.

The genetic base for reproduction among the captives is also very limited. Among the 11 birds, there are 6 family stocks represented, but only 3 of the stocks are represented by birds with clear breeding

potential. One pair of parrots in the wild, the West Fork pair, is as yet unrepresented by progeny in captivity, and it is of crucial importance to the success of the captive program that we obtain representation from this pair, especially if males can be identified before final taking of young. The West Fork pair laid an unusually large clutch of 4 eggs this spring and all 4 eggs have proved fertile. Two have been taken into captivity under existing permit authority, and the resulting hatchlings, now a few days old, are being hand-raised at the field station. These two birds are, of course, of unknown sex, but if sex of these birds and their siblings still in the wild can be quickly determined, it will be possible through juggling of members of the brood between the wild and the field station to selectively obtain two males (should they exist) and still allow the pair to fledge two young in the wild.

Until the present there has been no safe, simple, and quick way of sexing parrots in captivity, and we have been separating pairs out largely on a self-selection basis. One such pair that reached maturity this year has turned out to consist of two females, one of which has produced five eggs, and the other has just started laying. The karyotype sexing we have been pursuing with personnel of the Houston Zoo for the past 2 years has been relatively slow, often requires repeated sampling, although it gives reliable results when completed.

Just last week we learned that Dr. Ellen Rasch of Marquette University has developed a fast sexing method which requires only one drop of blood smeared on a glass slide to distinguish sex of young or old birds through DNA density differentials in the two sexes. The technique has been used so far with success on various species of cranes and poultry, and there are good reasons to hope it may also prove successful with parrots. If so, it represents a real breakthrough because it allows sexing with an absolute minimum of disturbance or potential injury to the birds, at a minimum of expense of time and effort on the part of researchers.

Yesterday, we sent blood smears of 4 Hispaniolan Parrots of known sex to Dr. Rasch, and she has promised results within two weeks as to whether the technique is workable with this species. Since the Hispaniolan Parrot is very closely related to the Puerto Rican Parrot, we assume that success with this species would be a good indication of probable success with the Puerto Rican Parrot.

What we propose is the following: We believe it to be essential to obtain two additional males for the captive population, preferably from the West Fork pair of parrots, since this pair is as yet unrepresented in captivity. We would like to take blood samples from the West Fork nestlings and from the rest of the known and unknown-sexed parrots already in captivity for sexing by Dr. Rasch. Should it turn out that there are not two males in the West Fork brood of 4, we would like to seek male nestlings from the other two currently active pairs in the wild to make up a total of two males to be brought into captivity this spring. It will be necessary to mark each nestling with food coloring on down-feathers during the period in which sex-determination is being made, so that the young will be later identifiable when sexes have been determined.

Should it turn out that the blood smear technique of Dr. Rasch does not prove successful in sexing the parrots, we have obtained a commitment from the San Diego Zoo to send a member of its staff, Dr. Baumgartel, to Puerto Rico for karyotype sexing of nestlings from feather pulp. To use the feather pulp technique, nestlings will have to be at least 5-6 weeks old, as no large flight feathers are sufficiently developed before this age.

Since with either technique, we have only a few weeks within which to perform the necessary procedures (young in the nests will have fledged within 8 weeks of today), we would appreciate an exemption to the 30-day Federal Register publication requirement and expeditious consideration of this proposal. Under our current permit the above operations are not specifically mentioned. However, because the situation facing the Puerto Rican Parrot is so desperate, we believe that this request is in keeping with the spirit of the intent of the authority under which an exemption can be approved. The procurement from the wild of two male Puerto Rican Parrot chicks this spring was discussed with and unanimously concurred in by the Puerto Rican Parrot Recovery Team during its most recent meeting in mid-March 1977. The Commonwealth representative on this Recovery Team, Mr. Herbert Rafaelle, indicated that the Commonwealth permit authorizes this procedure on an emergency basis.

Lucille F. Stickel

Lucille F. Stickel

In keeping with the spirit of the Endangered Species Act of 1973, this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Please refer to PRT 8-86-B-C when submitting comments. All relevant comments received within 30 days of the date of publication will be considered.

Dated: March 30, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc.77-9956 Filed 4-1-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-27]

CHICORY ROOT—CRUDE AND PREPARED

Termination of Investigation

WASHINGTON, D.C.

Notice is hereby given that, by order of the presiding officer in this matter, Judge Myron R. Renick, investigation No. 337-TA-27, Chicory Root—Crude and Prepared, is terminated.

Copies of the order of the presiding officer and his reasons therefor are available in the Office of the Secretary of the United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

Issued: March 30, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-9996 Filed 4-1-77;8:45 am]

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent U.S. Consumption and of Quotas for Duty-Free Entry

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the U.S. International Trade Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1976 was 66,608,000 units. The number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during calendar year 1977 under headnote 6(b) of subpart E of the TSUS is as follows:

Virgin Islands	6,476,000 units
Guam	616,000 units
American Samoa	309,000 units

By order of the Commission.

Issued: MARCH 30, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-9997 Filed 4-1-77;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

Meeting

Notice is hereby given that the Advisory Committee on Joint Board Actuarial Examinations will meet in the Continental Plaza Hotel, North Michigan at Delaware, Chicago, Illinois on April 19, 1977 at 9:00 a.m.

The purposes of the meeting are to discuss topics, syllabi and questions which may be recommended for inclusion in the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29, United States Code, section 1242(a)(1)(B), and to review other actuarial examinations in order to make recommendations regarding such examinations' adequacy to demonstrate the education and training in actuarial mathematics and methodology required for enrollment by Title 29, United States Code, section 1242(a)(1).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations with fall within the exceptions to the open meeting requirement set forth in Title 5, United States Code, section 552(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with examination topics, syllabi, and other actuarial examinations will commence at approximately 2:00 p.m. and will be open to the public as space is available. Time permitting, after discussion of agenda subjects by Committee members, interested persons may make statements germane to these subjects. Persons wishing to make oral statements should advise the Committee Management Officer in writing prior to the meeting to aid in scheduling the time available and should submit the written text or, at a minimum, an outline, of comments they propose to make orally. Such comments will be restricted to ten minutes in length. Any interested persons may file a written statement for consideration by the Committee by sending it to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

LESLIE S. SHAPIRO,
Advisory Committee Management Officer Joint Board for the Enrollment of Actuaries.

MARCH 31, 1977.

[FR Doc.77-10028 Filed 4-1-77;8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Crime Information Center (NCIC) Advisory Policy Board will be held on May 12-13, 1977, at the Sheraton Four Ambassadors Hotel, Miami, Florida. The meeting will begin at 9 a.m. and terminate at 5 p.m. each day.

The purpose of this meeting will be to discuss matters relating to NCIC which are presented to the Board. In addition, the Board will receive a report on the NCIC Computerized Criminal History Technical Conference held in Washington, D.C., during the first week of April, 1977.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board members must file written statements or questions at least twenty-four hours prior to the beginning of the meeting. All questions or statements shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Administrative Services Division, FBI, Washington, D.C.

Additional information may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Administrative Services Division, FBI Headquarters, Washington, D.C. 20535, telephone 202-324-2606.

Minutes of the meeting will be available upon request from the above designated FBI official.

CLARENCE M. KELLEY,
Director.

[FR Doc.77-9925 Filed 4-1-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-566, STN 50-567]

TENNESSEE VALLEY AUTHORITY (YELLOW CREEK NUCLEAR PLANT UNITS 1 AND 2)

Before the Atomic Safety and Licensing Board.

A prehearing conference; order pursuant to section 2.751a of the Commission's Regulations will be held in the above-captioned matter on April 19, 1977, at 2 p.m., at the Alcorn County Courthouse, 600 Waldron Street, Corinth, Mississippi.

Dated, March 29, 1977 at Bethesda, Md.

For the Atomic Safety and Licensing Board.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.77-9870 Filed 4-1-77;8:45 am]

ENVIRONMENTAL SURVEY OF THE REPROCESSING AND WASTE MANAGEMENT PORTIONS OF THE LWR FUEL CYCLE

Availability of Public Comments and Responses

Notice is hereby given that a report, "Public Comments and Task Force Responses Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG-0216, prepared by the

Commission's Office of Nuclear Material Safety and Safeguards, and a Staff paper entitled "Response to Comments on a Paper Entitled 'Impacts of Later Reversing a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants' " (hereinafter "Response to Comments on Impacts Document") are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in local public document rooms associated with individual nuclear power plants.

On October 18, 1976, the Commission published in the FEDERAL REGISTER a notice of a proposed revision to Table S–3 of 10 CFR Part 51 and announced at the same time the availability of the document on which the proposed revision would be based—"Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG–0116. In addition, in the notice the Commission referenced an analysis entitled "Impacts of Later Reversing a Decision to Adopt or Not to Adopt an Interim Rule Permitting Construction or Operation of Nuclear Power Plants." This notice solicited comments on the proposed rule change, NUREG–0116, and the impact analysis.

NUREG–0216, which is now being made available, contains responses to the comments received on NUREG–0116 from Federal, State, and local officials and from interested members of the public. It also provides additional information on the environmental impacts of reprocessing and waste management which has either become available since the publication of NUREG–0116 or which adds requested clarification to the information in that document.

Copies of NUREG–0216 may be purchased from the National Technical Information Service, Springfield, Virginia 22161; printed copy, $11.75; microfiche, $3.

Single copies of "Responses to Comments on Impacts Document" may be obtained without charge, to the extent of supply, by writing the Division of Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Maryland, this 18th day of March 1977.

For the Nuclear Regulatory Commission.

WILLIAM P. BISHOP,
Chief, Waste Management Branch, Division of Fuel Cycle and Material Safety.

NOTE: This document is republished without change from the issue of April 1, 1977.

[FR Doc.77-9517 Filed 3-31-77;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 March 28, 1977 (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

U.S. CIVIL SERVICE COMMISSION

Veterans Interested in Federal Jobs—Veterans' Jobs Questionnaire, single time, 150 VRA applicants from monthly VRA lists, Tracey Cole, 395–5870.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Statement of Claim, FM–542, single time, American citizens whose properties were confiscated by East German Government, Tracey Cole, 395–5870.

DEPARTMENT OF DEFENSE

Departmental and Other DOD Dependents Schools (DODDS) Needs Assessment Survey, single time, DODDS staff, students, and their parents, Kathy Wallman, 395–6140.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

An Assessment of Programs and Projects Funded Under Pub. L. 92–318, the Indian Education Act—Part A, OE–512, single time, LEA's Human Resources Division, Raynsford, R., 395–3532.

State Student Financial Assistance Training programs, application, OE–1329, Annually, state agencies, Budget Review Division, Lowry, R. L., 395–4775.

REVISIONS

VETERANS' ADMINISTRATION

Request for Certification of Medical Treatment by Attending Physician, FL21–104, on occasion, physician, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, Salaries, Tensure, and Fringe Benefits of Full-time Instructional Faculty, 1977–78, OE 2300–3, annually, colleges and universities, Kathy Wallman, 395–6140.

EXTENSIONS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Angler Survey, NOAA 88–10, annually, anglers that have fished billfish in the Pacific, Marsha Traynham, 395–4529.

EXTENSIONS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration:

Monthly Fish Cold Storage Report, NOAA88–16, monthly, cold storage warehouses, Marsha Traynham, 395–4529.

Sea Grant Control, NOAA 90–1, annually, universities, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-10023 Filed 4-1-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9695; 812-4086]

E. I. DU PONT DE NEMOURS AND CO.

Order Exempting Proposed Transaction

MARCH 25, 1977.

Notice is hereby given that that E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware 19898, ("Applicant"), a Delaware corporation, has filed an application pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of Section 17(a) of the Act Applicant's proposed grant to Toyo Products Company, Ltd. ("Toyo"), a Japanese corporation, of an exclusive right, with the right to grant similar rights to others, to use certain technology relating to the manufacture of spandex fiber. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that Toyo, a manufacturer of spandex fibers since 1966, seeks to acquire exclusive rights to use certain technology ("Sight Box Insert Technology") developed by Applicant to increase productive capacity of spandex fiber spinning machinery. Spandex fibers are described by Applicant as elastic textile yarns which have, in part, replaced cut rubber filaments in apparel markets.

The application states that the Applicant and Toyo have executed an agreement (the "Agreement") providing for the grant to Toyo of an exclusive right, with the right to grant similar rights to others, to use Sight Box Insert Technology in Japan in the manufacture of spandex fiber. Applicant submits that the Agreement is subject to (1) receipt of the order requested herein, and (2) approval by appropriate Japanese governmental authorities. Applicant states that the Agreement has been submitted to those authorities, and that their approval is expected shortly. Pursuant to the Agreement, Toyo proposes to pay Applicant $.20 per kilogram of spandex fiber packed by Toyo (or any other person to whom Toyo has granted the aforementioned rights) which have been produced through the use of Sight Box Insert Technology, provided that such payments shall not exceed a total of $400,000.

The application states that Christiana Securities Company ("Christiana"), a

non-diversified, closed-end management investment company registered under the Act, owns approximately 27.8% of the outstanding common stock of Applicant, which in turn owns 50% of the outstanding common stock of Toyo. The application further states that the remaining 50% of Toyo's outstanding common stock is owned by Toray Industries, Inc., a Japanese corporation. Applicant concludes that both Applicant and Toyo are (1) presumed to be controlled by Christiana, and (2) affiliated persons of Christiana, for purposes of the Act.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered company, or any company controlled by such company, any security or other property. Applicant states that the proposed grant to Toyo of the exclusive rights to use Sight Box Insert Technology may be prohibited by Section 17(a) and therefore requests an order exempting that proposed grant from the provisions of Section 17(a).

Section 17(b) of the Act provides that the Commission, upon application shall exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicant asserts that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person, and that the payments under the Agreement reasonably reflect the value of the technical information conveyed by the Agreement.

Applicant states (1) that Toyo is interested in Sight Box Insert Technology as a means of increasing its spandex fiber manufacturing capacity and believes the potential market for such fiber in Japan is favorable; (2) that Toyo does not maintain a research and development organization and, therefore, must purchase new technology from others; and (3) that, by granting such technology to Toyo, Applicant will provide itself with an opportunity to capitalize on its Sight Box Insert Technology in the Japanese market.

Finally, Applicant submits that the proposed transaction is consistent with the policies of Christiana and with the general purposes of the Act.

Notice is further given that any interested person may, not later than April 18, 1977, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall 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 upon Applicant at the address stated 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. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing 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 any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9979 Filed 4-1-77;8:45 am]

[Rel. No. 19962; 70-5994]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance and Sale of First Mortgage Bonds at Competitive Bidding

MARCH 25, 1977.

Notice is hereby given that Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, ("Jersey Central"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $60,000,000 principal amount of First Mortgage Bonds, to mature in 30 years. The interest rate (which will be a multiple of ⅛ of 1%) and the price (which will be not less than 98% and not more than 101% of the principal amount of the Bonds, plus accrued interest from May 1, 1977, to the date of delivery) will be determined by competitive bidding. The bonds will be issuer under the Indenture, dated as of March 1, 1946, between Jersey Central and Citibank, N.A., Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Thirty-First Supplemental Indenture to be dated as of May 1, 1977. None of the Bonds may be redeemed at the option of Jersey Central prior to May 1, 1982, if the funds for such redemption are obtained at an interest cost lower than the yield of the Bonds, except under certain circumstances.

The proceeds (exclusive of any premium or discount and accrued interest) from the sale of the Bonds will be applied to the payment at or before maturity of a portion of Jersey Central's $80,000,000 of short-term bank loans expected to be outstanding at the date of sale of the Bonds, or for construction purposes, or to reimburse Jersey Central's treasury for funds previously expended therefrom for such purposes. The estimated cost of Jersey Central's 1977 construction program is $220,000,000 (including allowance for funds used during construction). At March 16, 1977, Jersey Central had short-term bank loans outstanding of $25,400,000.

The fees and expenses to be incurred by Jersey Central in connection with the proposed transaction are estimated at $160,000, including legal fees of $34,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed transaction, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 19, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9960 Filed 4-1-77;8:45 am]

[Rel. No. 19959; 31-758]

LYKES BROS., INC.

Application for Exemption

MARCH 25, 1977.

Notice is hereby given that Lykes Bros., Inc., 512 Florida Avenue, Tampa, Florida 33602 ("Lykes"), a holding company, has filed an application on behalf of itself and each of its subsidiaries as such under Sections 3(a)(1) and 3(a)(3) of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the application, which is summarized below, for a complete statement concerning the requested exemption.

Lykes, a Florida corporation, is directly or through its nonutility subsidiaries indirectly engaged in cattle ranching, meat packing, dairy, citrus and sugar processing, stevedoring and construction. Lykes' manufacturing and processing activities are carried on primarily in Florida. On a nonconsolidated basis, Lykes reported total assets at December 31, 1976 of $57 million, including investments in and advances to nonutility subsidiaries of $28.8 million. Lykes' corporate operating revenues for the period then ended were $114.6 million.

Lykes has nine nonutility subsidiaries, of which the Bank of Clearwater (81% owned) and Lykes Pasco Packing Company (97.5% owned) are the largest. The Bank of Clearwater has total assets of $130 million and operating income for the twelve months ended December 31, 1976, of $8 million. At September 30, 1976, Lykes Pasco reported total assets of $67.9 million and sales for the year then ended of $131.3 million.

Lykes is a holding company, as defined under Section 2(a)(7) of the Act. It owns substantially all of the capital stock of Peoples Gas System, Inc. ("Peoples"), a statutory gas utility company. Lykes acquired control of Peoples in June 1976, and is continuing to purchase the publicly-held minority stock interest in Peoples which remains outstanding.

Peoples supplies natural gas and, through two wholly-owned subsidiaries, liquefied petroleum gas (LP Gas) to approximately 126,000 customers in Dade and Broward counties on the southeastern coast of Florida and Hillsborough County on Florida's west coast. It serves, among other communities, Miami Beach, Fort Lauderdale, Pompano Beach and Tampa. At September 30, 1976, Peoples had total utility plant of $45.5 million and, for the twelve months then ended, $24.9 million of operating revenues, of which approximately 90% was attributable to the sale of natural gas. The company is subject to the jurisdiction of the Florida Public Service Commission.

Lykes claims an exemption under Section 3(a)(1) of the Act. It states that both it and Peoples are organized under Florida law and that all of Peoples' income and substantially all of Lykes' income are derived from operations in Florida. Lykes also asserts an exemption under Section 3(a)(3). It claims that it is only incidentially a holding company, being primarily engaged in nonutility businesses and not deriving a material part of its income from Peoples.

In anticipation of its acquisition of Peoples, Lykes filed a statement claiming exemption under Section 3(a)(1) of the Act pursuant to Rule 2 of the General Rules and Regulations, promulgated thereunder. By letter dated December 22, 1976, the Secretary of the Commission notified Lykes, pursuant to Rule 6, that a question exists as to whether Lykes is entitled to the claimed exemption. The letter also advised Lykes that its claim to exempt status would terminate 30 days after such notice unless, in the interim, it should choose to file a formal application under Section 3(a) requesting the Commission to issue, after notice and opportunity for hearing, an exemption order for itself and its subsidiaries. Lykes filed such application on January 12, 1977. Pending a determination, which either grants or denies its application, Lykes is and will remain an exempt holding company under Section 3(c) of the Act.

Notice is further given that any interested person may, not later than April 25, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including notice of the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9981 Filed 4-1-77;8:45 am]

[Rel. No. 9698; 811-1888]

MERCURY GROWTH FUNDS, INC.

Proposal To Terminate Registration

MARCH 28, 1977.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare, by order on its own motion, that Mercury Growth Funds, Inc., Suite 314 Professional Bldg., 215 Franklin Street, Monterey, California 93040 ("Fund"), registered under the Act as an open-end investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on June 11, 1969. Information contained in the files of the Commission indicates that the Fund filed a registration statement under the Securities Act of 1933 (File No. 2-33687) on June 23, 1969. This registration statement did not become effective, and was ordered abandoned by the Commission on July 20, 1972. Thus, the Fund has never engaged in a public distribution of its securities. The State of Delaware, the state under which the Fund was organized, voided the Fund's corporate charter on April 15, 1972, for non-payment of taxes. The Fund has never filed any of the periodic reports required by the Act, and communications sent to the Fund's last known address by the Staff of the Commission have been returned as undeliverable. Thus, it appears that the Fund is not currently engaged in the business of an investment company, and that its corporate existence has terminated.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given tha any interested person may, not later than April 25, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall 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 upon the Fund at the address stated 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. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date, unless the Commission thereafter orders a hearing 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 any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9982 Filed 4-1-77;8:45 am]

[Release No. 34-13409; File No. SR-MSE-76-20]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

(New material italicized; deleted material bracketed)

ARTICLE XX

Rule 4: Midwest Stock Exchange Rules [Audited Financial Questionnaires].

[Rule 4. Each member organization using the facilities of the Midwest Stock Exchange Clearing Corporation or doing business with the public shall,

(a) File at least annually answers to a financial questionnaire in such form as the Exchange may prescribe certified by an independent public accountant and supplemented by the financial statements prescribed by Paragraph (k) and Paragraph (b)(4) of Rule 17a-5 of the Securities Exchange Act of 1934.

(i) The audit of the affairs of each such member organization made in connection with the certified answers to financial questionnaire must be made during each calendar year by an independent public accountant qualified under Rule 17a-5(f) of the Securities Exchange Act of 1934 and acceptable to the Exchange.

(ii) The audit required by this Rule may be conducted as of the end of the member organization's fiscal year, the end of the calendar year or on a surprise basis on a date to be selected by the independent public accountant without prior notice to the member organization or any other date which meets the approval of the Exchange. If a member organization chooses to have its audit conducted as of the end of its fiscal or calendar year or as of another date approved by the Exchange it shall have its audit done as of the same date in each calendar year. If the member organization elects to have its audit conducted on a surprise basis, on or before January 10 of each year, it shall cause its independent public accountant to notify the Exchange of the quarter of that calendar year in which such audit will take place and subsequently to notify the Exchange promptly of any change to a different quarter and specify the reasons therefor, and to notify the Exchange at the time it commences the audit.

(iii) If a member organization changes its fiscal year end or chooses to change its audit date from a calendar to a fiscal year end or from a fiscal to a calendar year end prompt notification must be given to the Exchange. Changes in other Exchange approved audit dates must have the prior written approval of the Exchange.

(iv) The audit required under this Rule shall be made in accordance with generally accepted auditing standards and shall include the minimum audit requirements of the Exchange and the Securities and Exchange Commission. The original audit and all working papers relative thereto shall be retained by the independent public accountant as a part of their records for three years after completion and such audit shall be subject to examination by the Exchange.

(b) File with the Exchange one copy of the statements furnished customers as required by Paragraphs (m) and (n) of Rule 17a-5 of the Securities Exchange Act of 1934 at the same time that these statements are furnished to customers.

(c) File a statement of its financial and operational condition in such form as may be prescribed by the Exchange and as of the end of any calendar month or months within the calendar year as requested by the Exchange. The reports required by this Paragraph will be due on or before the 15th calendar day following the date of the report unless a specific temporary extension of time has been granted by the Exchange.

(d) File a copy of an agreement evidencing the engagement of an independent public accountant to conduct the audit as required by this Rule. Whenever a change of independent public accountant is made the member organization shall, no more than 15 days following the termination of such engagement, file with the Exchange, with a copy to the independent public accountant, a notice stating the date of notification of the termination of the engagement. Such notice shall also include details of any disagreements between the member organization and the independent public accountant during the 24 months preceding termination of their agreement on any matters of accounting principles or practices, financial statement disclosure, auditing procedure or compliance with applicable rules of the Exchange, which disagreements, if not resolved to the satisfaction of such independent public accountant, would have caused him to make reference to the subject matter of the disagreements in connection with his opinion. The member organization shall also request the independent public accountant whose engagement has been terminated to furnish a letter addressed to the Exchange, with a copy to the member organization, stating whether such independent public accountant agrees with the statements contained in the notice to the Exchange by the member organization and, if he does not agree, stating the particulars with which he does not agree. Within 30 days after such termination a signed copy of an agreement with another independent public accountant pertaining to future audits shall be furnished to the Exchange. Suggested guides for the required agreements with independent public accountants are available from the Exchange on request.]

Financial Operational Reports

Rule 4. Each member organization doing any business in securities with others than members of a national securities exchange or who uses the facilities of the Midwest Clearing Corporation or Midwest Securities Trust Company shall:

(a) File a financial and operational report in such form and within such time period as prescribed by 17 CFR 240.17a-5 and Rule 3 of this Article. "Notwithstanding the foregoing, if the Exchange is not the designated examining authority for such member, and the member's designated examining authority has agreed to submit such data to the Exchange within a reasonable period of time after such member is required to file with its designated examining authority, the requirements of this Paragraph (a) shall be deemed to have been met."

(b) File annually financial statements and schedules certified by an independent public accountant acceptable to the Exchange in accordance with the requirements of 17 CFR 240.17a-5.

(i) The original audit and all working papers relative thereto shall be retained by the independent public accountant as a part of their records for three years after completion and such records shall be subject to examination by the Exchange at the office of the member organization or of the Exchange.

(ii) A copy of an agreement, satisfactory to the Exchange, evidencing the engagement of an independent public accountant to conduct the audit required by this Rule shall be filed with the Exchange no later than December 10 of each year to cover the following calendar year. Such agreement must be dated no later than December 1 and may be effective until cancelled or a new agreement may be filed each year. "Notwithstanding the foregoing, a copy of the audit agreement need not be filed with the Exchange if an agreement, satisfactory to the member's designated examining authority, has been filed with such designated examining authority."

(iii) If any information, report or statement is required to be filed with the Securities and Exchange Commission pursuant to paragraphs (c), (f)(2), (f)(4), (h)(2), (l)(1) or (m) of 17 CFR 240.17a-5, a copy thereof shall be filed concurrently with the Exchange.

(c) cause an audit to be made of its accounts by an independent public accountant, acceptable to the Exchange, in accordance with the requirements of 17 CFR 240.17a-5 and file the results of such audit with the Exchange at such other times as the Exchange for good cause, may require.

Interpretations and Policies

01. A suggested guide for the agreement with the independent public accountant required by paragraph (b)(ii) of this Rule 4 is reproduced below. Other provisions, not inconsistent with the provisions of this suggested guide, may also be included at the discretion of the individual member organization and its independent public accountant.

---------- , 19 . .
(Date)

To: (Name of Member Organization).
Gentlemen:
WE (I) hereby agree:

(1) to conduct an audit of your financial statements for the period ended ---------- 19----, the end of your (Calendar) (Fiscal) year (and each year thereafter) ** in accordance with applicable requirements of the Midwest Stock Exchange, Incorporated (Exchange) and the Securities and Exchange Commission (SEC):*

*(2) to notify the Exchange in writing (each year)** no later than five business days after the audit date that the audit has commenced;*

(3) to notify the Exchange in advance of the commencement of any substantial interim work which would result in a hardship on your organization should the Exchange conduct an examination of your organization concurrently; and

(4) to submit to the Exchange and the SEC, financial statements, schedule(s) and report(s) based upon the audit in accordance with Exchange and SEC requirements.

Very truly yours

(Signature of Independent Public Accountant)

Agreement acknowledged:

(Name of Member Organization)

By ---
(Signature and Title of General Partner, Officer or Member)

Date: ---

**Indicate which is applicable.*

***Delete this phrase to make agreement applicable to an Audit in a single year.*

EXCHANGE STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change would be to adopt the FOCUS Reporting System by reference; retain the right of the Exchange to examine audit working papers; retain the requirement that the agreement with the independent public accountant meet minimum Exchange requirements and that the date filed with the Securities and Exchange Commission on changes of accountants be also filed with the Exchange; and add a provision that the Exchange may require an audit at any time.

The proposed rule change enhances the Exchange's capacity to carry out the purposes of the Act and to comply and to enforce compliance by its members and persons associated with its members, with the Act, the rules and regulations thereunder.

Comments were neither solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

On or before May 9, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 28, 1977.

[FR Doc.77-9985 Filed 4-1-77;8:45 am]

[Release No. 34-13407; File No. SR-NSCC 77-3]

NATIONAL SECURITIES CLEARING CORP.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 15, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

It is proposed that the second sentence of Paragraph 8 of the Certificate of Incorporation of National Securities Clearing Corporation (NSCC) be amended as follows:

(Brackets indicate deletions and *italics* indicate new material)

The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is [2 Broadway, New York, New York 10006] *55 Water Street, New York, New York 10041.*

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to change from 2 Broadway, New York, New York 10006 to 55 Water Street, New York, New York 10041 the post office address to which the Secretary of State of New York shall mail a copy of any process against NSCC served upon him.

Comments on the proposed rule change have neither been received nor solicited.

NSCC believes that no burdens will be placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection 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 April 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 25, 1977.

[FR Doc.77-9986 Filed 4-1-77;8:45 am]

[Release No. 34-13410; File No. SR-MSTC-77-3]

MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 28, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Dividend Reinvestment Program (DRP) is a service for the automatic reinvestment of cash dividends due on security positions held by Midwest Securities Trust Company ("MSTC") on behalf of participants. In recent years numerous issuers have implemented plans for the automatic reinvestment of dividends paid on securities issued by them. Some of these reinvestments are suitable for MSTC processing.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

Participants who have securities on deposit as of record date may authorize MSTC to reinvest the dividend from all or a portion of the record date position on such security. Upon receipt of the reinvestment plan payment (full shares, plus cash in lieu of fractional shares) a deposit is made to the participant's position and cash in lieu of fractional shares is disbursed via check or cash adjustment.

The DRP will enhance the safeguarding of securities through the encourage-

ment of certificate immobilization because the participant can reinvest its dividends without withdrawing certificates from the depository.

The proposed rule change represents an equitable allocation of fees.

Comments have neither been solicited nor received.

The proposed rule change will impose no burden on competition.

On or before May 9, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 29, 1977.

[FR Doc.77-9984 Filed 4-1-77;8:45 am]

[Release No. 34-13408; File No. SR-NESDTCO-77-5]

NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 24, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Proposed Rule Change sets forth the procedures and agreements pursuant to which New England Securities Depository Trust Company ("NESDTCO") will become, and act as, a participant in The Depository Trust Company ("DTC").

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to establish NESDTCO as a participant in DTC in order that, through the NESDTCO–DTC linkage, participants in NESDTCO will be able to receive and deliver securities between New York and Boston on either a book-entry or physical transfer basis while certificates representing their security holdings are retained in controlled locations.

The proposed rule change relates to the capacity of NESDTCO (A) to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible in that it will permit NESDTCO's participants to make safe and inexpensive securities receipts and deliveries between New York and Boston through the NESDTCO–DTC linkage while certificates representing their securities holdings are retained in controlled locations, and (B) to carry out the purposes of Section 17A of the Act by promoting the prompt and accurate clearance and settlement of securities transactions, doing away with the unnecessary costs involved in inefficient procedures for clearance and settlement, taking advantage of new data processing and communications techniques and linking NESDTCO and DTC clearing and settlement procedures.

No comments on the proposed rule change have been solicited or received.

NESDTCO believes that there will be no burden on competition imposed by the proposed rule change.

On or before May 9, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before _____.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 28, 1977.

[FR Doc.77-9987 Filed 4-1-77;8:45 am]

[Rel. No. 19963; 70-5995]

OHIO POWER CO.

Agreement With Municipal Authority for Construction of Pollution Control Equipment Financed by Sale of Revenue Bonds

MARCH 28, 1977.

Notice is hereby given that Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44702 ("Ohio Power"), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration with this Commission designating Sections 9(a) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Power states that in order to comply with prescribed environmental quality control standards of the State of West Virginia it has been and will be necessary to construct certain high efficiency electrostatic precipitators for particulate emission control and related facilities (the "Project") to be installed on Units 2, 4, and 5 at its Phillip Sporn Generating Station. It is estimated that the Project will cost approximately $80,000,000, of which at December 31, 1976 approximately $17,000,000 had been expended. By resolutions adopted on March 11, 1975 and October 13, 1976, Mason County, West Virginia ("County") determined that it would authorize and issue one or more series of its pollution control revenue bonds ("Revenue Bonds") in a maximum amount of $80,000,000 to finance the acquisition, construction and installation of the Project.

Ohio Power proposes to enter into an agreement of sale ("Agreement") with the County whereby the County will construct and install the facilities comprising the Project. To finance the Project, the County will issue Revenue Bonds in an initial principal amount of $30,000,000 ("Series A Bonds") and additional Revenue Bonds in principal amounts presently estimated not to exceed $50,000,000, sufficient to cover construction cost of the Project. The proceeds from the sale of the Series A Bonds will be deposited by the County with The Charleston National Bank (Charleston, West Virginia), as trustee ("Trustee") under an indenture to be entered into between the County and the Trustee (the "Indenture") pursuant to which the Series A Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the Project.

The Agreement will also provide for the sale of the Project to Ohio Power, the payment by Ohio Power of the purchase price in semi-annual installments over a term of years, and the assignment and pledge to the Trustee of the County's interest in, and of the monies receivable by the County under, the Agreement.

The Agreement will provide that each installment of the purchase price for the project payable by Ohio Power will be in such an amount (together with other monies held by the Trustee under the Indenture for that purpose) as will enable the County to pay, when due: (i) the interest on the Series A Bonds, any additional bonds and any refunding bonds, (ii) the principal amount of the Series A Bonds, any additional bonds and any refunding bonds payable at the time of their respective stated maturities, and (iii) amounts, including any accrued interest, payable in connection with any mandatory redemption of the Series A Bonds, any additional bonds or any refunding bonds. The Agreement will also obligate Ohio Power to pay the fees and charges of the Trustee, as well as certain administrative expenses of the County. The Agreement will further provide that Ohio Power may prepay the purchase price of the Project in whole: (i) upon the occurrence of certain events by paying amounts sufficient to redeem all Revenue Bonds then outstanding, the fees and expenses of the Trustee, and all other amounts payable under the Indenture, or (ii) at any time by depositing monies in the Bond Fund (as defined in the Indenture) or delivering to the Trustee governmental obligations sufficient in either case to provide for the release of the Indenture in accordance with its terms. Upon prepayment of the entire purchase price of the Project, Ohio Power may terminate the Agreement. Ohio Power may also prepay the purchase price in part, such payments to be paid to the Trustee for deposit in the Bond Fund, credited against the purchase price, and used for the redemption of outstanding Revenue Bonds in the manner and to the extent the outstanding Revenue Bonds are redeemable or subject to purchase as provided in the Indenture.

Ohio Power proposes to convey the electrostatic precipitators and related equipment, to the extent they have already been constructed and are then in place at the plant site ("Existing Facilities"), subject to its First Mortgage Lien, to the County. The Existing Facilities will thereupon become a part of the Project. Ohio Power will receive from the proceeds from the sale of the Series A Bonds an amount equal to Ohio Power's original cost of the Existing Facilities. The proceeds so received will be added by Ohio Power to its general corporate funds and will be used to prepay unsecured short-term debt, and for construction.

It is contemplated that the Series A Bonds will be sold by the County pursuant to arrangements with a group of underwriters represented by Goldman, Sachs & Co. In accordance with the laws of the State of West Virginia, the interest rate to be borne by the Series A Bonds will be fixed by the County Commission of the County.

Although Ohio Power will not be a party to the underwriting arrangements for the Series A Bonds, Ohio Power will not enter into the Agreement unless the terms of the Series A Bonds and their sale by the County are satisfactory to it.

Ohio Power has been advised that the annual interest rates on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Series A Bonds to be 1½% to 2½% lower than the rates on obligations of like tenor and comparable quality, the interest on which is fully subject to federal income tax.

The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semi-annually and will mature at a date or dates not more than 30 years from the date of their issuance. It is expected that the Series A Bonds will not be redeemable at the option of the County within 10 years from their issue date except under certain circumstances. Series A Bonds will be subject to mandatory redemption under the circumstances and terms specified in the Indenture.

Fees and expenses incident to the proposed disposition of the Existing Facilities and the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Series A Bonds by the County payable out of the proceeds of such sale) will be supplied by amendment. It is stated the Public Utility Commission of Ohio has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 22, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulniatos promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notice and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-9983 Filed 4-1-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1287; Amdt. No. 2]

MARYLAND

Declaration of Disaster Loan Area

The above numbered Presidential Declaration (See 42 FR 8253 and 42 FR 15392), amendment No. 1 is amended by extending the filing date for physical damage until close of business on April 28, 1977, and for economic injury until the close of business on November 28, 1977.

Date: March 25, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-9890 Filed 4-1-77;8:45 am]

[Declaration of Disaster Loan Area No. 1308]

MICHIGAN

Declaration of Disaster Loan Area

Baraga, Delta, Dickinson, Houghton, Iron, Marquette, Menominee, Ontonagon, and adjacent counties within the State of Michigan constitute a disaster area because of physical damage to wells resulting from drought which occurred during the Spring of 1976 through March 14, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage as a result of drought until the close of business on May 26, 1977, and for economic injury until the close of business on December 27, 1977, at:

Small Business Administration,
District Office,
477 Michigan Avenue,
McNamara Bldg.,
Detroit, Mich. 48226.

or other locally announced locations.

Date: March 25, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-9889 Filed 4-1-77;8:45 am]

ADVISORY COUNCILS

Annual Comprehensive Review

The President's Memorandum of February 25, 1977, to Heads of Executive Departments and Agencies, expressed his concern about the number and usefulness of Federal advisory committees, and ordered a governmentwide zero-based review of all committees. The President also ordered that each agency should provide for open and public participation in its review process to the maximum extent consistent with an expeditious review.

The current goals of the advisory councils are:

a. To bring together leaders representing the 9.7 million small businesses (both full and part time) of the nation and 3.5 million farmers to provide a dialogue between people, organizations, and the Federal Government to stimulate a common sense of purposefulness oriented to the role and needs of the nation's small businesses.

b. To bring about a greater degree of awareness of the significance of small business throughout this nation's history and a greater recognition that the nation's future is, in large part, related to the opportunity to establish and success of small business.

c. To bring to the attention of the President, Congress, the Governors, and other leaders of the country through the Administrator that a balanced and prosperous economy must include viable small business and that small business not be unduly penalized simply because it is small.

d. To involve the nation's university community with government and the small business private enterprise system in a partnership-for-growth and productivity.

e. To aid the Small Business Administration, as the government representative and advocate of small business, in achieving a stature and role commensurate with the significance of the nation's small business community.

Public comments and recommendations concerning the advisory councils of the Small Business Administration may be addressed to Anthony S. Stasio, Acting Assistant Administrator for Advocacy and Public Communications, c/o Ms. K. Drew, U.S. Small Business Administration, 1441 L Street NW., Room 1034, Washington, D.C. 20416.

Comments should be received by April 11, 1977.

Dated: March 30, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications, Small Business Administration.

[FR Doc.77-9957 Filed 4-1-77;8:45 am]

SYRACUSE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Syracuse District Advisory Council will hold a public meeting at 9 a.m., Friday, May 6, 1977, at the Fort Orange Club, 110 Washington Avenue, Albany, New York, 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 J. Wilson Harrison, District Director, U.S. Small Business Administration, Room 1073, Federal Building, 100 South Clinton Street, Syracuse, New York, 13202, (315) 473-3460.

Dated: March 30, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-9958 Filed 4-1-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD No. 77-049]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels, subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 14, 1976 to January 25, 1977 (List No. 1-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U. S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE HAND, FOR MERCHANT VESSELS

Approval No. 160.023/4/0, signal distress, combination flare and smoke, hand-held, Propellex's drawing Model 13, Revision A dated October 7, 1969, manufactured by Propellex Company, P.O. Box 387, Edwardsville, Illinois 62025, effective January 13, 1977. (It is an extension of Approval No. 160.023/4/0 dated February 23, 1972.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/150/4, Type B-47 mechanical davit, straight boom with sheath screw; approved for a maximum working load of 9,450 lbs. per set (4,725 lbs. per arm); identified by general arrangement dwg. 80049, Rev. C dated January 15, 1969 and drawing list dated December 10, 1976, manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective December 17, 1976. (It supersedes Approval No. 160.032/150/3 dated February 10, 1972 to show drawing revisions.)

Approval No. 160.032/175/0, gravity davit, Type CG-220-2G, approved for a maximum working load of 22,000 pounds per set (11,000 pounds per arm) using 2-part falls; identified by general arrangement dwg. DA-9159, Rev. A dated December 6, 1966, and drawing list dated March 10, 1967, manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective January 12, 1977. (It is an extension of Approval No. 160.032/175/0 dated February 1, 1972.)

Approval No. 160.032/203/0, Type GRA gravity davit; approved for a maximum working load of 21,000 lbs. per set (10,500 lbs. per arm); identified by general arrangement drawings F-102798, F-102799, and drawing list D-402077, manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Florida 32754, effective January 25, 1977.

Approval No. 160.032/208/0, Type ORD/DHM (MK II) fixed gravity davit; approved for a maximum working load of 20,380 lbs. per set (10,190 lbs. per arm) using single-part falls; identified by Schat Davits, Ltd. general arrangement drawing F-102876 dated October 6, 1976 and drawing list D402218, undated, manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Florida 32754, effective January 11, 1977.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/61/2, Rottmer type releasing gear, approved for maximum working load of 8700 pounds per hook, identified by disengaging apparatus No. 501-111, Rev. A dated July 26, 1976 and drawing list MDA-501-111, Revision A, dated August 6, 1976, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective January 12, 1977. (It supersedes Approval No. 160.033/61/2 dated May 20, 1975 to show new drawing list incorporating minor changes.)

Approval No. 160.033/64/0, Rottmer type releasing gear, approved for maximum working load of 25,100 pounds per hook, identified by disengaging apparatus drawing No. 502-111, Revision A, dated August 16, 1976 and disengaging apparatus master drawing list CA5000-111, Revision A, dated August 16, 1976, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective January 12, 1977. It supersedes Approval No. 160.033/64/0 dated April 12, 1976, revised to show new drawing list incorporating minor changes.

LIFEBOATS

Approval No. 160.035/89/4, 16.0' x 5.71' x 2.3' steel, oar-propelled lifeboat, 9-person[1] capacity, identified by general

[1] Approved for 12-person capacity for replacement lifeboats, 46 CFR 160.035-13(c). Marking, Weights: (steel gunwale) Condition "A"=1,050 pounds; Condition "B"=3,615 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective January 13, 1977. (It is an extension of Approval No. 160.035/89/4 dated February 28, 1972.)

arrangement and construction dwg. No. 49R–1612 dated August 27, 1950 and revised January 28, 1972. If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant.

Approval No. 160.035/178/7, 16.0' x 5.5' x 2.38' steel, oar-propelled lifeboat, 9-person [2] capacity, identified by construction and arrangement dwg. No. 16–1, Rev. F dated January 27, 1972, for limited service use dwg. No. 16–1C dated January 31, 1947, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=1,070 pounds; Condition "B"=2,918 pounds, if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant.

Approval No. 160.035/338/2, 28.0' x 9.0' x 3.96' aluminum, oar-propelled lifeboat, 59-person capacity, identified by general arrangement drawing No. 28–IE Rev. E dated February 9, 1972, alternate aluminum interior, 45 CR 160.035–13(c) Marking, Weights: Wood Interior: Condition "A"=3,120 pounds; Condition "B"= 13,901 pounds, Aluminum Interior: Condition "A"=3,055 pounds; Condition "B" =13,836 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 13, 1977. (It is an extension of Approval No. 160.035/338/2 dated February 18, 1972.)

Approval No. 160.035/428/3, 24.0' x 8.0' x 3.58' fibrous glass reinforced plastic (FRP) motor-propelled Class 1, lifeboat, 37-person capacity identified by construction and arrangement dwg. No. WBA–9029 Rev. "E" dated December 23, 1975 and drawing list for 24 foot open lifeboat dated September 14, 1976, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=3,690 pounds; Condition "B"=10,707 pounds, manufactured by Welin Davit and Boat Division, Lake Shore, Inc., 3614 Kennedy Road, So. Plainfield, New Jersey 07080, effective January 24, 1977. (It supersedes Approval No. 160.035/428/2 dated December 19, 1973 to show updated drawing list.)

Approval No. 160.035/444/1, 28.0' x 9.0' x 3.96' aluminum, hand-propelled life boat, 59-person capacity, identified by general arrangement dwg. No. 28–1F, Rev. D dated February 10, 1972, Alternate Aluminum Interior, 46 CFR 160.035–13(c) Marking, Weights: Wood Interior: Condition "A"=3,450 pounds; Condition "B"=14,195 pounds, aluminum Interior: Condition "A"=3,660 pounds; Condition "B"=14,405 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 13, 1977. (It is an extension of Approval No. 160.035/444/1 dated February 22, 1972).

Approval No. 160.035/449/2, 26.0' x 9.0' x 3.83' aluminum, motor-propelled lifeboat without radio cabin or searchlight (Class 1), 48-person capacity, identified by general arrangement dwg. No. 26–15 Rev. D dated November 20, 1969, or motor-propelled lifeboat with a searchlight and without radio cabin (Class 2), identified by general arrangement dwg. No. 26–18 dated October 16, 1969, to be fitted with Rottmer Type S–1 Release Gear 160.033/39/3 or Rottmer Type B–1 Release Gear 160.033/52/0, 46 CFR 160.035–13(c) Marking, Weights: Class 1 Condition "A"=3,765 pounds; Condition "B"=12,881 pounds, Class 2 Condition "A"=3,765 pounds; Condition "B"=13,050 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 13, 1977. (It is an extension of Approval No. 160.035/449/2 dated February 15, 1972).

Approval No. 160.035/474/4, Model 1401 survival capsule, 11.2' diameter x 3.35' depth, fibrous glass reiforced plastic (FRP) motor-propelled, totally enclosed model, 14-person capacity, alternate for lifeboat, inflatable life raft or life float identified by master drawing list for Model 1401, revision D dated November 12, 1976, master drawing list for Model 1000, revision D dated November 12, 1976, and general arrangement drawing CA-1401–101, revision B dated September 30, 1975, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled semi-submersible and nonself-propelled, Marking, Weights: Condition "A"=2,310 pounds; Condition "B"=5,483 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective January 12, 1977. (It supersedes Approval No. 160.035/474/3 dated October 20, 1975 to show revision of drawing lists.)

Approval No. 160.035/479/1, 24.0' x 8.0' x 3.5' F.R.P., motor-propelled lifeboat, without radio cabin (Class 2), 37-person capacity, identified by construction and arrangement dwg. No. P–24–LE, Rev. 8, dated August 6, 1976, and drawing list DL–P–24–LE, Rev. C, dated December 10, 1976, Marking, Weights: Condition "A"=4,265 pounds; Condition "B"= 11,328 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 12, 1977. (It supersedes Approval No. 160.035/479/0 dated October 23, 1974, revised to show alternate engine.)

Approval No. 160.035/480/3, Model CA2801, 14.0' diameter x 4.8' depth fibrous glass reinforced plastic (FRP) motor propelled, totally enclosed "Brucker" survival capsule fitted with Farymann S30M engine, 28 person capacity, as alternate for lifeboat, inflatable life raft or life float, identified by Master Drawing List for Model CA2801, Revision E dated November 12, 1976 and by general & equipment arrangement drawing No. CA2801–101, revision B dated August 4, 1975, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled semi-submersible and nonself-propelled, Marking, Weights: Condition "A"=4,350 pounds; Condition "B"=9,562 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92042, effective January 12, 1977. (It supersedes Approval No. 160.035/480/2 dated October 20, 1975 to show revision of Master Drawing List.)

Approval No. 160.035/483/1, Model CA5001, 19.75' x 14.0' x 5.12' fibrous glass reinforced plastic (FRP) motor propelled, totally enclosed survival capsule fitted with Perkins 4.154 diesel engine, 50 person capacity, as alternate for lifeboat, inflatable life raft or life float, identified by master drawing list for Model CA5001, Revision B dated December 9, 1976 and general arrangement drawing CA5001–101 dated November 12, 1976, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled, semi-submersible and nonself-propelled, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=7,491 pounds; Condition "B"=17,100 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective January 12, 1977. (It supersedes Approval No. 160.035/483/0 dated April 12, 1976, revised to delete Model CA5000 and update drawing list.)

Inflatable Life Rafts

Approval No. 160.051/95/0, 10-person inflatable life raft, MK–5 Series; identified by general arrangement drawing CJH/MN/10 dated October 4, 1976 and drawing list dated September 22, 1976, inflation system can use either steel or aluminum cylinders, raft satisfies temperature-exposure inflation requirements of 46 CFR 160.051–5(e)(11) as per Federal Register dated March 13, 1974, manufactured by Patten/Pan-Avion Division of American Safety Flight Systems, Inc., P.O. Box 480213, Miami, Florida 33148, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective December 14, 1976.

Approval No. 160.051/96/0, 12-person inflatable life raft, MK–5 Series; identified by general arrangement drawing CJH/MN/12 dated October 4, 1976 and drawing list dated September 22, 1976, inflation system can use either steel or aluminum cylinders, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107 or by Patten-Pan Avion Division of American Safety Flight Systems, Inc., P.O. Box 480213, Miami, Florida 33148 under subcontract for C. J. Hendry Company, effective January 11, 1977.

Marine Buoyant Device

Approval No. 160.064/14/0, 18½-inch ring buoy, vinyl coated PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–33, Type IV PFD, manufactured by Tuffy Products, Inc., 540 West Third Street, Bloomsburg, Pennsylvania 17815, effected January 14,

[2] Approved for 12-person capacity as a replacement in kind for an existing lifeboat requiring 12-person capacity, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective January 13, 1977. (It is an extension of Approval No. 160.035/178/7 dated March 27, 1972.)

1977. (It is an extension of Approval No. 160.064/14/0 dated March 23, 1972.)

Approval No. 160.064/322/0, child medium, Canoe/Kayak vest, model No. SSV–800, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–29, Type III PFD, manufactured by Stearns Manufacturing Company, Division Street at Thirtieth, St. Cloud, Minnesota 56301, effective January 14, 1977. (It is an extension of Approval No. 160.064/322/0 dated March 14, 1972.)

Approval No. 160.064/323/0, adult, Canoe/Kayak vest, model No. SSV–900, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–29, Type III PFD, manufactured by Stearns Manufacturing Company, Division Street at Thirtieth, St. Cloud, Minnesota 56301, effective January 14, 1977. (It is an extension of Approval No. 160.064/323/0 dated March 14, 1972.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/11/2, audible and visual supervised photoelectric optical smoke detection system, Model ESDS–2, one through seventy lines on main cabinet with wheelhouse annunciator, normally furnished with three supervised alarm bells, with provisions for addition of a fourth supervised alarm bell, General Testing Labs report 3808 dated June 20, 1969 and report 380–1 dated August 21, 1969, drawings 56086, 82458, 93336, 93353–93356, 93362, 93429, 93484, 93496, 97865, 97875–97900, 97930, 97932, 97943, 97946, 97995–98014, 98022–98024, 98035, 98036, 98042, 98043, 98050, 98073, 98079–98083, 98095, 98096, 98101, 98102, 98107, 98121, 98165–98179, 98181, 98182, 98184, 98185, 98187–98194, 98210–98214, 98217, 98225, 98226, 98231–98243, 98246–98248, 98267–98273, 98275–98277, 98294–98297, 98299–98314, 98319, 98321, 98343, 98349–98356, 98370, 98371, Norris Test Report dated June 1, 1970, manufactured by The Ansul Company, 1 Stanton Street, Marinette, Wisconsin 54143, formerly Norris Industries, effective December 15, 1976. (It is an extension of Approval No. 160.002/11/2 dated December 22, 1971 and change of name of manufacturer.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/279/0, Style HC–MS–75 carbon steel body pop safety valve nozzle type, exposed spring fitted with cover 2000 p.s.i. primary service pressure rating and 675° F maximum temperature with standard inlet flange or optional inlet flange, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It is an extension of Approval No. 162.001/279/0 dated December 17, 1971.)

Approval No. 162.001/280/0, Style HC–MS–76 carbon steel body pop safety valve nozzle type, exposed spring fitted with cover 2000 p.s.i. primary service pressure rating and 750° F maximum temperature with standard inlet flange or optional inlet flange, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It is an extension of Approval No. 162.001/280/0 dated December 17, 1971.)

Approval No. 162.001/281/0, Style HCA–MS–77 alloy steel body pop safety valve nozzle type, exposed spring fitted with cover 2000 p.s.i. primary service pressure rating and 900° F maximum temperature with standard inlet flange; 1750 p.s.i. primary service pressure rating and 900° F maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It is an extension of Approval No. 162.001/281/0 dated December 17, 1971.)

Approval No. 162.001/282/0, Style HCA–MS–78 alloy steel body pop safety valve nozzle type, exposed spring fitted with cover 1655 p.s.i. primary service pressure rating and 1050° F maximum pressure with standard inlet flange; 995 p.s.i. primary service pressure rating and 1050° F maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It is an extension of Approval No. 162.001/282/0 dated December 17, 1971.)

Approval No. 162.001/287/0, Style HNP–MS–55 carbon steel body pilot safety valve, nozzle type, exposed spring fitted with spring cover, 1500 p.s.i. primary service pressure rating 650°F. maximum temperature, approved for sizes 1½" and 2", previously issued as U.S.C.G. Approval No. 162.001/259/0, given new approval number because of confusion arising from both styles HNP–MS–55 and HNP–MS–75 being covered by U.S.C.G. Approval No. 162.001/259/1, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective January 24, 1977. (It supersedes Approval No. 162.001/287/0 dated January 11, 1971.)

PRESSURE VACUUM RELIEF VALVES FOR TANK VESSELS

Approval No. 162.017/118/0, Waukesha Bearings type HS–M, sizes 4", 6", 8" and 10" high velocity pressure-vacuum relief valve with bronze valve body and flame screen body, flame screen body and valve body must be bolted together, use of a spool piece or other separation is not permitted, manufactured by Waukesha Bearings Corporation, P.O. Box 798, Waukesha, Wisconsin 53186, effective December 17, 1976.

Safety relief valves, liquefied compressed gas, approval No. 162.018/80/1

Type	Seat	Inlet size	Orifice	MAWP[1] in pounds per square inch gage
81	Plastic	¾", 1", 1½"	Dash 2 through 8	2,160
		1½", 2"	F, G, H, J	2,160
83	O-ring	¾", 1", 1½"	Dash 2 through 8	2,160
		1½", 2"	F, G, H, J	2,160

1. The seat material shall be compatible with the intended service (chemistry, temperature), 2. refer to manufacturers literature for actual orifice area, nozzle coefficient for all sizes to 0.816, 3. service temperatures for the body and seat materials shall be as indicated on AGCO dwg. 3–5424, body materials may require impact testing for service temperatures below 0° F., weld procedure qualifications and welder qualifications must be in accordance with 46 CFR Part 57 and to the satisfaction of the Officer in Charge, Marine Inspection in Houston, Texas, manufactured by Anderson, Greenwood and Company, P.O. Box 1097, Bellaire, Texas 77401, effective January 19, 1977. (It supersedes Approval No. 162.018/80/1 dated January 25, 1974.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/99/0, Onan Model 145B393 backfire flame arrester for gasoline engines, with the following major components:

Resonator
Disc Assembly
Adapter Assembly
Flame Arrester Tube Assembly
Spacer-Resonator Adapter

minor modification to Model 145B354, Certificate of Approval 162.041/16/0 to fit Zenith 1408 carburetor, manufactured by Onan Division, Onan Corporation, 1400 73rd Avenue, N.E., Minneapolis, Minnesota 55432, effective January 25, 1977. (It is an extension of Approval No. 162.041/99/0 dated February 2, 1972.)

Approval No. 162.041/100/0, Onan Model 145B386 backfire flame arrester for gasoline engines, with the following major components:

Resonator
Disc Assembly
Adapter Assembly
Flame Arrester Tube Assembly
Spacer-Resonator Adapter

minor modification to Model 145B354, Certificate of Approval 162.041/16/0 to fit Walbro carburetor, manufactured by Onan Division, Onan Corporation, 1400 73rd Avenue, N.E., Minneapolis, Minnesota 55432, effective January 25, 1977. (It is an extension of Approval No. 162.041/100/0 dated February 2, 1972.)

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/2/0, SELBALITH magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG–3610–1215; FR 1779 dated July 2, 940, approved for use without other in-

sulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Selby, Battersby & Company, 5220 Whitby Avenue, Philadelphia, Pennsylvania 19143, effective January 12, 1977. (It is an extension of Approval No. 164.006/2/0 dated February 3, 1972.)

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/1/0, "48" C. G. Felt, mineral wool type structural insulation to that described in National Bureau of Standards Test Report No. TG 3610–1372; FR–2235 dated April 1, 1944, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows:

3 inches at 8 pounds per cubic foot density
4 inches at 6 pounds per cubic foot density

manufactured by Forty-Eight Insulations, Inc., Aurora, Illionis 60504, effective January 12, 1977. (It is an extension of Approval No. 164.007/1/0 dated February 3, 1972.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/7/0, Gold bond A–C board, asbestos cement board type incombustible material identical to that described in National Gypsum Co. letter dated June 4, 1943, manufactured by National Gypsum Company, Buffalo, New York 14202, effective January 13, 1977. (It is an extension of Approval No. 164.009/7/0 dated March 1, 1972.)

Approval No. 164.009/153/0, Birma Products Corporation "Birma Spiral Duct Insulation—Aluminum faced" identical to that described in Birma Products Corporation letter dated January 31, 1972, manufactured by Birma Products Corporation, Jernee Mill Road, Sayreville, New Jersey 08872, effective January 13, 1977. (It is an extension of Approval No. 164.009/153/0 dated March 13, 1972.)

Approval No. 164.009/192/0, continuous molded pipe insulation identical to that described in the National Bureau of Standards Report No. 3919 dated August 17, 1976, in density of 5.6 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corporation, 900 17th Street, NW., Washington, D.C. 20006, Plant: Newark Ohio, effective January 11, 1977. (It supersedes Approval No. 164.009/192/0 dated September 22, 1976 to show change of plant location.)

Approval No. 164.009/193/0, Two-piece molded pipe insulation identical to that described in the National Bureau of Standards Report No. 3919 dated August 17, 1976, in density of 5.6 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corporation, 900 17th Street, NW., Washington, D.C. 20006, Plant: Newark, Ohio effective January 11, 1977. (It supersedes Approval No. 164.009/193/0 dated September 22 1976 to show change of plant location.)

Approval No. 164.009/194/0, "Refrasil" silicone dioxide cloth fabric, Type UC100–48, in thickness of 0.018 inch and weight of 18 oz./square yard, and type UC100–96, in thickness of 0.054 inch and weight of 34 oz./square yard, identical to that described in the National Bureau of Standards Test Report No. FR3923, dated November 5, 1976, manufactured by Hitco, Materials Division, 1600 West 135th Street, Gardena, California 90249, effective January 18, 1977.

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/15/0, Pressure-sensitive tape (aluminum foil) in 2 mil thickness, to be applied with manufacturer's adhesive LA–8100, manufactured by Morgan Adhesives Company, 4560 Darrow Road, Stow, Ohio 44224, effective January 18, 1977.

Dated: March 29, 1977.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.77-9924 Filed 4-1-77;8:45 am]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 132—AIRBORNE AUDIO SYSTEMS & EQUIPMENT

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 132—Airborne Audio Systems & Equipment to be held April 27–28, 1977, RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Chairman's comments; (2) Approval of Minutes of First Meeting Held January 10–11, 1977; (3) Consideration of New Inputs from Members; (4) Assignment of Tasks; (5) Informal Working Group Sessions, and (6) Summaries of Working Group Sessions.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; 202–296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on March 25, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77-9859 Filed 4-1-77;8:45 am]

National Highway Traffic Safety Administration

TRUCK AND BUS SAFETY SUBCOMMITTEES

Public Meeting

As published in the FEDERAL REGISTER on March 28, 1977 the Truck and Bus Safety Subcommittees wil be meeting on April 14 from 1 p.m. to 5 p.m. and on April 15 from 8 a.m. to 12 noon at the Sheraton National Motor Hotel in Arlington, Virginia.

The following supplemental information on the agenda items. On April 14 the subcommittees will divide into the following task forces:

100, 200 and 300 Series FMVSS—to discuss requirements, problems and operational experiences with FMVSS 121 parking and emergency brake systems for trailers.

Operations and Driver—to discuss driver training, maintenance training and maintenance as they relate to FMVSS 121.

R&D and Government Operations—to review and analyze past, present and proposed FHWA and NHTSA research and development related to trucks and buses. In addition they will explore the relationship between Federal Highway Administration (FHWA), Bureau of Motor Carrier Safety (BMCS), and National Highway Traffic Safety Administration (NHTSA) as it affects truck and bus safety.

On April 15 from 8 a.m. to 12 noon the full subcommittees will meet to discuss the previous day's work, formulate appropriate recommendations to submit to the Secretary and discuss future task force agendas.

Attendance is open to the interested public but limited to the space available. With the approval of the Task Force Chairmen, members of the public may present positions, data or information at the meeting. Any member of the public may present a written statement to the subcommittees at any time. This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW. (DOT Headquarters Building), Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C. on March 30, 1977.

WILLIAM H. MARSH,
Executive Secretary.

[FR Doc.77-9922 Filed 4-1-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series—No. 8–77]

7 PERCENT TREASURY NOTES SERIES E–1982

Interest Rate

MARCH 30, 1977.

The Secretary of the Treasury announced on March 29, 1977, that the in-

terest rate on the notes described in Department Circular—Public Debt Series—No. 8–77, dated March 22, 1977, will be 7 percent per annum. Accordingly, the notes are hereby redesignated 7 percent Treasury Notes of Series E–1982. Interest on the notes will be payable at the rate of 7 percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77-9959 Filed 4-1-77;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2 p.m., April 18, 1977 in the 7th floor Conference Room of Covington and Burling, 888 16th Street, NW., Washington, D.C. 20006.

The Committee will meet to consider, for the first time, an ongoing study of "Judicial Review of Customs Service Actions," by Professor Peter M. Gerhart. Other Conference business of a general nature may also be discussed.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers, 202–254–7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 28, 1977.

[FR Doc.77-9891 Filed 4-1-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Rescheduled Meeting

The April 5, 1977, meeting of the Shippers Advisory Committee, announced in the March 21, 1977, issue of the FEDERAL REGISTER (42 FR 15356), is canceled. At its meeting of March 29, 1977, the committee recommended amendment of the current regulations which it considers appropriate in the current supply situation, and requested that the meeting scheduled for April 5 be canceled.

Pursuant to the provisions of 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of meetings of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on April 19 and 26, 1977.

The meetings will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meetings and other information pertaining to the meetings may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: March 31, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-10104 Filed 4-1-77;10:15 am]

Federal Grain Inspection Service

GRAIN STANDARDS

Michigan Grain Inspection Point

Notice is hereby given that the J. P. Magers, Inc., which is designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official agency at Battle Creek, Michigan, has changed its name to Grain Inspection Services Inc. The change in name does not involve a change in management or ownership.

Done in Washington, D.C., on March 29, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-9913 Filed 4-1-77;8:45 am]

Packers and Stockyards Administration

BAKERSFIELD CATTLE AUCTION BAKERSFIELD, CALIFORNIA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	*Date of posting*
CA–103 Bakersfield Cattle Auction, Bakersfield, Calif.	July 29, 1970.
GA–179 Tobesofkee Livestock, Inc., Macon, Ga.	May 1, 1975.
PA–111 Bell's Sales Arena, Dillsburg, Pa.	Nov. 19, 1969.
TX–109 Austin Livestock Auction, Inc., Austin, Tex.	Apr. 2, 1957.
TX–192 North Houston Livestock Auction, Inc., Houston, Tex.	Sept. 30, 1968.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective on April 4, 1977.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 29th day of March 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77-9914 Filed 4-1-77;8:45 am]

Soil Conservation Service

UPPER RED ROCK CREEK WATERSHED PROJECT, OKLA.

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Upper Red Rock Creek Watershed project, Garfield, Noble, Kay and Grant Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement covered by this negative declaration include conservation land treatment supplemented by 20 single-purpose floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until April 19, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

Dated: March 24, 1977.

JAMES W. MITCHELL,
Director, Watersheds Division,
Soil Conservation Service.

[FR Doc.77-9892 Filed 4-1-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 360]

Assignment of Hearings

MARCH 30, 1977.

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 142291, MDI, Inc., now being assigned June 7, 1977 (1 day), at Minneapolis, Minnesota, in a hearing room to be later designated.

MC 113678 (Sub-629), Curtis, Inc., now being assigned June 8, 1977 (1 day), at Minneapolis, Minnesota, in a hearing room to be later designated.

MC 118202 (Sub-60), Schultz Transit, Inc., now being assigned June 9, 1977 (2 days), at Minneapolis, Minnesota, in a hearing room to be later designated.

AB-1 (Sub-29), Chicago and Northwestern Transportation Company Abandonment Between Hayward and Bayfield, Also Between Ashland Junction and Ashland, all in Sawyer, Ashland, and Bayfield Counties, Wisconsin, now being assigned June 13, 1977 (1 week), at Ashland, Wisconsin, in a hearing room to be later designated.

No. 36420, Joint-Line Routing of Coal, CR and LN RR's, now being assigned for hearing on April 19, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 112617 Sub No. 145, Liquid Transporters, Inc., now being assigned June 6, 1977 (1 week), at Louisville, Kentucky, in a hearing room to be later designated.

MC 116915 Sub 28, Eck Miller Transportation Corp., now being assigned June 1, 1977 (1 day), at Louisville, Kentucky, in a hearing room to be later designated.

MC 116254 Sub 166, Chem-Haulers, Inc., MC 112617 Sub 346, Liquid Transporters, Inc., and MC 112595 Sub 64, Ford Brothers, Inc., now being assigned June 2, 1977 (2 days), at Louisville, Kentucky, in a hearing room to be later designated.

MC-C 9106, Freightways Express, Inc. *v.* Seco Trucking, Inc., now being assigned June 2, 1977 (1 day), at Memphis, Tennessee, in a hearing room to be later designated.

MC 142066 Sub 1, Theophane Lawrence Schlegel and Diana Gayle Schlegel, d.b.a. Central Pacific Freight Lines, now being assigned April 25, 1977 (3 days), for continued hearings at Salem, Oregon, and will be held in Conference Room A, Labor and Industries Building.

MC 111594 (Sub-72), CW Transport, Inc., now being assigned May 4, 1977 (1 day), at Chicago, Illinois, in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 140850 (Sub-2), Jersey Steward Trucking, Inc., now being assigned May 5, 1977 (2 days), at Chicago, Illinois, in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9991 Filed 4-1-77;8:45 am]

[Notice No. 145]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 4, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76930, filed March 23, 1977. Transferee: Grandview Enterprises, Inc., 8265 North Borthwick Ave., Portland, Oreg. 97217. Transferor: William W. Williams, 8265 N. Borthwick, Port Orchard, Wash. 98366. Applicant's representative: George Kargianis, Attorney-at-law, 2120 Pacific Building, Seattle, WA 98104. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permits Nos. MC-136089 (Sub-No. 1), MC-136089 (Sub-No. 2), and MC-136089 (Sub-No. 4), issued by the Commission July 9, 1973, March 13, 1973, and December 7, 1976, respectively, as follows: Cleaning and chemical compounds, in containers, from Barberton, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, North Dakota, South Dakota, Texas, Utah, Wyoming, Washington, and Oregon, limited to a transportation service to be performed under a continuing contract, or contracts, with Malco Products, Inc, and finished plastic products, from Akron, Ohio, to points in Washington, Oregon, California, Colorado, Montana, New Mexico, Nevada, North Dakota, South Dakota, Idaho, Texas, Arizona, Wyoming, and Utah, limited to a transportation service to be performed under a continuing contract, or contracts with Cardinal Plastics, a division of Scott & Fetzer Company. Transferee presently holds authority from this Commission under Permit No. MC-139588. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76933, filed March 25, 1977. Transferee: H & M Transport, Inc., 3032 S. El Dorado, Stockton, Calif. 95206. Transferor: Douglas S. Whyte and Tony I. Cenbrano, d.b.a. Molasses Truck Service, P.O. Box 2147, Stockton, Calif. 95201. Applicants' representative: Arden Riess, 319 East Charter Way, P.O. Box 6067, Stockton, Calif. 95206. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC-119175 (Sub-No. 1), issued August 11, 1961, authorizing the transportation of liquid molasses, with or without additives, in bulk, in tank vehicles, from Richmond and Stockton, Calif., to points in Nevada, and those set forth in Permit No. MC-140270 (Sub-No. 2) issued July 25, 1975, authorizing the transportation of natural spring water, potable, in bulk, in tank vehicles, from Mill Creek, Calif., to Las Vegas, Henderson, and Boulder City, Nev., restricted to a transportation service to be performed under a continuing contract or contracts with Five Springs Water Company. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b) of the Act.

No. MC-FC-76976, filed February 11, 1977. Transferee: Wayne's Heritage Tours of America, Inc., 809 West 26th St., Erie, Pa. 16502. Transferors: William W. Lacock, d.b.a. Heritage Tours of Pennsylvania, 809 West 26th St., Erie, Pa. 16502; Wayne C. Lacock, d.b.a. Wayne Travel Service, 1031 Jenkins Arcade, Pit-

tsburgh, Pa. 15222. Applicants' representative: S. Harrison Kahn, Attorney-at-Law, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought for purchase by transferee of the operating rights of transferors set forth in Licenses Nos. MC–12613 (Sub-No. 2), MC–12613 (Sub-No. 5), and MC–12531, issued January 21, 1974, June 16, 1975, and May 1, 1953, respectively, authorizing operations as a broker at Pittsburgh, Pa., in connection with the transportation of passengers and their baggage, in round-trip all expense tours, restricted to passengers moving by motor vehicle or by any combination of motor vehicle and other means of transportation, beginning and ending at Pittsburgh, Pa., or points within 25 miles of Pittsburgh and extending to all points in the United States, including the District of Columbia; operations as a broker at Fredonia, Mercer, and Sharon, Pa., in connection with the transportation of passengers and their baggage, in special charter operations, beginning and ending at points in Clarion, Clearfield, Crawford, Jefferson, Lawrence, and Mercer Counties, Pa., and extending to points in the United States, including Alaska and Hawaii; operations as a broker at Lake City, Pa., in connection with the transportation of passengers and their baggage, in special and charter operations, in all expense round-trip tours, beginning and ending at points in Erie and Warren Counties, Pa., and extending to points in the United States (except points in Alaska and Hawaii); and operations as a broker at Erie, Pa., in connection with the transportation of passengers and their baggage, in special and charter operations in round-trip tours, beginning and ending at Erie, Pa., and extending to points in the United States, except Alaska and Hawaii. Transferee presently holds no authority from this Commission.

No. MC–FC–76983 filed February 22, 1977. Transferee: Hub City Transfer & Storage Co., Inc., 200 East 3rd, Centralia, Washington, 98531. TRANSFEROR: William F. Conrad, d.b.a. Hub City Transfer & Storage Co., 200 East 3rd, Centralia, Washington, 98531, Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Washington, 98101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–1798 and MC–1798 (Sub-No. 4), issued April 27, 1959, and July 29, 1969, as follows: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Centralia, Wash., and Chehalis, Wash.; Household goods as defined by the Commission, Between points in Lewis and Thurston Counties, Wash., on the one hand, and, on the other, points in Oregon; and General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Centralia and Chehalis, Wash., on the one hand, and, on the other, the Centralia Steam Electric plant site of Pacific Power and Light Company, in Lewis County, Wash., and the Skookumchuck Damsite of Pacific Power and Light Company, in Thurston County, Wash. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76987, filed February 23, 1977. Transferee: C M T, Inc., 5565 East 52nd Avenue, Commerce City, Colorado 80022. Transferor: J. B. Montgomery, Inc., A Delaware Corporation, 5565 East 52nd Avenue, Commerce City, Colorado 80022. Applicant's representative: Charles W. Singer, Attorney at Law, 2440 East Commercial Blvd., Fort Lauderdale, Florida 33308. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC–140024, issued December 24, 1975, as follows: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses from the plant site of Minden Beef Company at or near Minden, Nebr., to points in California, Idaho, Nevada, Oregon, Utah, and Washington. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76988, filed February 22, 1977. Transferee: Lone Star Travelers, Inc., P.O. Box 52130, Houston, Texas. Transferor: Howard Warren Torrible, d.b.a. Houston Gray Line Tours, 6800 Main Street, Houston, Texas 77030. Applicant's Representative: S. Harrison Kahn, Attorney at Law, Suite 733, Investment Building, Washington, D.C. 20005. Application sought for purchase by transferee of License No. MC–12736 issued June 14, 1961 as a broker at Houston, Texas in connection with the transportation of passengers and their baggage in round-trip sightseeing tours beginning and ending at Houston, Texas and extending to points in the United States (except Alaska and Hawaii) but including ports of entry on the United States-Canada boundary line. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority.

No. MC–FC–76989, filed February 23, 1977. Transferee: Harvey G. Nobel, d.b.a. Gilch's Service, 1253 Black Horse Pike, Runnemede, New Jersey 08078. Transferor: George Gilch, Catherine B. Gilch, Executrix, 2961 David Road, Runnemede, New Jersey 08078. Applicant's representative: J. Raymond Clark, Attorney at Law, Suite 1150, 600 New Hampshire Avenue, NW., Washington, D.C. 20037. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–135798, issued November 30, 1972, as follows: Wrecked and disabled motor vehicles between points in Camden, Gloucester, Burlington, and Salem Counties, New Jersey, on the one hand, and, on the other, points in Connecticut, Virginia, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76990, filed February 25, 1977. Transferee: Rouse's Body Shop, Inc., E. 19 Ermina, Spokane, Washington 99207. Transferor: Custom Towing, Inc., E. 34 Trent, Spokane, Washington 99202. Applicant's representative: Donald A. Ericson, Attorney at Law, 708 Old National Bank Building, Spokane, Washington 99201. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–112570 issued June 5, 1964, as follows: Wrecked and disabled motor vehicles, and recovered, stolen, or repossessed automobiles between Spokane, Wash., on the one hand, and, on the other, points in Idaho and specified counties in Montana, and specified points in Washington. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a (b).

No. MC–FC–76998 filed February 28, 1977. Transferee: Mid-Way Transportation, Inc., 8800 Oakdale, Waco, Texas, 76710. Transferor: D. G. Armstrong, d.b.a. Mid-Way Transportation Co., 8800 Oakdale, Waco, Texas 76710. Applicants' representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Texas 78701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–140676 (Sub-No. 1), issued May 19, 1976, as follows: Brick and tile, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and proceeding along U.S. Highway 283 to junction U.S. Highway 67 at or near Coleman, Tex., thence along U.S. Highway 67 to San Angelo, Tex., thence along U.S. Highway 277 to the United States-Mexico Boundary line at or near Del Rio, Tex. (Except points in Dallas and Tarrant Counties, Tex.), to points in Louisiana, Mississippi, Alabama, and Florida. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–FC–76999 filed February 22, 1977. Transferee: Robinson Truck Line, Inc., Highway 50 West, West Point, Mississippi 39773. Transferor: William A. Robinson, Henry Clay Robinson, Jr., Richard Ray Robinson, and Frank Taylor Robinson, A Partnership, d.b.a. Robinson Truck Lines, Highway 50 West, West Point, Mississippi 39773. Applicants' representative: Robert B. Marshall, Jr., 203 Jordan Avenue, P.O. Box 835, West Point, Mississippi 39773. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC–16502, MC–16502 (Sub-No. 17) and MC–16502 (Sub-No. 19), issued November 11, 1974, September 4, 1975, and October 12, 1975, as follows: *General commodities,* except those of unusual value, classes A and B explo-

sives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over regular routes, Serving the site of the United States Navy Jet Air Base near Meridian, Miss., an as off-route point in connection with carrier's regular-route operations authorized herein, Serving the facilities of Slate Springs Glove Company at or near Lynville, Miss., as an off-route point in connection with carrier's regular route operations authorized herein. Between Scooba, Miss., and Electric Mills, Miss., serving all intermediate points: From Scooba over U.S. Highway 45 to Electric Mills, and return over the same route; *General commodities*, except those of unusual value, classes A and B explosives, liquors, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over regular routes, Between Memphis, Tenn., and Starkville, Miss., serving all intermediate points between Okolona and Starkville, Miss., including Okolona, and the off-route points of Egypt, Gibson, Prairie, Tibbee, Mayhew, State College, Sessums, Artesia, Billups, Bent Oak, and Columbus, Miss., points on Mississippi Highway 10 between West Point, Miss., and junction Mississippi Highway 10 and Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), not including West Point: From Memphis over U.S. Highway 78 via New Albany, Miss., to Tupelo, Miss., thence over U.S. Highway 45 to junction Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), thence over Alternate U.S. Highway 45 to junction U.S. Highway 82, thence west over U.S. Highway 82 to Starkville, and return over the same route.

Between junction Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), and U.S. Highway 82, and Macon, Miss., serving the intermediate point of Crawford, Miss., and off-route point of Brookville, Miss.: From junction Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), and U.S. Highway 82 over Alternate U.S. Highway 45 to junction U.S. Highway 45, thence over U.S. Highway 45 to Macon, and return over the same route. Serving Columbus Air Base, Miss., as an off-route point in connection with carrier's regular-route operations authorized herein between Memphis, Tenn., and Starkville, Miss.; *General commodities*, except those of unusual value, classes A and B explosives, liquors, household goods as defined by the Commission, and commodities requiring special equipment, Between Macon, Miss., and De Kalb, Miss., serving the intermediate points of Shuqualak, Wahalak, and Scooba, Miss.: From Macon over U.S. Highway 45 to Scooba, Miss., thence over Mississippi Highway 16 to De Kalb, and return over the same route; MC-16502 Sub-17—*General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving the facilities of Weyerhaeuser Company, near Columbus, Miss., as an off-route point in connection with carrier's authorized regular-route operations between Memphis, Tenn., and Macon, Miss.; MC 16502 Sub-19—*Phosphorus pentasulfide*, in containners, From Columbus, Miss., to Port Arthur, Tex .Transferee presently holds no authority from this Commission. Application has not been filed from temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-9990 Filed 4-1-77;8:45 am]

WABASH RAILROAD CO., ET AL.

Abandonment of Rail Lines

MARCH 21, 1977.

In the matter of the Wabash Railroad Company and Norfolk and Western Railway Company abandonment between Fairbury and Clay in Livingston County, Illinois, AB 10 (Sub-No. 6); Illinois Central Gulf Railroad Company abandoment between Saxony and Pontiac, in Livingston County, Illinois, AB 43 (Sub-No. 20); Illinois Central Gulf Railroad Company abandonment between Flanagan and Minonk Junction in Livingston and Woodford Counties, Illinois, AB 43 (Sub-No. 21).

The Interstate Commerce Commission hereby gives notice that its section of Energy and Environment has concluded that the proposed abandonments if approved by the Commission, do 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 diversion of the traffic presently moving over the lines would not appreciably affect ambient environmental conditions in the affected corridors and tributary territory. A serious adverse impact on rural and community development would not be expected to result from the proposed abandonments. No historic or archeological sites are involved in the proposed actions.

This conclusion is contained in a staff-prepared environmental threshold 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 May 4, 1977.

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.77-9992 Filed 4-1-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., April 6, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue N.W., Washington, D.C. 20428.

SUBJECT: Oral Argument, Docket 28004, Pacific Overseas Fares Investigation.

STATUS: Open.

PERSON TO CONTACT:
Phyllis T. Kaylor, The Secretary, (202) 673–5068.

[S–79–77 Filed 3–30–77;4:50 pm]

2

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., April 5, 1977.
PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Docket 30314, Part 370—Employee Responsibilities and Conduct.

STATUS: Open.

PERSON TO CONTACT:
Phyllis T. Kaylor, The Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Those persons who previously filed individual or joint comments in Docket 30314 are invited to present their views orally to the Board at the April 5, 1977, meeting. For this purpose, information copies of a draft revised Part 370 prepared by the Office of General Counsel following the March 24, 1977 Board Meeting will be available at the Board's Publications Services Division, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428 after 1:00 p.m., March 30, 1977.

Individuals who filed designed separate comments may request the opportunity to address the Board. In the interests of time, those persons who filed joint comments are encouraged to select one speaker to represent the group. Persons who filed joint comments may also present their individual views to the Board, but if many such requests are received, it may be necessary to limit the amount of time for each such speaker.

All requests for presentation time must be made in writing to the Secretary no later than noon, Friday, April 1, 1977. Each request should specify the name of the individual or group filing the written comment and the name of the person who will address the Board. Persons who filed comments jointly but wish to address the Board as individuals must so note on their request. If desired, telephone numbers may be provided.

The order of speakers and time per speaker will be announced on Monday morning, April 4, 1977. The Secretary will notify each speaker of the schedule.

[S–80–77 Filed 3–30–77;4:50 pm]

3

AGENCY HOLDING THE MEETING: Federal Communications Commisison.

TIME AND DATE: 9:30 a.m., Wednesday, Apri 6, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda and item No.	*Subject*
General—1	Early formation of 1979 WARC Delegation.
Common carrier—1	Memorandum opinion and notice of proposed rulemaking concerning uniform settlement rates on parallel international communications routes.
Renewal—1	Bureau's analysis of supplemental information filed pursuant to the Commission's memorandum opinion and order, 61 FCC 2d 523 (1976), by Station WHK, Cleveland, Ohio (BR–285).
Television—1	Petition for reconsideration of action denying an application for review of action by Broadcast Bureau dismissing an application for changes in the facilities of KRSD–TV, Rapid City, S.D. (BPCT–4077).
Compliants and Compliance—1	Application for review, filed on Oct. 28, 1976, by Melbourne A. Noel, Jr. of the Broadcast Bureau's ruling Oct. 14, 1976, denying his complaint against WLS–TV and radio, WBBM–TV and radio, WMAQ–TV, WGN–TV and radio and WLAK(FM), Chicago, Ill.
Special—1	Proposed rule changes in Part 73 to permit the use, on a permissive basis, of circular or elliptical polarization for television broadcast transmissions (Docket No. 20802).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, Jr., FCC Public Information Officer, telephone number (202) 632–7260.

Issued: March 30, 1977.

[S–77–77 Filed 3–30–77;4:50 pm]

4

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

Pursuant to the Government in the Sunshine Act of 1976, 5 U.S.C. 552b(e)(2) and (3), announcement is made of a change of subject matter of a portion of a Board meetng scheduled to be held on March 31, 1977, at 9:30 a.m., in room 630. Mr. Garth Marston and Mr. Grady Perry, Jr., constituting the entire membership of the Board, hereby determine by recorded vote that Board business requires such change and that no earlier announcement of such change was possible. The announcement of this change and the vote of each member upon such change is being made at the earliest practicable time.

The changes are as follows:

1. Consideration of Proposal by Heizer Corporation, Chicago, Illinois, to Acquire Buckeye Savings Association, Forest

Park, Ohio is Withdrawn from the Agenda.

2. Application for Bank Membership and Insurance of Accounts by Liberty Savings and Loan Association, Warrenton, Viginia, is Added to the Agenda for the Open Meeting.

Mr. Robert Marshall (202-376-3012) is the Board official designated to respond to requests for information pertaining to such meeting.

The Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[S-73-77 Filed 3-30-77;2:17 pm]

5

AGENCY HOLDING THE MEETING: Federal Power Commission.

MARCH 29, 1977.

The following items are added to the Commission meeting of March 31, 1977, upon the affirmative vote of Chairman Dunham, and Commissioners Smith, Holloman, and Watt.

G-23 Docket No. CP73-206, Consolidated Gas Supply Corporation
G-24 Docket No. CP77-213, Mid Louisiana Gas Company
G-25 Docket No. G-11138, Texas Gas Transmission Company and Southern Natural Gas Company

KENNETH F. PLUMB,
Secretary.

[S-78-77 Filed 3-30-77;4:50 pm]

6

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Wednesday, April 6, 1977, at 10 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

1. Amendments to the Federal Reserve System's retirement, thrift, and long-term disability income plan. (This matter was originally scheduled at a meeting on March 23, 1977).

2. Issues regarding electronics funds transfer systems in preparation for anticipated testimony before the Congress. (This matter was originally scheduled at a meeting on April 1, 1977.)

3. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b(c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, March 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-71-77 Filed 3-30-77;1:29 pm]

7

AGENCY HOLDING THE MEETING: Foreign Claims Settlement Commission.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notices in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date and time	*Subject matter*
Wed., Apr. 13, 1977, at 10 a.m.	Oral hearings on objections to decisions issued under the Hungarian Claims Program.
Thurs., Apr. 14, 1977, at 10 a.m.	Oral hearings on objections to decisions issued under the Hungarian Claims Program.
Fri., Apr. 15, 1977, at 10:30 a.m.	Consideration of Hungarian Claims.
Thurs., Apr. 21, 1977, at 10 a.m.	Oral hearings on objections to decisions issued under the Hungarian Claims Program.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Telephone: 202/653-6156.

Dated at Washington, D.C., on March 28, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-76-77 Filed 3-30-77;2:54 pm]

8

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

In accordance with the requirements of the Government in the Sunshine Act and the Commission's rules implementing the Act, this Notice identifies an additional meeting scheduled for March 29, 1977.

ADDITIONAL CLOSED MEETING

By unanimous vote on March 28, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's rules that Commission business requires that the following closed meeting be held on less than one week's notice to the public. The need for the meeting did not arise until the conclusion of discussion of this same subject on March 28, and immediate additional discussion is required so that the matter can be handled promptly.

TUESDAY, MARCH 29

10:30 a.m.—Discussion of the Seabrook Opinion (Closed Meeting). (Authority to Close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(10) and §§ 9.105(a) and 9.104(a)(10) of the Commission's rules.)

The meeting will involve discussion of the drafting of an opinion in a particular case of formal agency adjudication pursuant to 5 U.S.C. 554, and will be a continuation of the closed meeting held on this subject on Monday, March 28.

(On March 3, 1977, the Commission unanimously voted to close meetings on Seabrook for up to 30 days after March 18, the date of the initial meeting.)

Those persons expected to be in attendance are:

The Commissioners and members of their personal staffs; Peter L. Strauss, General Counsel and members of his office; Benjamin Huberman, Director of Policy Evaluation and members of his office.

Samuel J. Chilk, Secretary and members of his staff. (One or more persons may also attend to operate recording or transcribing equipment.)

The meeting will be held in the Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone (202) 634-1410.

Dated this 29th day of March 1977, at Washington, D. C.

For the Commission.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S-72-77 Filed 3-30-77;1:30 pm]

9

AGENCY HOLDING THE MEETING: Occupational Safety and Health Review Commission.

In accordance with 29 CFR 2203.3(d)(1) (regulations under the Government in the Sunshine Act), announcement is made of the following Commission meeting:

DATE: April 4, 1977.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

TIME: 2:30 p.m.

PROPOSED AGENDA: Discussion of specific cases in the Commission adjudication process.

Under 29 CFR 2203.3(c)(4), this meeting is subject to being closed by a vote of the Commissioners taken at the beginning of such meeting. Two Commissioners must vote to close or the meeting will remain open. The only matters to be discussed at this meeting will be specific cases in the Commission adjudication process. Under 29 CFR 2203.3(b)(10), the identity of the cases to be discussed is exempt from disclosure, and the

meeting may be closed upon a proper vote taken.

For information on this meeting and all other Commission meetings, call Ms. Nori Heuberger (202) 634–7970, or Mrs. Lottie Richardson (same phone number).

Dated: March 7, 1977.

For the Commission,

PAUL R. WALLACE,
Counsel to the Commission.

[S–74–77 Filed 3–30–77;2:17 pm]

10

AGENCY HOLDING THE MEETING: Occupational Safety and Health Review Commission.

In accordance with 29 CFR 2203.3(d) (1) (regulations under the Government in the Supnshine Act), announcement is made of the following Commission meeting:

DATE: April 8, 1977.

PLACE: Room 1101, 1825 K Strret NW., Washington, D.C.

TIME: 9:30 a.m.

PROPOSED AGENDA: Discussion of possible revisions in the Commission's rules of procedure.

This meeting will be open.

For information on this meeting and all other Commission meetings, call Mrs. Nori Heuberger (202) 634–7970, or Ms. Lottie Richardson (same phone number).

Dated: March 30, 1977.

For the Commission,

PAUL R. WALLACE,
Counsel to the Commission.

[S–75–77 Filed 3–30–77;2:17 pm]

11

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

TIME AND DATE: 10 a.m., April 12, 1977.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED: (1) Information Requested from the Social Security Administration necessary for the administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act.

(2) Censorship of Union Publications.

(3) Personnel Information Processing System (PIPS).

(4) Decision of Administrative Law Judge, Social Security Administration, Holding That an Individual Can Split His Continuous Military Service under the Railroad Retirement Act and the Social Security Act.

(5) Scope of the Board's Authority Concerning Employee Details Under the Railroad Unemployment Insurance Act—General Counsel Opinion L–77–181.

(6) Proposal for Weekly Microfiching of the Bureau of Unemployment and Sickness Insurance Master File.

(7) Nomination of Board Employee to Attend the Civil Service Commission Course "Writting the Lanuage of the Collectively Bargained Agreement."

(8) Continuance of the Board's Only Advisory Committee, the Actuarial Advisory Committee with Respect to the Railroad Retirement Account.

(9) Transfer of Screening and Development Functions from the Bureau of Retirement Claims to the Bureau of Supply and Service.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, Telephore No. (312) 387–4920.

[S–70–77 Filed 3–30–77;1:28 pm]

12

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: Monday, April 4, 1977, 4 p.m.

PLACE: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will meet with Igor Kamlukin of Briggs & Stratton, at his request, to discuss deadman controls for power lawn mowers. The Commission is scheduled to vote on a proposed consumer product safety standard for power lawn mowers at its April 7, 1977 meeting. In voting on March 30, 1977 to hold this April 4 meeting, the Commission also determined that Agency business requires waiving the usual seven days advance notice.

CONTACT PERSON FOR MORE INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. 20207, telephone (202) 634–7700

[S–83–77 Filed 3–31–77;4:06 pm]