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federal register

TUESDAY, JANUARY 18, 1977

highlights

PART I:

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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

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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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.

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Title 3—The President

Executive Order 11957 • **January 13, 1977**

Designation of Certain Officers To Act as Secretary of Agriculture

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

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

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

Gerald R. Ford

THE WHITE HOUSE,
January 13, 1977.

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

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of State

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

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

§ 213.3304 Department of State.

(a) *Office of the Secretary.*

* * * * *

(25) One Special Assistant to the Secretary.

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

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

[FR Doc.77–1593 Filed 1–17–77;8:45 am]

PART 610—HOURS OF DUTY

Amending Hours of Duty and Holiday Regulations

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

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

§ 610.101 Coverage.

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

§ 610.201 Identification of holidays.

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

§ 610.202 Determining the holiday.

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

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

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

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

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

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

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

Title 7—Agriculture

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

[Lemon Regulation 74, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 9–15, 1977. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

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

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 74 (42 FR 1476). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

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

§ 910.374 Lemon Regulation 74.

* * * * *

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

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

Dated: January 12, 1977.

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

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

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Release of Area Quarantined

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

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

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

§ 731.a [Amended]

In § 73.1a, paragraph (c) relating to the State of Arizona is deleted.

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

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

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

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

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

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

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

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

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

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

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

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

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

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

Those favoring the proposal offered these general reasons:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other minor changes have been made for purposes of clarification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 317.8 [Amended]

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

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

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

The foregoing amendments shall become effective July 1, 1978.

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

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

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

Title 12—Banks and Banking

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

PART 16—SECURITIES OFFERING DISCLOSURE RULES

Revision of Offering Circular Requirements

Correction

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

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

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

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-981, Amdt. 55]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 11, 1977.

Effective: January 11, 1977.

Adopted: January 11, 1977.

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

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

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

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

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

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

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

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

§ 288.7 Reasonable level of compensation.

* * * * *

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

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

§ 288.7 Reasonable level of compensation.

* * * * *

(d) * * *

* * * * *

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

* * * * *

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

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

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

Carriers	November 1976 P–12(a) report			Price per gallon used in latest surcharge computation [1] (cents)	Currently effective base average price [2] (cents)	Percent price increase (decrease) current/base	Fuel cost as a percent of total economic cost [3]	Fuel price change impact on base economic costs (percent)	Rate impact weighting factor [4] (percent)	Base rate impact for fuel price change (percent)
	Cost	Gallons	Price per gallon							
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Long range:										
Airlift	$47,587	119,318	39.88	42.03	37.63	5.98	36.07	2.16	4.47	0.097
Capitol	105,223	270,551	38.89	41.41	37.15	4.68	31.53	1.48	4.83	.071
Flying Tiger	438,713	1,166,771	37.60	40.51	33.76	11.37	23.45	2.67	16.19	.432
Northwest	372,633	940,377	39.63	39.37	35.39	11.98	27.23	3.26	9.39	.306
Overseas	341,761	847,537	40.32	41.34	39.59	1.84	30.22	.56	7.67	.043
Pan American	404,734	1,002,448	40.37	40.47	37.53	7.57	24.20	1.83	17.73	.324
Seaboard	198,424	509,546	38.94	39.97	37.63	3.48	28.11	.98	9.40	.092
Trans International	585,050	1,487,938	39.32	40.69	37.36	5.25	30.86	1.62	16.38	.265
World	221,226	555,703	39.81	39.85	36.79	8.21	28.06	2.30	13.94	.321
Total	2,715,351	6,900,189	39.35	40.51	36.77	7.02	27.43	1.926	100.00	1.951

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

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

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpart C—Consent Order Procedure

MISCELLANEOUS AMENDMENT

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

Section 2.32 is amended to read as follows:

§ 2.32 Agreement.

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

(60) days for the receipt and consideration of comments or views from any interested person; and that the Commission thereafter may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding. In addition, in appropriate circumstances the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any party that the law has been violated as alleged in the complaint.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46).)

By direction of the Commission dated December 14, 1976.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-1250 Filed 1-17-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13113; File No. S7-603]

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

Uniform Net Capital Rule

The Securities and Exchange Commission today announced the adoption of certain amendments to Rule 15c3-1 [17 CFR 240.15c3-11] ("§ 240.15c3-1"), the uniform net capital rule, under the Securities Exchange Act of 1934. The amendments continue the suspension of certain provisions of the net capital rule pertaining to transactions in municipal securities until May 1, 1977.

The Commission, in Securities Exchange Act Release No. 12482 (May 26, 1976) [41 FR 14114 (June 15, 1976)] ("Release No. 12482"), adopted certain amendments to § 240.15c3-1 pertaining to transactions in municipal securities.

The Commission also requested public comment, especially by way of impact studies and other appropriate statistical compilations, concerning certain of the more intricate questions arising from application of § 240.15c3-1 to transactions in municipal securities. In this connection, the Commission specifically requested public comment concerning position size and time-in-inventory parameters appropriately evidencing undue concentrations in municipal securities, the contours of a "ready market" for municipal securities, and the need for adjustments to the alternative as applied to brokers and dealers effecting transactions solely in municipal securities.

Thereafter, several members of the public invested considerable time and effort in the production of statistical analyses and other studies bearing upon the questions propounded for comment by the Commission. The results of their work have been of great value to the Commission, which appreciates their highly constructive response to its request. Largely as a result of their work, the Commission is progressing towards definitive solutions of the regulatory issues involved in the Commission's request for comment in Release No. 12482. With the aid of further impact data directed to certain issues raised by the application of § 240.15c3-1 to transactions in municipal securities, the Commission is confident that it can propose in the near future solutions to these remaining questions which are appropriate in the public interest and for the protection of investors. Accordingly, the Commission has determined to extend until May 1, 1977, the presently existing temporary amendments to § 140.15c3-1, in order to permit the public to develop and the Commission to analyze further information responsive to the Commission's renewed request for public comment.

SOLICITATION OF PUBLIC COMMENT

The Commission solicits the views of all interested members of the public concerning the appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. In particular, the Commission invites public comment addressed to the following questions:

1. On the basis of impact data and other appropriate statistical compilations, is it appropriate in the public interest and for the protestion of investors to consider unduly concentrated only those positions in municipal securities of an issue[1] which are long or short in the proprietary or other accounts of a broker or dealer longer than eleven business days, and which in market value exceed the greater of $500,000 or 10 percent of tentative net capital? Are these parameters appropriate as applied to positions in municipal notes?

2. In light of impact data and other appropriate statistical compilations, do there exist or can there be evolved uniform criteria for determining when a "ready market" for a particular municipal security exists?

3. On the basis of impact studies, trial capital computations and other appropriate statistical compilations, is it necessary to adjust the treatment of certain items under the alternative net capital requirement to reflect essential differences between the clearance and settlement mechanisms for municipal securities and their counterparts in the corporate securities industry? What would be the effect of modifications suggested in response to this question upon minimum net capital requirements for brokers and dealers effecting transactions in municipal securities, computed under the alternative net capital requirement as amended herein?

[1] For the purpose of this question, the term "municipal securities of an issue" should be assumed to denote all municipal securities issued by the same issuer and having the same dated date, maturity date, interest rate and credit backing.

Interested persons are invited to submit their views in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than March 1, 1977. Reference should be made to File No. S7-603. All comments received will be available for public inspection.

PUBLIC PROCEDURE

In Release No. 12482, the Commission invited public comment concerning several questions relating to the appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. The amendments to § 240.15c3-1 adopted herein are framed in light of considerations disclosed in the public's response to that invitation, and do not alter the existing regulatory scheme for such brokers and dealers. The Commission finds, pursuant to 5 U.S.C. § 553(b)(3)(B) (1970), that further notice and public procedure respecting these amendments is impracticable and unnecessary to the public interest. The Commission finds further that these amendments relieve regulatory restrictions within the meaning of 5 U.S.C. 553(d)(1) (1970), and may therefore become effective less than thirty days from their publication.

STATUTORY BASIS, EFFECTIVE DATE AND COMPETITIVE CONSIDERATIONS

Pursuant to the Securities Exchange Act of 1934, and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. § 780(c)(3), w(a), the Commission amends § 240.15c3-1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below, effective January 1, 1977. The Commission finds that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, 15 U.S.C. § 780(c)(3), to establish minimum financial responsibility standards for all brokers and dealers.

TEXT OF AMENDMENTS TO SECTION 240.15c3-1

The text of the amendments to § 240.15c3-1 is as follows:

1. Paragraphs (c)(2)(iv)(C) and (f)(1)(i) and (ii) are revised to read as follows:

§ 240.15c3-1 Net capital requirements for brokers or dealers.

* * * * * * *

(c) * * *
(2) * * *
(iv) * * *

(C) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than syndicate profits which shall be treated as required in subdivision (c)(2)(iv)(E) below), mutual fund concessions receivable and management fees receivable from registered investment companies, all of which receivables are outstanding

longer than thirty (30) days from the date they arise; dividends receivable outstanding longer than thirty (30) days from the payable date; good faith deposits arising in connection with an underwriting, outstanding longer than eleven (11) days from the settlement of the underwriting with the issuer; and, until May 1, 1977, receivables due from participation in municipal securities underwriting syndicates and municipal securities joint underwriting accounts which are outstanding longer than ninety (90) days from settlement of the underwriting with the issuer, and good faith deposits arising in connection with an underwriting of municipal securities, outstanding longer than ninety (90) days from settlement of the underwriting with the issuer;

* * * * *

(f) *Alternative Net Capital Requirement.* (1)(i) A broker or dealer who is not exempt from the provisions of 17 CFR 240.15c3-3 under the Securities Exchange Act of 1934 pursuant to subparagraph (k)(1) or (k)(2)(i) may elect not to be subject to the limitations of paragraph (a) of this section respecting aggregate indebtedness as defined in subparagraph (c)(1) of this section and certain deductions provided for in subparagraph (c)(2) of this section. Provided, that in order to qualify to operate under this paragraph (f), such broker or dealer shall at all times maintain net capital equal to the greater of $100,000 (until May 1, 1977, $25,000 in the case of a broker or dealer effecting transactions solely in municipal securities) or 4 percent of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements for Brokers and Dealers (Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a) and shall notify the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing, of its election to operate under this provision. Once a broker or dealer has determined to operate pursuant to the provisions of this paragraph (f), he shall continue to do so unless a change in such election is approved upon application to the Commission.

(ii) In the case of a municipal securities broker, as defined in section 3(a)(31) of the Securities Exchange Act of 1934, who is not exempt from the provisions of 17 CFR 240.15c3-3 under the Securities Exchange Act of 1934 pursuant to subparagraph (k)(1) or (k)(2)(i), and who effects transactions only on a payment versus delivery basis with other brokers or dealers or municipal securities brokers or municipal securities dealers, and who does not hold funds or securities for, or owe money to, customers and does not otherwise carry accounts of, or for, customers, in order to qualify to operate under this paragraph (f) such municipal securities broker shall at all times, until May 1, 1977, maintain net capital equal to the greater of $25,000 or 4 percent of aggregate debit items computed in accordance with Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a. *Provided,* That in order to qualify to operate under this paragraph (f), such municipal securities broker shall notify the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing, of its election to operate under this provision. Once a municipal securities broker has determined to operate pursuant to this subparagraph (f), he shall continue to do so unless a change in such election is approved upon application to the Commission.

§ 240.15c3-1 [Amended]

2. In § 240.15c3-1, the last sentence of paragraphs (c)(2)(vi)(M) and (f)(3)(iii) is amended to read as follows: "Provided further, that until May 1, 1977, this paragraph shall not apply to municipal securities."

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 28, 1976.

[FR Doc.77-1664 Filed 1-17-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F-0272]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

OLEFIN POLYMERS

The Food and Drug Administration (FDA) is amending the food additive regulations to permit the use of a terpolymer in a blend with either polyethylene or polypropylene to be used as articles or components of articles intended for food contact and also to provide for the use of an antioxidant in the production of the terpolymer; effective January 18, 1977; objections by February 17, 1977.

Notice was given in the FEDERAL REGISTER of July 26, 1976 (41 FR 30700), that a petition (FAP 6B3216) had been filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, proposing that § 121.2501 (21 CFR 121.2501) be amended to provide for the safe use of a terpolymer of ethylene, propylene, and 1,4-hexadiene in a blend with either polyethylene or polypropylene to be used as articles or components of articles intended for food contact. Subsequently, amended notice was given in the FEDERAL REGISTER of November 5, 1976 (41 FR 48793) that the petition also proposed amending § 121.2566 (21 CFR 121.2566) to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate in the production of the terpolymer.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended as set forth below. Also, it has come to the Commissioner's attention that in FR Doc. 68-10502, appearing in the FEDERAL REGISTER of August 31, 1968 (33 FR 12309), the temperature (135° C) to be used in determining the viscosity average molecular weight of olefin copolymers described in § 121.2501(a)(3)(iii) was inadvertently omitted from the regulation and should be inserted in § 121.2501(d)(5). The amended § 121.2501(d)(5) below includes this clarification.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 121 is amended as follows:

1. In § 121.2501, by adding new paragraph (a)(3)(iv), by numerically adding new item 3.5 to the table in paragraph (c), and by revising paragraph (d)(5) to read as follows:

§ 121.2501 Olefin polymers.

* * * * *

(a) * * *

(3) * * *

(iv) Ethylene and propylene that may contain as a modifier not more than 4.5 weight percent of total polymer units derived by copolymerization with 1,4-hexadiene.

* * * * *

(c) * * *

Olefin polymers	Density	Melting point (MP) or softening point (SP)	Maximum extractable fraction (expressed as percent by weight of polymer) in n-hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
* * *	*	*	*	*
3.5 Olefin copolymers, primarily noncrystalline, described in paragraph (a)(3)(iv) of this section, provided that such olefin polymers have a minimum viscosity average molecular weight of 95,000 as determined by the method described in paragraph (d)(5) of this section, and further provided that such olefin polymers are used only in blends with olefin polymers described under items 1.1, 2.1, and 2.2 of this table at a maximum level of 25 pct by weight, and provided that such olefin copolymers contact food only of the types identified in sec. 121.2520(c), table 1, under types I, II, IV-B, VI, VII-B, and VIII at temperatures not exceeding 190° F.	0.85-0.90			
* * *	*	*	*	*

(d) * * *

(5) *Viscosity average molecular weight, olefin copolymers described in paragraphs (a) (3) (iii) and (iv) of this section.* The viscosity average molecular weight shall be determined from the kinematic viscosity (ASTM Method D 445)[1] of solutions of the copolymers in solvents and at temperatures as follows:

(i) Olefin polymers described in paragraph (a) (3) (iii) of this section in decahydronaphthalene at 135° C.

(ii) Olefin polymers described in paragraph (a) (3) (iv) of this section in tetrachloroethylene at 30° C.

* * * * *

2. In § 121.2566(b) by revising limitation 5 on the substance "Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate" to read as follows:

§ 121.2566 **Antioxidants and/or stabilizers for polymers.**

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
	For use only:
	* * *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.	5. At levels not exceeding 0.25 percent by weight of olefin copolymers complying with § 121.2501(c), items 3.4 and 3.5: *Provided*, That the finished polymer contacts nonfatty foods only of the types identified in § 121.2526, table 1, under categories I, II, IV–B, VI, VII–B, and VII.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 17, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

[1] Copies are available from: American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.

Effective date: This regulation shall become effective January 18, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: January 10, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

NOTE.—Incorporation by reference approved on December 9, 1976 by the Director of the Office of the Federal Register, and it is on file in the Federal Register library.

[FR Doc.77-1338 Filed 1-17-77;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 613—THE JEWELRY AND MISCELLANEOUS PRODUCTS MANUFACTURING INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 646 (41 FR 36705), the Secretary of Labor appointed and convened Industry Committee No. 136–A for the Jewelry and Miscellaneous Products Manufacturing Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 136–A are hereby published, revising § 613.1 and amending § 613.2 of Part 613, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6 of the 1974 Fair Labor Standards Amendments are set forth in this wage order. The other wage rates have heretofore reached the mainland rates and are continued.

Section 613.1 is revised and § 613.2 is amended by revising paragraphs (a)(1)(v)(A), (a)(1)(vi)(A), and (a)(2)(i) to read as follows:

§ 613.1 **Definition.**

(a) The jewelry and miscellaneous products manufacturing industry in Puerto Rico is defined as the manufacture of jewelry and jewelry products including the processing of natural or synthetic stone for jewelry or industrial use; the manufacture of artificial flowers except those made of molded plastic, party favors and similar products; straw, hair and related products; and all other manufacturing activities which are not included in the definitions of other manufacturing industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That the industry shall not include any activity carried on by an establishment primarily engaged in another industry in Puerto Rico for its own use.

(b) This industry includes, but is not limited to, the manufacture of jewelry and jewelry findings; silverware, plated ware, and stainless steel ware; rosaries, beads, buttons, buckles and hair ornaments and accessories; the processing of stones for jewelry or industrial use; the manufacture of flowers, buds, berries, foliage, leaves, fruits, plants, stems, and branches which are commonly or commercially known as artificial; the manufacture of party favors and ornaments and decorations for holidays except those made of molded plastics or metal other than metallic chenille foil or tinsel; and the manufacture of products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, bristles, feathers and similar materials.

§ 613.2 **Wage rates.**

* * * * *

(a) *Jewelry, novelty, decoration, straw, hair and related products sector of the industry*—(1) *Pre-1961 coverage classification.* * * *

(v) *Straw, hair and related products classification.* (A) The minimum rate for this classification is $2.00 an hour through April 30, 1977; $2.15 an hour effective May 1, 1977; and $2.30 an hour effective May 1, 1978, (section 6(c)(5)). * * *

(vi) *Other related products and activities classification.* (A) The minimum rate for this classification is $2.30 an hour.

* * * * *

(2) *1961 coverage classification.* (i) The minimum rate for this classification is $2.30 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208.)

Effective date: These amendments shall be effective on February 3, 1977.

Signed at Washington, D.C., on this 12th of January 1977.

RONALD J. JAMES,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.77-1519 Filed 1-17-77;8:45 am]

PART 720—THE RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6 and 8 of the Fair Labor Standards Act of 1938 (52

Stat. 1062, 1064 as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 646 (41 FR 36705), the Secretary of Labor appointed and convened Industry Committee No. 136-B for the Rubber and Miscellaneous Plastics Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 136-B are hereby published, revising § 720.1 and amending § 720.2. Those classifications which have reached mainland rates are updated.

In addition, § 720.2(c) is hereby rescinded as obsolete.

Section 720.1 is revised and § 720.2 is amended by revoking paragraph (c) and by revising paragraphs (a)(1)(i), (a)(2)(i), (a)(3)(i), (a)(4)(i), (b)(1)(i), and (b)(2)(i) to read as follows:

§ 720.1 Definition.

The rubber and miscellaneous plastics products industry in Puerto Rico is defined as the manufacture from natural, synthetic, or reclaimed rubber or latex rubber products such as, but not limited to, tires and tubes, reclaimed rubber, rubber and plastics hose and belting, industrial and mechanical rubber and plastics goods, rubberized fabrics, recapped and retreaded tires, rubber and plastics cut stock and findings for footwear, and miscellaneous rubber and fabricated plastics products: *Provided, however,* That the industry shall not include any activity in the rubber and plastics footwear industry; the chemical, petroleum and related products industry; the leather, leather goods and related products industry; the gloves and mittens industry; the men's and boys' clothing and related products industry; the corsets, brassieres and allied garments industry; the women's outerwear, needlework and miscellaneous fabricated textile products industry; the textile mill products industry; and the jewelry and miscellaneous products manufacturing industry.

§ 720.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the rubber and miscellaneous plastics products industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classifications.* * * *

(1) *Rubber products classification.* (i) The minimum rate for this classification is $2.30 an hour. * * *

(2) *Plastic dinnerware, sprayer, vaporizer, phonograph record and artificial flower classification.* (i) The minimum wage for this classification is $2.20 an hour through April 30, 1977, and $2.30 an hour effective May 1, 1977. * * *

(3) *Plastic pipe and fittings classification.* (i) The minimum wage for this classification is $2.15 an hour through April 30, 1977, and $2.30 an hour effective May 1, 1977. * * *

(4) *Other plastics products classification.* (i) The minimum wage for this classification is $2.15 an hour through April 30, 1977, and $2.30 an hour effective May 1, 1977. * * *

(b) *1966 Coverage classifications.* * * *

(1) *Rubber products classification.* (i) The minimum rate for this classification is $2.30 an hour. * * *

(2) *Plastics products classification.* (i) The minimum wage for this classification is $2.20 an hour through April 30, 1977, and $2.30 an hour effective May 1, 1977.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208.)

Effective date: These amendments shall be effective February 3, 1977.

Signed at Washington, D.C., on this 12th day of January 1977.

RONALD J. JAMES,
Administrator, Wage and Hour Division, United States Department of Labor.

[FR Doc.77-1520 Filed 1-17-77;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Exposure to Coke Oven Emissions; Corrections

On October 22, 1976, an occupational safety and health standard was published in the FEDERAL REGISTER (41 FR 46742) for exposure to coke oven emissions pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8-76 (41 FR 25059) and 29 CFR Part 1911. There were a number of typographical errors and inadvertent omissions from the document.

The coke oven standard, as promulgated on October 22, 1976, contain provisions which require, among other things, technology forcing (paragraph (f)(1)(i)) and written compliance programs (paragraph (f)(6)) for existing batteries. The preamble contains an explanatory statement of the reasons for these requirements. However, an examination of the standards indicated that OSHA had inadvertently failed to include these requirements for new and rehabilitated batteries and for beehive ovens. The same reasons which justify these requirements for existing batteries justify the requirements for all batteries. Accordingly, the Agency has corrected the inadvertent omissions of these requirements by including them in the requirements for new and rehabilitated batteries (correction numbers 64, 68, 69, and 70) and beehive ovens (correction numbers 65, 68, and 69).

The Administrative Procedure Act (5 U.S.C. 553(d)) mandates that regulations may not become effective until 30 days after publication in the FEDERAL REGISTER. Therefore, paragraphs (f)(1)(ii)(*b*), (f)(1)(iii)(*b*), and (f)(6) as it applies to new or rehabilitated coke oven batteries and beehive ovens, which are the provisions affected by the above-noted correction, shall become effective on February 17, 1977.

Accordingly, FR Doc. 76-31097 beginning at 41 FR 46742 of the issue dated October 22, 1976, is corrected as follows:

1. On page 46742, 1st paragraph, 5th line, the citation is corrected to read "(41 FR 25059)"

2. On page 46742, 3rd column, the 37th line is corrected to read "1975, (40 FR 32268) consisted of the pro-".

3. page 46743, 2nd column, 1st full paragraph, last line, the citation is corrected to read "(Ex 2-20; 2-61, Vol. 2, Pg. 142-3)".

4. On page 46743, 3rd column, 2nd full paragraph, the 12th line, "changed" is corrected to read "charged".

5. On page 46744, 1st column, the 2nd full paragraph, the 11th and 12th lines are corrected to read, "Coke oven gas, 285-345 m^3 (9,500-11,500 ft^3) Tar 27.5-34 1 (6.5-9 gal)".

6. On page 46748, 2nd column, first full paragraph, the 8th line is corrected to read "ard-setting context to include both tech-".

7. On page 46749, 2nd column, 2nd paragraph, the 27th line, the word "date" is corrected to read "data".

8. On page 46749, 3rd column, the 2nd full paragraph, the 2nd line, "(39 CFR 41501)" is corrected to read "(39 FR 41501)".

9. On page 46750, 2nd column, 3rd line from the bottom, the word "appropriately" is corrected to read "approximately".

10. On page 46750. 3rd column, 2nd paragraph, the 2nd line is corrected to read "was noted that a rate of .0016 was used in".

11. On page 46750, 3rd column, 5th paragraph the 4th line is corrected to read "the standard, meaningful quantification".

12. On page 46751, 1st column, 4th full paragraph, the 9th line, the word "not" is corrected to read "no".

13. On page 46752, 1st column, 2nd paragraph, the 12th line is corrected to read "coke-side and their machinery, the battery ends, the".

14. On page 46752, 2nd column, 1st full paragraph, 12th line is corrected to read "ply in the regulated area. For example, Subpart I—"

15. On page 46754, 2nd column, 2nd full paragraph the 9th line is corrected to read "volatiles (29 CFR 1910.1000, Table Z–1)".

16. On page 46755, 1st column, 2nd full paragraph, 19th line, "0.272" is corrected to read "0.0272".

17. On page 46755, 2nd column, 1st full paragraph, the 15th line is corrected to read "current standard of 0.2 mg/m³ are 0.0029".

18. On page 46755, 3rd column, the 3rd line from the bottom is corrected to read "relative risks are 1.309, 1.337, 1.394, and".

19. On page 46757, 1st column, 3rd full paragraph, the 5th line, the citation is corrected to read "(Ex. 1a, p. 32278; 3, p. 15)".

20. On page 46757, 2nd column, 1st full paragraph, the 7th line is corrected to read "oven emissions over an eight hour pe-".

21. On page 46757, 2nd column, last paragraph, the 2nd line is corrected to read "U.S.C. 657) * * *".

22. On page 46758, 3rd column, 2nd full paragraph, the 10th line, the citation is corrected to read "(29 U.S.C. 657)".

23. On page 46758, 3rd column, 7th line from the bottom the citation is corrected to read "657) * * *".

24. On page 46759, 2nd column, 1st paragraph, 26th line, add the sentence: "If engineering and work practice controls do not reduce employee exposure to or below the permissible exposure limit, the employer with beehive ovens is required to use these controls to reduce exposures to the lowest level achievable and to research, develop, and implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible".

25. On page 46760, 1st column, the 1st full paragraph is corrected by adding after the last sentence the following: "That is, OSHA intends that the employer has the burden of proving the infeasibility of implementing any mandated controls. The employer would also have the same burden with respect to any additional available controls, and the controls which are researched and developed as required by the technology-forcing provisions of the standard."

26. On page 46760, 1st column, 2nd full paragraph, 19th line before the words "the battery" insert the word "of".

27. On page 46761, 1st column, 2nd paragraph, last line, "1976" is corrected to read "1975".

28. On page 46761, 1st column, last paragraph, 2nd line, the citation is corrected to read "(Ex. 68)".

29. On page 46762, 1st column, 1st full paragraph, 28th line, the word "carry" is corrected to read "larry".

30. On page 46762, 2nd column, 3rd full paragraph, 9th line is corrected by inserting the word "cars" after the word "larry".

31. On page 46763, 3rd column, last line, "(f)(2)(g)" is corrected to read "(f)(2)(i)(*g*)".

32. On page 46764, 2nd column, 1st full paragraph is corrected to read "The Advisory Committee recommended that steam nozzles, liquor sprays, and standpipes be inspected prior to each charge and cleaned as necessary (Ex. 3, p. 40). In view of the importance of keeping the aspiration system operating properly and standpipe caps seated correctly and sealed, the standard includes a provision similar to the Advisory Committee's recommendation."

33. On page 46766, 1st full paragraph, 3rd line is corrected by deleting "/" and inserting the word "of".

34. On page 46770, 1st column, 3rd paragraph, the sentence which begins on the 15th line and ends on the 18th line is corrected to read "The system filtered carbon monoxide (CO), total hydrocarbons, total sulfur measured as sulfur dioxide (SO_2), total particulates, and nitrogen oxide and dioxide (NO/NO_2)."

35. On page 46770, 3rd column, 5th line, the item in parentheses is corrected by deleting the "Ex.".

36. On page 46771, 2nd column, 2nd full paragraph, 20th and 21st lines are corrected by deleting "(2–151, pg. 120–1)".

37. On page 46771, 3rd column, 6th line, the transcript citation is corrected by deleting "Ex.".

38. On page 46771, 3rd column, the 2nd line from the bottom is corrected to read "the station for cleaning; for jambs on the."

39. On page 46772, 1st column, 2nd full paragraph, 3rd line, the citation is corrected to read "(TR 2312, 2474)".

40. On page 46772, 1st column, 3rd full paragraph, 11th line, the citation is corrected to read "(Ex. 2–61, p. 13; Ex. 2–20)".

41. On page 46773, 2nd column, 1st full paragraph, in the 4th from the last and in the last lines the citations are corrected to read "(TR 2150)".

42. On page 46773, 2nd column, 3rd full paragraph, 3rd line, the citation is corrected to read "(TR 143; 3994)".

43. On page 46773, 2nd column, 3rd full paragraph, the 5th line is corrected by inserting the words "as that" after the word "such".

44. On page 46773, 3rd column, the 4th line is corrected to read "(Ex. 2–121, p. 519–20; 2–18; 2–151, p. 156;".

45. On page 46774, 2nd column, last paragraph, 5th and 11th lines, the words "Part II" are corrected to read "Part 11".

46. On page 46775, 1st column, the 6th line is corrected by changing the word "must" to the word "should".

47. On page 46776, 3rd column, last paragraph, the 5th line is corrected to read "lished (the coke oven battery, wharf, screening station, and the".

48. On page 46777, 1st column, 3rd full paragraph, the 14th line is corrected by adding the following: "If it is reasonably anticipated that an employee who is assigned to a regulated area will work there for less than 30 days, the examination need not be provided at the time of initial assignment. For all other employees, the exam must be provided at the time of initial assignment."

49. On page 46777, 3rd column, 2nd full paragraph, 16th line, the citation is corrected to read "(Ex. 2–18, p. I–5)".

50. On page 46779, 1st column, 4th full paragraph, the 3rd line is corrected by deleting "–15".

51. On page 46779, 2nd column, last paragraph, the 8th line is corrected by deleting the words "anticipated or".

52. On page 46780, 2nd column, 4th full paragraph, 17th line, the word "later" is corrected to read "latter".

53. On page 46781, 2nd column, 4th full paragraph, the 12th line is corrected by changing the words "no smoking" to "no smoking or eating".

54. On page 46781, 3rd column, the 6th line is corrected by deleting "(4)" and inserting "(1)(2)(i)".

55. On page 46781, 3rd column, 5th full paragraph, lines 13–15 are corrected by deleting the phrase "* * * In light of the skin cancer hazard associated with coke oven emission * * *".

56. On page 46781, 3rd column, 5th full paragraph, the 20th line is corrected by deleting the word "which" and inserting the word "with".

57. On page 46782, 1st column, 2nd line the citation is corrected to read "(29 U.S.C. 657)".

58. On page 46784, 1st column, the last paragraph is corrected by deleting the 7th and 8th lines.

59. In § 1910.1029(b), page 46784, 3rd column, the 11th line is corrected to read "not a rehabilitated coke oven battery."

60. On page 46784, 3rd column, § 1910.1029(c), the 2nd line is corrected by adding the words "in the regulated area" after the word "employee".

61. On page 46784, 3rd column, § 1912.1029(c), the 4th line is corrected by changing the word "greated" to "greater".

62. On page 46785, 1st column, the last paragraph § 1910.1029(f)(1)(i)(*a*), 7th line, the last word is corrected to read "later".

63. On page 46785, 2nd column, § 1910.1029(f)(1)(i)(*b*), the 16th line is corrected to read "posure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering".

64. On page 46785, 2nd column, § 1910.1029(f)(1)(ii) is corrected by inserting "(*a*)" on the 2nd line after the word "batteries" and by adding after the last line the following:

(*b*) If after implementing all the engineering and work practice controls required by paragraph (f)(1)(ii)(*a*) of this section, employee exposures still exceed the permissible exposure limit, the employer shall research, develop and implement any other engineering and work practice controls necessary to reduce ex-

posure to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employe exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

65. On page 46785, 2nd column, § 1910.-1029(f)(1)(iii) is corrected by inserting "(*a*)" after the words "Beehive ovens" and by adding after § 1910.1029(f)(1)(iii)(*a*) the following:

(*b*) If, after implementing all engineering and work practice controls required by paragraph (f)(1)(iii)(*a*) of this section, employee exposures still exceed the permissible exposure limit, the employer shall research, develop, and implement any other engineering and work practice controls necessary to reduce exposures to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

66. On page 46785, 3rd column, § 1910.-1029(f)(2)(i)(*d*), the 5th line, "wi 11". is corrected to read "will".

67. On page 46786, 3rd column, § 1910.-1029(f)(6)(i), the 5th line, the word "specified" is corrected to read "required".

68. On page 46786, 3rd column, § 1910.-1029(f)(6)(i), the 6th line is corrected to read "graph (f) of this sec-".

69. On page 46787, 1st column, § 1910.-1029(f)(6)(ii)(*e*), the 3rd and 4th lines are corrected to read "practice controls required in paragraph (f) of this section;".

70. On page 46787, 1st column, § 1910.-1029(f)(6)(iii), the 4th line is corrected by adding after the word "sooner," the following: "or after completion of a new or rehabilitated battery,".

71. On page 46787, 1st column, § 1910.-1029(f)(7), 5th line, the word "education" is corrected to read "information".

72. On page 46787, 1st column, § 1910.-1029(g)(1)(i), 7th line, the word "permissable" is corrected to read "permissible".

73. On page 46787, 2nd column, Table I, § 1910.1029 (*a*)(2) and (*b*)(*1*), the words "dust, mist and fume" are corrected to read "dust and mist".

74. On page 46787, 2nd column, § 1910.-1029(g)(2)(iii), the 3rd line, is corrected to read "tection against dust and mist by".

75. On page 46787, 3rd column, § 1910.-1029(h)(1)(iv) is corrected to read "insulation from hot surfaces for footwear;".

76. On page 46787, 3rd column, § 1910.-1029(h)(2)(v), 4th line, the word "closed" is corrected to read "closable".

77. On page 46787, 3rd column, § 1910.-1029(h)(2)(v), 5th line, the word "changeroom" is corrected to read "change room".

78. On page 46788, 1st column, § 1910.-1029(j)(1)(i), the 5th line is corrected to read "a regulated area at least 30 days per".

79. On page 46788, 1st column, § 1910.-1029(j)(2), the 5th line is corrected by inserting the phrase "for employees covered under paragraph (j)(1)(i) of this section," after the word "examination".

80. On page 46788, 2nd column, § 1910.-1029(j)(4)(iii) is corrected by changing the word "anticipated" to "estimated".

81. On page 46788, 3rd column, § 1910.-1029(k)(1)(ii), the 2nd line is corrected by changing "January 20" to "January 27".

82. On page 46788, 3rd column, § 1910.-1029(k)(2)(ii) the 1st line is corrected to read: "The employer shall provide upon request all".

83. On page 46788, 3rd column, paragraph "(1) *Precautionary signs and labels*" should be corrected to read "(l) *Precautionary signs and labels.*"

84. On page 46789, 1st column, 1st line, § 1910.1029(l)(2)(ii) the legend of the sign is corrected by adding the word "DANGER" above the words "RESPIRATOR REQUIRED".

85. On page 46789, 1st column, § 1910.1029 (l)(3), the 4th and 5th lines are corrected to read "coke oven emissions bearing the legend:"

86. On page 46789, 2nd column, § 1910.1029 (m)(3)(ii), 6th line is corrected by deleting the words ", former employees,".

87. On page 46789, 2nd column, § 1910.1029 (m)(3) is corrected by adding the following paragraph after paragraph (m)(3)(iii):

(iv) The employer shall make available upon request records of employee exposure measurements required by paragraph (m)(1) of this section for inspection and copying to former employees and their designated representatives which indicate the former employees own exposures.

88. On page 46789, 3rd column, Appendix A to § 1910.1029, Section I–D, the 7th–9th lines are corrected to read "chinery, cokeside and its machinery, and the battery ends; the screening station; the wharf; and the beehive ovens and their machinery."

89. On page 46789, 3rd column, Appendix A to § 1910.1029, Section II, the 2nd line is corrected by deleting the word "possibly".

90. On page 46789, 3rd column, Appendix A to § 1910.1029, Section II, the 3rd line is corrected to read "in humans. Although there have not been an ex-".

91. On page 46789, 3rd column, Appendix A to § 1910.1029, Section III–A, the 6th line is corrected to read "trols are not feasible or insufficient to reduce exposure to or below the PEL."

92. On page 46789, 3rd column, Appendix A to § 1910.1029, Section III–B, 5th line is corrected by changing the word "over" to read "oven".

93. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I–A, the 1st sentence is corrected by changing "(8-hour)" to read "(at least 7-hour)".

94. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I–A, the 8th line is corrected by changing "type A" to read "type A–E".

95. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I–A, 2nd paragraph, 1st sentence the last phrase is corrected to read ", at least one from each shift."

96. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I–A, 2nd paragraph, the 15th line is corrected to read "samples from the same shift on each battery may be used to cal-".

97. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I–B, item 2, the 1st and 3rd lines are corrected by deleting the name "Perkin-Elmer". Inclusion of brand names in Appendix B to the standard does not constitute endorsement by OSHA or the Department of Labor.

98. On page 46790, 2nd column, Appendix B to § 1910.1029, Section II–A, 2nd paragraph, the 1st sentence is corrected by changing the phrase "at the time of initial assignment to a job" to read "who work at least 30 days."

99. On page 46790, 3rd column, Appendix B to § 1910.1029, Section II–A, the 6th line is corrected by changing the words "are to" to read "need".

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8–76 (41 FR 25059); 29 CFR Part 1911.)

Signed at Washington, D.C., this 14th day of January 1977.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.77–1732 Filed 1–17–77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

Amendment of Regulations; Corrections

In FR Doc. 76–35032 appearing at pages 52780 to 52786 in the FEDERAL REGISTER of Wednesday, December 1, 1976, the following changes should be made:

§ 136.3 [Amended]

1. On Page 52783, for parameter number 62, Nickel—Total, add "232" to the page references in the column under the 14th edition of Standard Methods opposite the colorimetric method designation.

2. On page 52784, for parameter number 89, change the parameter designation from "Nitrate" to "Nitrite."

3. On page 52784, for parameter number 96, Phenols, delete the present method designation, "Colorimetric, (4AAP)," and replace it with the method designation, "Distillation followed by colorimetric, (4AAP)"; delete the page reference in the column under the 14th edition of Standard Methods, "582," and replace it with page number "574".

Dated: January 10, 1977.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.77-1453 Filed 1-17-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

Redesignation; Correction

In FR Doc. 76-11094 appearing at page 16147 in the FEDERAL REGISTER of Friday, April 16, 1976, the following changes should be made:

1. On page 16148 in the table of headings in the third column:

a. In the heading for 60-741.6 "requirement" is corrected to "procedures".

b. In the Subpart B heading "Compliance" is corrected to "Complaint".

c. Add under the heading for 60-741.23 and above the heading for 60-741.26:

"60-741.24 Duties of agencies.

60-741.25 Evaluations by the Director"

2. On page 16149 under § 60-751.2:

a. In the second line of the paragraph entitled "Affirmative action clause", "§ 60-741.3" is corrected to "§ 60-741.4".

b. In the twelfth line of the paragraph entitled "Handicapped individual", "Note" is corrected to "Appendix".

3. On page 16150:

a. In § 60-741.5(a) on the tenth line "741.5" is corrected to "741.6".

b. In § 60-741.5(c)(1) on the last line "Note" is corrected to "Appendix".

4. In § 60-741.6(b), "Note" which appears twice in the parentheses on pages 16150 and 16151 is corrected in both places to "Appendix".

5. On page 16152 in § 60-741.20 on the third line and in § 60-741.21 on the third line "§ 60-741.3" is corrected to "§ 60-741.4".

6. On page 16153:

a. In § 60-741.24(a) on the thirteenth line "§ 60-741.31" is corrected to "§ 60-741.28".

b. In § 60-741.27 on the sixth line "741.29" is corrected to "741.28".

7. On page 16154:

a. In § 60-741.29 in the second column in the first paragraph on the nineteenth line "§ 60-741.27" is corrected to "§ 60-741.26".

b. In § 60-741.30 on the sixth line "741.24(b)(1)" is corrected to "741.3(b)(1)".

c. In § 60-741.52(a) on the ninth line "by" is corrected to "as".

Dated: January 13, 1977.

LAWRENCE Z. LORBER,
Deputy Assistant Secretary, Director, OFCCP.

[FR Doc.77-1518 Filed 1-17-77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER I—BUREAU OF RECLAMATION, INTERIOR DEPARTMENT

PART 419—ADMINISTRATIVE CLAIMS

Processing Claims for Loss or Damage; Failure of Teton Dam

On September 27, 1976, final regulations were published in the FEDERAL REGISTER (41 FR 42200) governing the processing of claims for actual damages to or loss of property, income, personal injury or for death directly resulting from the failure on June 5, 1976, of Teton Dam of the Lower Teton Division of the Teton Basin Federal Reclamation Project. The regulations provided that in order to qualify for payment under the regulations, the claimant must certify that the damage, injury, or loss for which a claim is made occurred within the major disaster area as a direct result of the failure of Teton Dam. The major disaster area was defined in the regulations. The definition now needs to be expanded to include an area in Power County, Idaho which was affected by loss of water due to the washout of a diversion dam in the Snake River.

For the foregoing reason and pursuant to the authority contained in the Annual Public Works Appropriation Act of 1976, Pub. L. 94-180, 89 Stat. 1035; the Act of July 12, 1976, 90 Stat. 889; the Act of June 17, 1902, 32 Stat. 390, as amended; and the Teton Dam Disaster Assistance Act of 1976, Pub. L. 94-400, 90 Stat. 1211, 43 CFR 419.0-5(o) is revised as follows, effective immediately.

Dated: January 12, 1977.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

§ 419.0-5 Definitions.

* * * * *

(o) "Major disaster area" means the Idaho counties of Bingham, Bonneville, Fremont, Jefferson, and Madison, designated by the Administrator, Federal Disaster Assistance Administration, on June 6, 1976, or such other areas as may be later designated by the Administrator under the President's declaration of June 6, 1976. In addition, that portion of the Fort Hall Indian Reservation lying in Bannock County, westward from U.S. Highway 191 to the Snake River and the American Falls Reservoir and that portion of Power County serviced by the Aberdeen-Springfield Canal Company are included in the major disaster area, for the purpose of these regulations.

* * * * *

[FR Doc.77-1509 Filed 1-17-77;8:45 am]

Title 45—Public Welfare

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

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Notification of Child Abuse and Neglect

Part 233, Chapter II of Title 45 of the Code of Federal Regulations is amended to incorporate requirements for the reporting or referral of child abuse and neglect under title IV-A of the Social Security Act for the 50 States and the District of Columbia. The requirements for Guam, Puerto Rico, and the Virgin Islands are codified under 45 CFR 220.23(b). The purpose is to codify the requirements of the income maintenance agency for the reporting or referral of neglected or abused children who are receiving AFDC to the appropriate court or law enforcement agency. The basis of this amendment is section 402(a)(16) of the Social Security Act.

As these regulations make no new requirements upon States and were codified elsewhere in this chapter, the Department finds that there is good cause to dispense with the proposed rulemaking procedure.

Accordingly, Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 233.90(a) to read as follows:

§ 233.90 Factors specific to AFDC.

(a) *State plan requirements.* A State plan under title IV-A of the Social Security Act shall provide that:

(1) The determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his father, will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children. Under this requirement, the inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in this paragraph is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State. In establishing financial eligibility and the amount of the assistance payment, only such net income as is actually available for current use on a regular basis

will be considered, and the income only of the parent described in the first sentence of this paragraph will be considered available for children in the household in the absence of proof of actual contributions; and

(2) Where it has reason to believe that the home in which a relative and child receiving aid reside is unsuitable because of the neglect, abuse, or exploitation of such child, the State or local agency will:

(i) Bring such condition to the attention of a court, law-enforcement agency, or other appropriate agency in the State, providing whatever data it has with respect to the situation;

(ii) In reporting such conditions, use the same criteria as are used in the State for all other parents and children; and

(iii) Cooperate with the court or other agency in planning and implementing action in the best interest of the child.

* * * * *

Effective date: This regulation is effective January 18, 1977.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance Maintenance Assistance (State Aid).)

Dated: May 17, 1976.

DON WORTMAN,
Acting Administrator, Social and Rehabilitation Service.

Approved: January 13, 1977.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.77-1600 Filed 1-17-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

Updating and Clarification of Rules Governing the Emergency Broadcast System (EBS); Correction

Released: January 12, 1977.

In the matter of revision of Parts 1 and 73 of the Commission's rules to update and clarify the rules governing the Emergency Broadcast System (EBS).

The amendments to § 73.582, adopted November 16, 1976 (FCC 76-1053, Mimeo 43062), concerning the logging of EBS system tests and which would become effective on February 1, 1977, do not agree in paragraph sequence numbering with amendments subsequently adopted on December 14, 1976 (FCC 76-1144, Mimeo 43096) revising § 73.582 which will become effective January 27, 1977. Therefore, Instruction 8 of Appendix of the *Order* adopted November 16, 1976 (FCC 76-1053) should read as follows:

8. In § 73.582, new subparagraph (5) is added to paragraph (b) to read as follows:

§ 73.582 Program log.

* * * * *

(b) * * *

(5) For Emergency Broadcast System Operations. An entry for tests of the EBS procedures pursuant to the requirements of Subpart G of this Part and the appropriate station checklist, unless such entries are consistently made in the station operating log.

* * * * *

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1515 Filed 1-17-77;8:45 am]

[FCC 77-6]

PART 15—RADIO FREQUENCY DEVICES

Deletion of Certain Obsolete Sections and Reporting Requirements; Order

Adopted: January 4, 1977.

Released: January 11, 1977.

By the Commission: Commissioner Lee absent.

In the matter of amendment of Part 15 to delete certain obsolete sections and reporting requirements.

1. These amendments to Part 15 of the Commission's rules and regulations are editorial in nature and are made pursuant to the Commission's policy of updating and simplifying the rules.

2. Parts of § 15.68 ((a), (c) and (d)(2)) are being deleted; they contain reporting requirements and dates for compliance with technical requirements which by their own terms have become obsolete and may be deleted as no longer required.

3. This action is purely editorial and, therefore, may be taken without compliance with the requirements of 5 USC 553.

§ 15.68 [Amended]

4. *Accordingly, it is ordered*, effective January 19, 1977, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, That paragraphs (a) and (c) and subparagraph (d)(2) of § 15.68 of Part 15 of the FCC Rules are hereby deleted, and the word [Reserved] inserted in lieu thereof.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1514 Filed 1-17-77;8:45 am]

PART 76—CABLE TELEVISION SERVICES

Altering of Cable Television Reporting Requirements; Correction

Released: January 12, 1977.

In the matter of amendment of Part 76 of the Commission's rules and regulations to alter cable television reporting requirements.

The *Order* in the above-captioned matter released December 7, 1976, (FCC 76-1110) is corrected by changing Appendix A, third line from the top of the third column on page 53996—

From: "Data, which shall be returned within 60"

To: "Data, which shall be returned within 90".

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1516 Filed 1-17-77;8:45 am]

[Docket No. 20808; RM-2075; FCC 77-7]

PART 87—AVIATION SERVICES

Flight Test Stations

Adopted: January 4, 1977.

Released: January 12, 1977.

In the matter of amendment of Part 87 to provide technical standards for telemetry transmitters in the frequency band 1435-1535 mHz employed in flight test stations.

1. A Notice of Proposed Rule Making in the above-captioned matter was released on July 29, 1976, and was published in the FEDERAL REGISTER on August 2, 1976 (41 FR 32242). The dates for filing comments and reply comments have passed.

2. The Notice of Proposed Rule Making was issued in response to a petition (RM-2075) filed by the Aerospace and Flight Test Radio Coordinating Council (AFTRCC). The petitioner requested that the technical standards applicable to FM transmitters used for telemetry purposes in the 1435-1535 mHz band be amended to increase the frequency utilization of this portion of the frequency spectrum.

3. The 1435-1535 mHz telemetry band is shared between Government and non-Government users. In its petition, AFTRCC pointed out that the Commission and the Office of Telecommunications Policy (OTP), which grants the authorizations for the government users, have applied different technical standards to govern the operation of equipment used in flight test stations. AFTRCC stated that the existence of such dual technical standards makes efficient use of the spectrum difficult and engenders administrative coordination problems between the Government and non-Government users of this spectrum. Accordingly, it was requested that the Commission adopt technical standards similar to those developed by OTP to govern equipment used in the 1435-1535 mHz telemetry band.

4. The only comments received were filed by AFTRCC in which they fully supported the Commission's proposal in this proceeding. In their comments, AFTRCC also pointed out two relatively minor typographical errors in the proposed new rules as set forth in the Notice. The appropriate rule sections have been editorially amended, as indicated in the attached Appendix. No reply comments were filed.

5. The Commission recognizes the need for uniform technical standards to enable more efficient use of this portion of the spectrum, and to prevent possible interference between the Government and non-Government flight test stations. Accordingly, *it is ordered*, That under the authority contained in sections 4(i), 303

(b), (c), and (r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended, as set forth below, effective February 17, 1977.

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

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary,

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.67(b) is amended by adding a new "class of emission" to the table and a new footnote 8 to read as follows:

§ 87.67 Types of emission.

* * * * *

(b) * * *

Class of emission	Emission designator	Authorized bandwidth: Below 50 MHz	Authorized bandwidth: Above 50 MHz	Authorized bandwidth: Frequency deviation
*	*	*	*	*
F9 [8]		(1)	(1)	
*	*	*	*	*

* * * * *

[8] The authorized bandwidth is equal to the necessary bandwidth for frequency modulated transmitters used in flight test stations operating in the 1435–1535 MHz band. The necessary bandwidth shall be computed in accordance with pt. 2 of this chapter.

* * * * *

2. In § 87.71, paragraphs (a) (1) and (3) are amended, and (a) (4) and (5) are added to read as follows:

§ 87.71 Emission limitations.

(a) * * *

(1) When using transmissions other than single sideband (3A3A, 3A3H, 3A3J), or authorized frequency modulation (F9) in the frequency band 1435–1535 MHz:

* * * * *

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth except for FM telemetry transmitters in the 1435–1535 MHz band:

(4) [1] When using frequency modulated transmissions (F9) for telemetry at flight test stations in the 1435–1535 MHz frequency band with an authorized bandwidth equal to or less than 1 MHz:

(i) On any frequencies removed from the assigned frequency by more than 100 percent of the authorized bandwidth up to and including 100 percent of the authorized bandwidth plus 0.5 MHz: at least 60 decibels or 25 decibels below a milliwatt, whichever is greater, when measured in a 3 kHz bandwidth.

(ii) On any frequencies removed from the assigned frequency by more than 100 percent of the authorized bandwidth plus 0.5 MHz: at least 55 plus 10 $\log_{10}$ (mean power output in watts) decibels when measured in a 3 kHz bandwidth.

(5) [1] When using frequency modulated transmission (F9) for telemetry at flight test stations in the 1435–1535 MHz frequency band with an authorized bandwidth greater than 1 MHz:

(i) On any frequencies removed from the assigned frequency by more than 50 percent of the authorized bandwidth plus 0.5 MHz up to and including 50 percent of the authorized bandwidth plus 1.0 MHz: at least 60 decibels or 25 decibels below a milliwatt, whichever is greater, when measured in a 3 kHz bandwidth.

(ii) On any frequencies removed from the assigned frequency by 50 percent of the authorized bandwidth plus 1.0 MHz: at least 55 plus 10 $\log_{10}$ (mean output power in watts) measured in a 3 kHz bandwidth.

* * * * *

[FR Doc.77-1400 Filed 1-17-77;8:45 am]

[1] The requirements of paragraphs (a)(4) and (a)(5) of this section shall apply to transmitters type accepted after January 1, 1977, and to all transmitters first installed after January 1, 1983.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1254, Amdt. 1]

PART 1033—CAR SERVICE

Vermont Northern Railroad Company Authorized to Operate Over Tracks Owned by State of Vermont and Formerly Operated by St. Johnsbury & Lamoille County Railroad

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of January, 1977.

Upon further consideration of Service Order No. 1254 (41 FR 48122), and good cause appearing therefor:

It is ordered, That: § 1033.1254 (*Service Order No. 1254* Vermont Northern Railroad Company authorized to operate over tracks owned by State of Vermont and formerly operated by St. Johnsbury & Lamoille County Railroad) be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1254 Service Order No. 1254.

* * * * *

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

* * * * *

Effective date: This amendment shall become effective at 11:59 p.m., January 15, 1977.

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

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

* * * * *

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1584 Filed 1-17-77;8:45 am]

[Service Order No. 1200, Amdt. 5]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Company Authorized to Operate Over Tracks of Union Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of January, 1977.

Upon further consideration of Service Order No. 1200 (39 FR 38103, 40 FR 2990, 30268, and 41 FR 2644 and 29387), and good cause appearing therefor:

It is ordered, That: § 1033.1200 (*Service Order No. 1200,* Missouri Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Co.), be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1200 Service Order No. 1200.

* * * * *

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1977, unless otherwise modified, changed or suspended by order of this Commission.

* * * * *

Effective date: This amendment shall become effective at 11:59 p.m., January 15, 1977.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1585 Filed 1-17-77;8:45 am]

[Service Order No. 1226, Amdt. 2]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized to Operate Over Tracks of Chicago and North Western Transportation Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of January, 1977.

Upon further consideration of Service Order No. 1226 (40 FR 59598; 41 FR 27728) and good cause appearing therefor:

It is ordered, That: § 1033.1226 (*Service Order No. 1226* Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1226 Service Order No. 1226.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

* * * * *

Effective date: This amendment shall become effective at 11:59 p.m., January 15, 1977.

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

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

* * * * *

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1586 Filed 1-17-77;8:45 am]

[Service Order No. 1231, Amdt. No. 3]

PART 1033—CAR SERVICE

Consolidated Rail Corporation Authorized To Operate Over Tracks of Louisville and Nashville Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board held in Washington, D.C., on the 12th day of January, 1977.

Upon further consideration of Service Order No. 1231, (41 FR 8480, 15414 and 27729), and good cause appearing therefore:

It is ordered, That: § 1033.1231 (*Service Order No. 1231* Consolidated Rail Corporation authorized to operate over tracks of Louisville and Nashville Railroad Co.) be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1231 Service Order No. 1231.

* * * * *

(f) *Expiration date:* The provisions of this order shall expire at 11:59 p.m., June 30, 1977, unless otherwise modified changed, or suspended by order of this Commission.

* * * * *

Effective date: This amendment shall become effective at 11:59 p.m., January 15, 1977.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1587 Filed 1-17-77;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

PUBLIC INFORMATION AND RIGHT TO PRIVACY

Availability of Information

Notice is hereby given, that the Soil Conservation Service (SCS) proposes to revise 7 CFR VI, Part 661 (38 FR 3293).

Part 661 is being redesignated as "Public Information and Right to Privacy" with two Subparts: A—Availability of Materials and Records and B—Right to Privacy.

Interested persons are invited to participate in the proposed regulations change by submitting written data, views, or arguments as they may desire. Comments should identify the regulatory docket or notice number and may be submitted to the Deputy Administrator for Administration, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All communications received by April 18, 1977 will be considered by the Deputy Administrator for Administration before taking any action on the proposed rule. The proposal contained in this notice may be changed due to comments received. All comments submitted will be made available, both before and after the closing date for comments, for examination by interested persons.

Dated: January 12, 1977.

R. M. DAVIS,
Administrator,
Soil Conservation Service.

Part 661 of Title 7 is proposed to be revised as follows:

Subpart A—Availability of Records and Materials

Sec.
661.1 General.
661.2 Public access and copying.
661.3 Request for records.
661.4 Appeals.
661.5 Exempt records.

Subpart B—Right to Privacy

661.6 General.

Appendix: Availability of information.

AUTHORITY: 5 U.S.C. 552, 552a; 7 CFR 1.1–1.16, 1.110–1.123.

Subpart A—Availability of Records and Materials

§ 661.1 General.

This part is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR 1.1–1.16 implementing the Freedom of Information Act (5 U.S.C. 522). The Secretary's regulations, as implemented by the regulations in this part, govern the availability to the public of records of the Soil Conservation Service (SCS) and the records for which the Soil Conservation Service (SCS) has custodial responsibility.

§ 661.2 Public access and copying.

SCS will make available for public inspection and copying those materials covered by 5 U.S.C. 552(a)(2) as set out in the Secretary's regulations. Indexes of such materials will be published on a quarterly basis as required.

§ 661.3 Requests for records.

Requests for records under 5 U.S.C. 552(a)(2) will be made in accordance with 7 CFR 1.3(a). The titles and mailing addresses of the officials in SCS authorized to receive requests for records are shown in Appendix A of this subpart. Authority is hereby delegated to these officials to make determinations regarding such requests in accordance with 7 CFR 1.4(c).

§ 661.4 Appeals.

Any person whose request for records above is denied shall have the right to appeal that denial in accordance with 7 CFR 1.3(e). All appeals shall be addressed to: Administrator, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 661.5 Exempt records.

To the maximum extent permitted by 5 U.S.C. 552(b)(4) the Soil Conservation Service will withhold the following records: (1) conservation plans including those which support cost share contracts, (2) inventories and evaluations, (3) any recorded information which shows scope of a farm operation or other enterprises including boundaries and economic data collected during the planning process and (4) economic data collected from individuals which is used for evaluation of watershed, RC&D and other projects.

Subpart B—Right to Privacy

§ 661.6 General.

SCS implementation of the Privacy Act of 1974, 5 U.S.C. 552a are the regulations of the Secretary set forth in 7 CFR 1.110–1.123.

APPENDIX A—AVAILABILITY OF INFORMATION

The following regulations pertaining to the availability of information are published in accordance with the requirements and pursuant to the authority of Sections 552, 559 of Title 5, United States Code.

REQUEST FOR EXAMINATION OR COPY OF RECORDS

General. Request for examination and copying of a record or for copies of records shall be made to the Deputy Administrator for Administration, Soil Conservation Service, U.S. Deparment of Agriculture, Washington, D.C., or to the State Conservationist in any of the listed State Offices.

SOIL CONSERVATION SERVICE; STATE OFFICE LOCATION

State Conservationist, Wright Bldg., 138 South Gay St., P.O. Box 311, Auburn, Ala. 36830.
State Conservationist, Suite 129 Professional Bldg., 2221 East Northern Lights Blvd., Anchorage, Alaska 99504.
State Conservationist, 230 North 1st Ave., 3008 Federal Bldg., Phoenix, Ariz. 85025.
State Conservationist, Federal Bldg., Room 5029, 700 West Capitol St., P.O. Box 2323, Little Rock, Ark. 72203.
State Conservationist, 2828 Chiles Rd., Davis, Calif. 95616.
State Conservationist, Room 313, 2490 West 26th Ave., P.O. Box 17107, Denver, Colo. 80217.
State Conservationist, Mansfield Professional Park, Route 44A, Storrs, Conn. 06268.
State Conservationist, Treadway Towers, Suite 2–4, 9 East Loockerman St., Dover, Del. 19901.
State Conservationist, Federal Bldg., P.O. Box 1208, Gainesville, Fla. 32601.
State Conservationist, Federal Bldg., 355 East Hancock Ave., P.O. Box 832, Athens, Ga. 30601.
State Conservationist, Alexander Young Bldg., Room 440, Honolulu, Hawaii 96813.
State Conservationist, Room 345, 304 North 8th St., Boise, Idaho 83702.
State Conservationist, Federal Bldg., 200 West Church St., P.O. Box 678, Champaign, Ill. 61820.
State Conservationist, Atkinson Square-West Suite 2200, 5610 Crawfordsville Rd., Indianapolis, Ind. 46224.
State Conservationist, 823 Federal Bldg., 210 Walnut St., Des Moines, Iowa 50309.
State Conservationist, 760 South Broadway, P.O. Box 600, Salina, Kans. 67401.
State Conservationist, 333 Waller Ave., Lexington, Ky. 40504.
State Conservationist, 3737 Government St., P.O. Box 1630, Alexandria, La. 71301.
State Conservationist, USDA Bldg., University of Maine, Orono, Maine 04473.
State Conservationist, Hartwick Bldg., Room 522, 4321 Hartwick Rd., College Park, Md. 20740.
State Conservationist, 29 Cottage St., Amherst, Mass. 01002.
State Conservationist, 1405 South Harrison Rd., East Lansing, Mich. 48823.
State Conservationist, 200 Federal Bldg., and U.S. Courthouse, 316 North Robert St., St. Paul, Minn. 55101.
State Conservationist, Milner Bldg., Room 590, P.O. Box 610, Jackson, Miss. 39205.
State Conservationist, Parkade Plaza Shopping Center (terrace level), P.O. Box 459, Columbia, Mo. 65201.
State Conservationist, Federal Bldg., P.O. Box 970, Bozeman, Mont. 59715.
State Conservationist, Federal Bldg.–U.S. Courthouse, Room 345, Lincoln, Nebr. 68508.
State Conservationist, U.S. Post Office Bldg., P.O. Box 4850, Reno, Nev. 89505.

State Conservationist, Federal Bldg., Durham, N.H. 03824.
State Conservationist, 1370 Hamilton St., P.O. Box 219, Somerset, N.J. 08873.
State Conservationist, 517 Gold Avenue, SW., P.O. Box 2007, Albuquerque, N. M. 87103.
State Conservationist, 100 South Clinton St. No. 771, Syracuse, N.Y. 13202.
State Conservationist, Federal Office Bldg., Fifth Floor—P.O. Box 27307, Raleigh, N.C. 27611.
State Conservationist, Federal Bldg., P.O. Box 1458, Bismarck, N.D. 58501.
State Conservationist, 311 Old Federal Bldg., 3d and State St., Columbus, Ohio 43215.
State Conservationist, Agriculture Center Building, Farm and Brumley Street, Stillwater, Oklahoma 74074.
State Conservationist, Federal Building, 1220 S.W. 3d Avenue, Portland, Oregon 97204.
State Conservationist, Federal Bldg., and Courthouse, Box 985, Federal Square Station, Harrisburg, Pennsylvania 17108.
Director SCS USDA, Caribbean Area, Room 633 Federal Building, Chardon Avenue, Hato Rey, Puerto Rico 00918.
State Conservationist, 222 Quaker Lane, West Warwick, Rhode Island 02893.
State Conservationist, 240 Stoneridge Drive, Columbia, South Carolina 29210.
State Conservationist, 239 Wisconsin Avenue, S.W., P.O. Box 1357, Huron, South Dakota 57350.
State Conservationist, 561 U.S. Court House, Nashville, Tennessee 37203.
State Conservationist, W. R. Poage Federal Bldg., 101 South Main St., P.O. Box 648, Temple, Tex. 76502.
State Conservationist, 4012 Federal Building, 125 S. State Street, Salt Lake City, Utah 84138.
State Conservationist, Burlington Square, Suite 205, Burlington, Vermont 05401.
State Conservationist, Federal Building, Rm. 9201, 400 N. 8th Street, P.O. Box 10026, Richmond, Virginia 23240.
State Conservationist, 360 U.S. Courthouse, W. 920 Riverside Avenue, Spokane, Washington 99201.
State Conservationist, 75 High Street, P.O. Box 865, Morgantown, West Virginia 26505.
State Conservationist, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53711.
State Conservationist, Federal Office Building, P.O. Box 2440, Casper, Wyoming 82601.

Only those matters pertaining to the particular State and matters of general application will be available in each State Office.

[FR Doc.77-1464 Filed 1-17-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 239, 240, 270, 275]

[Release Nos. 33-5798, 34-13151, IC-9601, IA-565; File No. S7-660]

DISCLOSURE OF BROKERAGE PLACEMENT PRACTICES BY INVESTMENT MANAGERS

Extension of Comment Period

The Securities and Exchange Commission today, in response to requests from interested parties, extended the comment period on its proposed rules which would require registered investment companies, some other issuers, and certain registered investment advisers to make disclosures to investors about brokerage placement practices and policies, including the use of brokerage commissions to purchase research services (Release No. 33-5772, November 30, 1976 (41 FR 53356 (1976))). The Commission believes that an extension from January 13, 1977 to February 14, 1977 is appropriate in view of the significance of the proposals.

Accordingly, all interested persons are invited to submit their views and comments on the above proposals in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 14, 1977. Such comments should refer to File No. S7-660, and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 12, 1977.

[FR Doc.77-1603: Filed 1-17-77;8:45 am]

[17 CFR Part 240]

[Release No. 34-13149; File No. S7-613]

BROKERS AND DEALERS

Records Regarding Beneficial Ownership of Accounts; Further Notice as to Proposed Rulemaking

In Securities Exchange Act Release No. 12055 (Jan. 27, 1976),[1] the Commission proposed for public comment an amendment to Securities Exchange Act Rule 17a-3(a)(9).[2] That Rule currently requires brokers and dealers to maintain, with respect to each of their accounts, records containing, among other things, the name and address of the beneficial owner of the account. In the case of a joint account or a corporate account, however, the Rule requires only that those records be kept in respect of the person or persons authorized to transact business for the account. The amendment to Rule 17a-3(a)(9) would require that, in the case of a joint account or an account of a person other than a natural person, brokers and dealers need maintain only a record as to the person or persons authorized to transact business for such account (rather than the name and address of the beneficial owner or owners) if such authorized persons undertake to furnish, at the Commission's request, the name and address of each beneficial owner of the account.

After careful consideration of the comments received, which are discussed below, the Commission has determined to publish a synopsis of its proposed administrative approach to the amendment to Rule 17a-3(a)(9). The Commission is adopting that course before taking action on the amendment because, among other things, the objections of certain commentators indicate that they do not understand fully the rationale underlying the proposed amendment and the method by which the Commission anticipates limiting its use of the amended Rule in order to protect legitimate interests in the confidentiality of financial information, as discussed below.[3]

[1] 41 FR 8075 (Feb. 24, 1976).
[2] 17 CFR 240.17a-3(a)(9).

BACKGROUND

The Department of the Treasury, in its recently published "Report on Foreign Portfolio Investment in the United States,"[4] provided comprehensive data on foreign portfolio investment in the United States and important background information for the problems addressed by the proposed amendment to Rule 17a-3(a)(9). The "Treasury Report" indicates that foreign portfolio investment in stocks of United States corporations had a calculated value of $43.9 billion as of March 31, 1976, reflecting estimated net purchases of almost $6 billion since December 31, 1974,[5] and a pattern of sizeable net foreign portfolio investment since 1968.[6] Foreign ownership as a percentage of outstanding voting stock of the 200 largest companies averaged 4.1 percent; for 327 of the companies surveyed, however, foreign ownership exceeded 10 percent of the outstanding voting stock. More than half of reported foreign portfolio investment in stocks appears to be held by banks, brokers and nominees.[7]

The reasons given for foreign portfolio investment in the United States include expectations of capital gains, the relative economic and political stability of the United States, the range of investment choice and the size, liquidity, organiza-

[3] The Administrative Conference of the United States has recommended that individual federal agencies consider, in the context of particular rulemaking proceedings, whether or not to provide procedural protections beyond those embodied in the notice-and-comment process of the Administrative Procedure Act's rulemaking provision, 5 U.S.C. 553, "Procedures for The Adoption of Rules of General Applicability," "Recommendation No. 72-5 of The Administrative Conference of The United States," 1 CFR 305.72-5. The Commission believes that an expansion of the customary rulemaking process in this case is particularly appropriate in light of that recommendation.

[4] United States Treasury Department, Report to the Congress on Foreign Portfolio Investment in the United States" (1976), submitted pursuant to the Foreign Investment Study Act of 1974, Pub. L. No. 93-479 (the "Treasury Report").

[5] For this purpose, the "Treasury Report" indicates, "foreign portfolio investment" includes portfolio investments of U.S. nationals residing abroad (who are identified as holding $2.2 billion in stocks) and excludes portfolio investments of foreign nationals residing in the United States.

[6] "The most notable characteristic of foreign portfolio investment in the U.S. is its relatively recent rapid growth." Treasury Report, Appendix F, at 5.

[7] See note 22 infra. Twelve countries accounted for 90 percent of foreign private holdings of voting stock, and five countries—Switzerland, Canada, the United Kingdom, the Netherlands and France—accounted for more than 75 percent of the total foreign private holdings. Treasury Report, at 10.

tion, regulation [8] and efficiency of United States capital markets. While most foreign investors view positively the efficiency of United States capital markets—that is, the extent to which material financial information is available to the United States markets and is promptly reflected in stock prices so that systematic profits based on inside information are not available to insiders, some investors believe that the efficiency of United States markets is a disincentive to investing. Those latter investors indicated a predilection for opportunities to manipulate, stating that they "can make good profits only on markets where manipulation is common." [9]

The great majority of investors in the United States markets, both U.S. residents and non-U.S. residents, base their decision to invest through those markets on a perception that they operate in a fair and orderly manner.[10] To the extent that any significant part of the activities in those markets is thought to be immune from scrutiny and therefore a potential haven for manipulation or other abuses, investor confidence can be undermined and the attractiveness of United States markets to investors diminished. Since the Securities Exchange Act of 1934 [11] requires that Commission regulation and control of transactions in securities be reasonably complete and effective, the Commission's regulatory program must be adapted and reformulated as necessary or appropriate to reflect shifting trends and patterns in the securities markets and the growth of foreign portfolio investment and foreign securities transactions.

Currently, the Commission relies almost exclusively upon its subpoena powers [12] to obtain information in circumstances where there are indications of possible violations of the federal securities laws. That reliance limits the completeness and effectiveness of the Commission's regulation of transactions in securities as commonly conducted upon securities exchanges and the over-the-counter market since the Commission may only require the attendance of witnesses or their production of records "from any place in the United States," and the Commission has not required in all instances that relevant records be kept in the United States.

The limitations on the subpoena power reflect long-standing principles of international law and comity. International law distinguishes between jurisdiction to prescribe a rule of law and jurisdiction to enforce the rule.[13] For example, it is within the jurisdiction of the United States to prescribe that it is illegal to use the jurisdictional means (interstate commerce, the mails, or any facility of a national securities exchange) to engage in a course of conduct which operates as a fraud in connection with the purchase and sale of securities.[14] It may, however, be difficult for the United States to enforce that prescription in particular circumstances; even in the case of a citizen who resides outside the United States, the cooperation of the authorities of the jurisdiction of residence may be necessary to enforce compliance. And a foreign state is not required by international law to give effect to United States law so long as its refusal is not arbitrary under accepted conflict-of-law principles.[15] Those principles apply *a fortiori* to action, e.g., the issuance of a subpoena, to determine whether a violation has in fact occurred, and, thus, the courts of another country may in some cases choose not to enforce subpoenas issued by United States authorities. In other cases, foreign courts may make distinctions, based on their own legal traditions,[16] between subpoenas issued by courts and those issued by administrative agencies such as the Commission.

In light of the growth in foreign portfolio investment in the United States, and recent amendments to the securities laws which require increased monitoring of activities to determine compliance,[17] the limitations inherent in using subpoenas as an exclusive method to determine whether to take action to enforce the securities laws prompted the Commission to propose new recordkeeping requirements in order to ensure that its regulation is reasonably complete and effective.

Comments

The Commission received fourteen letters commenting on the proposal to amend Rule 17a–3(a)(9).[18] The comment letters recognized that, in general, the Commission has a legitimate interest in determining the beneficial owners of accounts where trading or other circumstances appear to suggest possible violations of the United States securities laws. It was also recognized that Rule 17a–3(a)(9) as amended could help to overcome practical difficulties currently encountered in obtaining information from those persons which are neither citizens nor residents of the United States. Nevertheless, several commentators suggested in substance that financial information is considered to be legitimately confidential in several foreign countries, even in the face of inquiries from appropriate United States regulatory bodies. They further suggested that any regulatory initiative which would reduce the protection now provided to various persons by the laws and practices of such countries when they deal in the United States securities markets could be inimical to such mar-

[8] The Treasury Report illustrated by a reference to the financial collapse of the IOS complex the importance attached to regulation. While that collapse did not technically involve a registered investment company (regulated under the Investment Company Act of 1940, 15 U.S.C. 80a–1 et seq.), the Treasury Report notes that U.S. mutual fund business overseas was brought to a standstill.

[9] Treasury Report, at 22.

[10] See, e.g., id. at 21.

[11] 15 U.S.C. 78a et seq. (the "Act").

[12] The Commission may require the attendance of witnesses and the production of records in situations where it believes, among other things, that there may have been a violation of the federal securities laws. See, e.g., section 19 of the Securities Act of 1933, 15 U.S.C. 77s; section 21(a) of the Act, 15 U.S.C. 78u(a).

[13] See, e.g., Restatement (2d), "Foreign Relations Law of the United States," section 6 (1965).

[14] See "Arthur Lipper Corp. v. SEC, —— F. 2d ——," (Slip Op. Doc. No. 76–4076, (2d Cir., Dec. 10, 1976)); "ITT v. Vencap Ltd.," 519 F. 2d 1001 (2d Cir. 1975); and "Schoenbaum v. Firstbrook," 405 F. 2d 200, (2d Cir. 1968), modified in other respects, 405 F. 2d 215 (en banc), cert. denied, 395 U.S. 906 (1969). See also Restatement (2d), "Foreign Relations Law of the United States," sections 17, 18 (1965).

[15] Restatement (2d), "Foreign Relations Law of the United States," section 9 (1965).

[16] Requests by other governments for judicial assistance are normally considered under the provisions of an applicable treaty. Under the Treaty between the United States and Switzerland on Mutual Assistance in Criminal Matters (May 25, 1973, 12 "Int'l Legal Materials" 916), which takes effect in 1977, a provision has been made for assistance in connection with specifically enumerated offenses; violations of the securities laws are covered only to the extent that they constitute criminal business fraud or another crime recognized under Swiss law. Where there is not an applicable treaty, one of the controlling considerations in any decision by a foreign government to give judicial assistance in a particular case would in many cases be whether the matter being investigated would involve a crime under its laws. If it is not, a request for judicial assistance would normally be denied. Since countries generally prohibit, as a matter of law or practice, foreign government officials from performing official acts in their territories without prior authorization, the denial of authorization blocks further investigative efforts of violations of the federal securities laws, such as trading on insider information, which are not treated as crimes under the laws of many foreign countries.

[17] For example, subject to a series of exceptions, new section 11(a) of the Act prohibits an exchange member from effecting transactions for its own account or the account of any associated person or any account over which the member or an associated person exercises investment discretion. If the records of an exchange member merely reflect that transactions were effected for an account for which a financial intermediary is authorized to act but which in all likelihood the intermediary does not own beneficially, it is not possible to determine whether those transactions were effected in compliance with section 11(a). The problem of monitoring compliance is independent of any affiliation between the exchange member and the financial intermediary. See note 19 infra.

[18] Comments were received from: Asiel & Co.; The Association of the Bar of the City of New York; the Boston Stock Exchange; Gadsby and Hannah on behalf of ABD Securities Corporation, Overseas Securities Corporation and Transatlantic Securities Corporation; Goldman Sachs & Co. and Salomon Brothers; Merrill Lynch, Pierce, Fenner & Smith Incorporated; the New York Stock Exchange, Inc. (the "NYSE"); the Philadelphia Stock Exchange, Inc.; SoGen-Swiss International Corporation; the United States Treasury Department; Ultrafin International Corporation; and Wauterlek & Brown, Inc.

kets. In support of that position, it was argued that the possibility of disclosure would constitute a disincentive to investment on the part of those accustomed to other standards regarding confidentiality of individual financial information.

Commentators suggested that the amendment to Rule 17a–3(a)(9) might raise questions of international law or put foreign financial intermediaries to difficult choices between complying with the amendment and complying with the laws of their countries of domicile when they choose to trade on behalf of their customers in United States securities markets. In addition, it was argued either that the broker-dealers required to comply with the amendment to Rule 17a–3(a)(9) would be subjected to an unsustainable burden of obtaining compliance by their customers or that, because foreign financial institutions would not in fact comply with a Commission request made pursuant to the amended Rule 17a–3(a)(9), no benefit would in face be achieved by adopting the amendment. Furthermore, some commentators feared that the Rule might be administered in an unfair or discriminatory fashion against United States broker-dealer affiliates of foreign financial institutions. In light of those arguments, various suggestions were made concerning ways in which the Commission might obtain directly, through third parties such as accountants or other professionals, answers to specific Commission inquiries without necessarily uncovering the identity of the beneficial owners of accounts.[19].

Even though proposed Rule 17a–3(a)(9) is designed to make more appropriately equal the obligations placed on all participants in United States securities markets, both residents of the United States and non-residents, the Commission nevertheless recognizes that providing even-handed "national" treatment for foreign participants in the United States securities markets would require action on their part to comply with the Rule as well as to stay in compliance with laws of other countries. The Commission believes that an adequate provision for delayed effectiveness of the amendment should provide adequate time to accomplish the necessary accommodations. In that regard, the Commission is sensitive to the policies of other nations regarding confidentiality of financial information and believes that its amendment would accommodate those policies to the greatest extent possible within the context of the Commission's mandate under the federal securities laws.[20]

Operation of Amendment

The Commission's decision to propose the amendment to Rule 17a–3(a)(9) necessarily involved a delicate balancing of competing policy objectives and an awareness also of the changing trends and patterns that affect the securities markets subject to its jurisdiction. Modern communications systems have made it possible, and increasingly attractive, to do business on a transnational basis, often without being physically present in the country where particular transactions take place. It has, accordingly, become increasingly possible for foreign persons, without being present in the United States, to violate the federal securities laws in securities transactions occurring within the jurisdiction of the United States.[21] For example, aliens may employ brokers in the United States to execute transactions in United States markets, and accomplish other ministerial acts, in furtherance of an undisclosed manipulation or other illegal scheme. As a result, and in light of substantial increases over the last several years in United States securities transactions originating from abroad,[22] the Commission's ability, as a practical matter, to enforce the federal securities laws in connection with transactions in the United States involving foreign persons has been perceived as being incomplete.

That incompleteness both weakens the protection United States investors obtain under the federal securities laws and undermines the honesty and fairness of United States securities markets. The resulting gap in investor protection pertains not only to trading accomplished for the accounts of foreign nationals, but also permits United States persons to evade United States requirements through the use of foreign financial intermediaries (or foreign branches of United States financial intermediaries).[23] The execution of transactions by a foreign institution may be accomplished either through a United States affiliate of the foreign intermediary or, frequently, through broker-dealers in the United States that may have no affiliation whatever with the institution. Absent the consent of their principals, the foreign intermediaries may be bound by local law to protect from disclosure their principals' identity notwithstanding a Commission investigation.

The degree of confidentiality to be accorded individual securities transactions is largely a matter of internal policy within each country, reflecting in large part particular national judgments as to the relative standing to be given to considerations of confidentiality.[24] At the

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[19] Section 19(g)(2) of the Act requires exchanges to "enforce compliance" with the Act and the rules and regulations thereunder by their members; however, as the Commission has pointed out (Securities Exchange Act Release No. 12994 (Nov. 18, 1976), 41 FR 51804 (Nov. 24, 1976)), "enforcing compliance" encompasses a number of different techniques, ranging from inspection programs to disciplinary proceedings, and direct inspection programs may not always be an appropriate enforcement technique. For example, third party examination techniques are commonly used; exchanges rely heavily on reports prepared by independent accountants to determine that their members are in compliance with the Commission's financial responsibility rules. Regional exchanges have voiced support for the use of third party examination techniques in other areas, e.g., section 11(a) of the Act and its predecessor, Rule 19b–2. In fact, the legislative history of section 6(c)(3)(C) makes it clear that exchange officials may appropriately rely on third party verifications under that section. See Securities Exchange Act Release No. 12157 (Mar. 2, 1976) at 9, 41 FR 10662 (Mar. 12, 1976) at 10664. Of course, whatever techniques are adopted by self-regulatory organizations must be applied in an even-handed manner. Thus, if an exchange deems it important to inspect the underlying beneficial ownership interests of accounts carried by its members, it should normally expect to do so for all members, since any account in the name of a financial intermediary may be an omnibus account which in substance is really the account of the member or one of its associated persons, irrespective of whether the financial intermediary is itself an associated person of the member.

[20] *See* text accompanying footnotes 10 and 11 *supra*.

[21] *See*, e.g., "United States v. Frank," 520 F. 2d 1287 (2d Cir. 1975), *cert. den.* 423 U.S. 1087 (1976) (manipulations of securities in U.S. markets); "Securities and Exchange Commission v. Cooper," 402 F. Supp. 516 (S.D.N.Y. 1975) (manipulations in connection with the distribution and aftermarket trading of a new offering); "Securities and Exchange Commission v. American Institute Counselors, Inc.", CCH Fed. Sec. L. Rep. 1975–76 Transfer Binder) ¶ 95,388 (D.D.C. 1975) (misrepresentations and omissions of material fact in connection with the sales of non-exempt, unregistered securities by unregistered brokers, dealers and investment advisers); "Securities and Exchange Commission v. General Refractories Co.", 400 F. Supp. 1248 (D.D.C. 1975) (violations of proxy and reporting requirements under the federal securities laws).

[22] In addition to the data on foreign portfolio holdings contained in the "Treasury Report", statistics developed by the NYSE show a dramatic increase in foreign transactions in securities (transactions in United States stocks purchased from Americans by foreigners, or sold by foreigners to Americans). NYSE statistics indicate that in 1975 foreigners purchased $15 billion and sold $10.6 billion of United States securities. Just ten years earlier, in 1965, the totals were only $3.7 billion and $4.1 billion, respectively. NYSE, "1976 Fact Book," at 22.

[23] See, e.g., "United States v. First National City Bank," 396 F.2d 897 (2d Cir. 1968).

[24] Several nations have laws regarding the strict confidentiality of information entrusted to others in their official or professional capacities and prohibit disclosure without the consent of the entrusting person; for example, the Bahamas, the Cayman Islands, Lebanon and Switzerland have passed laws designed specifically to protect the confidentiality of depositors' banking affairs. Those laws are construed broadly and applied strictly. Persons revealing "confidential" information may be civilly liable to the wronged entrustor as well as criminally liable.

The effect of foreign secrecy laws on enforcement of the federal securities laws has been perceived in a number of ways by different commentators, perhaps reflecting differences in their perspectives. In a 1974 release dealing generally with foreign access to United States securities markets, the Commission raised several questions specifically concerning regulatory problems arising from such laws. Securities Exchange Act Release No. 10634 (Feb. 8, 1974), 39 FR 6567 (Feb. 20, 1974). In March, 1976, the Commission published a staff summary of the comments it had received in response to the earlier release. Securities Exchange Act Release No. 12157 (Mar. 2, 1976), Appendix A, 41 FR 10662 (Mar. 12, 1976). In general, regional exchanges and United States affiliates of foreign entities (as well as the National Association of Securities Dealers, Inc.) indicated that foreign secrecy laws do not pose any

same time, the Commission believes that United States policy in regard to transactions involving the use of United States securities markets or other jurisdictional means is reflected in the federal securities laws. Accordingly, while every effort should be made in an appropriate fashion to respect the judgments reached abroad as to the relative importance of individual privacy, the paramount consideration remains the development and enforcement of a reasonably complete and effective pattern of regulation under the Act.

In situations beyond the effective scope of the Commission's subpoena powers, requests for information may currently be wholly unavailing. Accordingly, there could be an unwarranted limitation on the Commission's ability to enforce fairly and even-handedly the securities laws if it were to rely solely on its subpoena authority. The proposed amendment would, accordingly, require as a basic condition to participation in United States securities markets that those who act on behalf of undisclosed principals establish in advance by written agreement their willingness to disclose to the Commission, upon request, the identity of their principals.

Brokers and dealers are obligated to keep such records as the Commission prescribes as necessary or appropriate in furtherance of the purposes of the Act.[25] Under the proposed amendment, they would not be required to obtain the names of the beneficial owners of a joint account or an account of a person other than a natural person maintained by them; the only new requirement to which they would become subject would be the obligation to obtain the agreement of the person authorized to effect transactions for the account that such person will furnish the name and address of beneficial owners at the request of the Commission.

While a broker-dealer may determine to conduct its business only on the basis of full disclosure, the proopsed amendment would not require that it do so. Nor would broker-dealers be responsible for seeing that such authorized persons in fact perform their agreement though, of course, a broker-dealer would not be in compliance with the proposed amendment if it accepted the required agreement from, and maintained an account for, a person which it knew or had reason to believe did not intend (or would not be able) to live up to its agreement.

Confidentiality of Information

The Commission recognizes that the need for fair and uniform administration of the federal securities laws must be carefully balanced against the need to assure the protection of individual rights to privacy in personal financial dealings. The individual's right to privacy has long been recognized and respected under American law and the need for government to avoid unwarranted invasions of privacy is deeply ingrained in that law. The Congress has not only legislated a right to privacy in the recent Privacy Act of 1974[26] but also, in enacting a comprehensive institutional disclosure provision in the Securities Acts Amendments of 1975,[27] the Congress specifically underscored the need to protect personal privacy by providing that disclosure of personal account information would not be required. The Commission is thus keenly sensitive to the desire of persons, whether citizens or residents of the United States or nonresident aliens, to maintain the confidentiality of their financial transactions. In the great majority of cases, that desire is quite legitimate, and protection should be afforded to the maximum extent consistent with existing law. The amendment to Rule 17a–3(a)(9) has been drafted to achieve that end.

Rule 17a–3(a)(9) would not require that reports be filed with the Commission or that the names and addresses of beneficial owners of accounts be disclosed generally. If, however, the Commission determines to conduct an examination or inquiry of a particular situation, for example in order to discover whether specific securities transactions were effected in violation of a provision of the Act or any rule thereunder, the Commission would request the appropriate authorized person to disclose, as required by the agreement obtained in compliance with the proposed amendment, the name and address of the beneficial owners. The information thereby obtained would be confidential[28] except, of course, to the extent the Commission determined to bring specific enforcement proceedings.

There remains, of course, the possibility that persons entering into the agreement which would be required by the proposed amendment might subsequently decline to comply with a Commission request for information concerning the beneficial owners of an account, perhaps accompanying the refusal with a statement that compliance would be in violation of foreign laws, such as the secrecy laws in effect in certain countries. Delayed effectiveness of the amendment would provide an opportunity for obtaining the necessary consents in order to give appropriate deference to foreign secrecy laws or policies without permanently extending their effect to transactions in United States securities markets.

Foreign persons wishing to effect transactions in United States securities markets for their customers would need to arrange for whatever consents or waivers local law may require in order to permit compliance with the Rule, as amended. Where any such person would not be subject to service of process in the United States, it might be the case

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special regulatory problems not capable of resolution through agreements. The NYSE, the American Stock Exchange, Inc., and the Securities Industry Association suggested, on the other hand, that foreign secrecy laws interfere substantially with exchange regulation and enforcement, but they did not suggest that foreign portfolio investment in the United States should be limited except by requiring that foreign access to U.S. securities markets be obtained indirectly through the facilities of existing exchange member firms. Subsequently, the Commission determined that, generally, the Securities Acts Amendments of 1975 resolve questions concerning foreign access in favor of permitting all registered brokers or dealers to have access to United States securities markets without any conditions based solely on nationality. *See* Securities Exchange Act Release No. 12737 (Aug. 25, 1976), 41 FR 38847 (Sept. 13, 1976).

[25] *See* section 17(a)(1), 15 U.S.C. 78q(a)(1). Rule 17a–3, 17 CFR 240.17a–3, prescribes records to be kept by every member of a national securities exchange who transacts business in securities directly with other than members of a national securities exchange, every broker or dealer who transacts a business in securities through the medium of any such member, and every broker or dealer registered pursuant to section 15 of the Act. While most foreign financial intermediaries are brokers within the meaning of section 3(a)(4) of the Act (persons engaged in the business of effecting transactions in securities for the account of others), they may generally be classified as transacting their business in securities without the United States even though their business is, to the extent it relates to transactions on United States exchange markets, conducted through the medium of members of such exchanges. Accordingly, absent express rulemaking by the Commission under section 30(b) of the Act, the broker-dealer registration requirements of the Act and the rules and regulations thereunder applicable to registered entities do not apply to such intermediaries merely by reason of their status as brokers. With respect to the general anti-fraud provisions, however, *see* note 14 *supra*.

[26] Pub. L. No. 93–579 (Dec. 31, 1974). At the same time, the Congress recognized the need to balance the individual's right to privacy against other public goals. The Privacy Act provides, for example, that its protections are wholly superseded by the Freedom of Information Act, 5 U.S.C. 552a(b)(2). *See* note 28 *infra*.

[27] Pub. L. No. 94–29 (June 4, 1975). *See* section 13(f) of the Act, 15 U.S.C. 78m(f), as added by the 1975 Amendments.

[28] The Freedom of Information Act, 5 U.S.C. 552, sets forth the basic federal policy and administrative practice concerning disclosure, and non-disclosure, of information in the government's possession. Under that Act, the Commission may deny a request for disclosure of information falling within one or more areas specified in section 552(b). Particularly relevant in this context are (1) the exemption provided for investigatory records compiled for law enforcement purposes to the extent that disclosure of such records would, among other things, constitute an unwarranted invasion of personal privacy and (2) the exemption provided for trade secrets and privileged or confidential commercial or financial information obtained from a person. In any situation where (1) the Commission obtained information by invoking an agreement made in compliance with the proposed amendment to Rule 17a–3(a)(9) and (ii) disclosure of that information by the person making that agreement would otherwise have been prohibited (because, for example, the beneficial owner had not consented to a more genial disclosure) under the laws of the country of which that person is a domiciliary, it would appear that, generally, such information should come within the above-described exceptions to the Freedom of Information Act. For a further description of the Commission's policies under that Act, *see* 17 CFR 200.80 *et seq.*

that that Commission's remedies for non-compliance with a Rule 17a–3(a)(9) agreement would, as a practical matter, be somewhat circumscribed. In any event, however, the Commission would plan, if the need arose, to maintain a public list (analogous to its Foreign Restricted List) in order to draw to the attention of registered brokers and dealers the fact that persons on the list did not adhere to their agreements. Where a registered broker or dealer knew—and upon publication of any such list or supplement thereto it would be deemed to know—that a person would not carry out the terms of the required agreement, that broker or dealer would not be in compliance with the proposed amendment to Rule 17a–3(a)(9) if it thereafter maintained an account for such person unless the record maintained by the broker or dealer for the account in fact reflected the true name and address of the account's beneficial owner or owners. Nor, in any event, would a registered broker or dealer be in compliance with the proposed amendment to Rule 17a–3(a)(9) if it maintained an account for a person where it was apparent that a straw or dummy was being inserted for the purpose of evading Rule 17a–3(a)(9).[29]

STATUTORY BASIS

The proposed amendment would be adopted pursuant to the provisions of the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.*, and particularly sections 2, 3, 10, 11, 15, 17, 21, 23 and 30 thereof (15 U.S.C. 78b, 78c, 78j, 78k, 78o, 78q, 78u, 78w, and 78dd).

IMPACT ON COMPETITION

The Commission recognizes that, to the extent foreign persons view the amendment as a disincentive to investing through (and consequently lessen their financial involvement in) United States markets, the proposed amendment might have an inhibiting effect on competition.

While the Commission considers it desirable to facilitate foreign access to the United States markets, it also believes that the gaps existing in the present scheme of regulation with respect to disclosure of account ownership pose serious threats to the integrity of the domestic markets and may undermine public confidence therein. The predicted decrease in foreign portfolio investment occurring as a result of the proposed amendment would be a more remote possibility. In any event, any such burden on competition would appear to be necessary and appropriate to make the Commission regulation reasonably complete and effective.

On the other hand, the proposed amendment to Rule 17a–3(a)(9) may be more likely, on balance, to lessen burdens on competition through the elimination of an inappropriate disparity in regulation with respect to domestic and foreign intermediaries. Under current regulations, persons who invest directly in the United States markets are subject to disclosure and compliance requirements under the Act which other persons, domestic and foreign alike, have been able to avoid by the use of financial intermediaries located abroad. That regulatory disparity does not appear to be necessary or appropriate in furtherance of the purposes of the Act. Particularly disturbing are indications that domestic financial intermediaries may currently be planning to rearrange their affairs to place themselves on the same footing as their foreign competitors. It does not seem appropriate to eliminate competitive disparities by degrading the investor protections afforded by the Act. Accordingly, the proposed amendment would eliminate the competitive disparity while upholding the purposes of the Act.[30]

TEXT OF RULE

Securities Exchange Act Rule 17a–3, 17 CFR 240.17a–3, would be amended to read as follows:

§ 240.17a–3 Records to be made by certain exchange members, brokers and dealers.

(a) * * *

(9) A record in respect to each cash and margin account with such member, broker, or dealer containing the name and address of each beneficial owner of such account and in the case of a margin account, the signature of such owner: *Provided*, That in the case of a joint account or an account other than an account of a natural person, such records are required only in respect of the person or persons authorized to transact business for such account if such persons undertake to furnish, at the request of the Commission, the name and address of each beneficial owner of such account.

* * * * *

All interested persons are encouraged to submit written data, views and arguments with respect to the proposed amendment or the plan of administration explained in this release. Persons wishing to make written submissions should file six copies thereof with George A. Fitzsimmons, Secretary, 500 North Capitol Street, Washington, D.C. 20549, not later than March 4, 1977. All comments should make reference to Securities and Exchange Commission File No. S7–613. Copies of all submissions will be made available in the Commission's Public Reference Section, Room 6101, 1100 L Street, Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 10, 1977.

[FR Doc.77–1605 Filed 1–17–77;8:45 am]

[29] For example, if a well-known and active financial intermediary closed its accounts with a broker and individuals known to be officers (or other authorized agents) of that financial intermediary opened accounts in the name of a new, and unknown, intermediary, it would appear that a reasonable broker or dealer would be alerted to the possibility that an effort was being made to evade Rule 17a–3(a)(9). Under such circumstances, the broker or dealer maintaining the new accounts would need, as a practical business matter in order to reduce its own risk of violating Rule 17a–3(a)(9), to satisfy itself that the new arrangements were not being undertaken to evade disclosure under the Rule. Similar considerations would apply to a financial intermediary that found persons opening accounts on a basis which suggested that the financial intermediary would not in fact be able to comply with the agreement it had entered into pursuant to Rule 17a–3(a)(9). Nor, for example, would the beneficial owner of an account cease to be such merely because its financial intermediary had recast agency transactions for such beneficial owner's account into principal transactions.

[30] *See* section 3(a)(36) of the Act, 15 U.S.C. 78c(a)(36).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Regulations No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Income and Exclusions; Deeming of Income

On January 22, 1974, there was published in the FEDERAL REGISTER (39 FR 2487) a notice of proposed rulemaking with proposed amendments to the regulations relating to the deeming of income under section 1614(f) of the Social Security Act (42 U.S.C. 1382c(f)), exclusion of earnings of a child who is a student, and exclusion of certain household goods and personal effects under the supplemental security income for the aged, blind, and disabled program.

Interested parties were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendments. As described below, comments were received and fully taken into consideration. The section on deeming is being published at this time in the form of notice of proposed rulemaking because of the breadth of the changes from the previously published notice. While some of the changes were the direct result of the comments received, others have been initiated by the Social Security Administration. For this reason and because the rules currently in effect have been followed for two years, it appears most appropriate to publish a revised notice pertaining to deeming of income. The other two sections published on January 22, 1974, were finalized on October 20, 1975 (40 FR 48911).

Section 1614(f) of the Social Security Ac requires that, where an eligible individual lives together with his ineligible spouse, his income shall be deemed to include the income of the spouse, except to the extent that the Secretary finds it would be inequitable to do so. Similarly, the income of the child who is eligible for SSI benefits and lives with his parents (or spouse of a parent), is deemed to include the parents' income, subject to exceptions directed by the Secretary. The amounts of a parent's income which pursuant to these regulations are not deemed to the SSI beneficiary are

termed "allocations." Allocations of parents' income, prior to deeming, are provided for the use of the parents and for any other children in the household who are not SSI beneficiaries.

Comments were received from the Governor of Connecticut, the welfare administrators in the States of Idaho, Ohio, Pennsylvania, Wisconsin and the administrator of the New York City Human Resources Administration. Comments were also received from the Legal Services for the Elderly Poor in New York. All of the comments received suggested that the allocation for the ineligible spouse, parent, and spouse of the parent be the same as the SSI benefit payment levels so that a family unit involved in the deeming process could have the same amount of income as a family unit with both parents and at least one child meeting the supplemental security income eligibility criteria. The regulations have been prepared for publication with a change in the allocation amounts for an ineligible spouse, parent, or spouse of the parent. The new quarterly allocation amounts will permit the ineligible spouse, parent, or spouse of a parent with income which is to be deemed, to exclude the same amount of earned or unearned income that an eligible individual or eligible couple can have before becoming ineligible for supplemental security income payments.

Similarly, the allocation for each ineligible child has been related to the payment amounts for an eligible spouse or an essential person. At the present time, this allocation equals $252 per quarter, but will increase automatically as the SSI benefit rate increases.

Other comments were made that only the income actually available to the eligible individual should be deemed. This concept is not consistent with the legislative language in title XVI which requires that the income of an ineligible spouse, parent, and spouse of parent should be deemed to the eligible individual whether or not the income is actually available to the eligible individual. Accordingly, no change is being made on this point.

The report of the Supplemental Security Income Study Group dated January 1976, made two recommendations pertaining to the deeming of income. The Study Group recommended that deemed income of parents no longer be considered when a child recipient reaches age 18, and that the same exemptions for earned and unearned income of the eligible spouse be allowed for the ineligible spouse. The recommendation dealing with the age of the child cannot be implemented without a statutory change, because section 1614(f)(2) requires that the income and resources of a parent and spouse of a parent be deemed to a child under age 21. The second recommendation was partially adopted. Under the proposed rules, an eligible individual and an ineligible spouse will receive the same earned and unearned income exclusions that are allowed for an eligible individual and eligible spouse (eligible couple).

A new paragraph (§ 416.1185(c)) has been added to provide guidelines for the situation in which an individual's income must be deemed both to his spouse, who is an aged, blind, or disabled adult, and to his child who is blind or disabled. In this case, the individual's income is deemed to the adult first (in accordance with the rules of spouse-to-spouse deeming). Thereafter, any deemable income in excess of the amount which caused the adult to become ineligible on the basis of income will be deemed to the blind or disabled child.

When there are two or more blind or disabled children, the income to be deemed will be divided equally between the children; however, if either or both have income for their own, income will be deemed only to the extent needed to reduce a child's payment to zero. All the remaining income will be deemed to the other blind or disabled child.

The regulations (§ 416.1185(d)) provide that certain items of income will not be included in the deeming process. Several of these items are statutory exclusions adopted from title XVI or other statutes (e.g., Food Stamp Act of 1965). Assistance based on need and income based on need will not be included as income to be deemed nor will the income used to determine the eligibility and amount of the need-based payments be included because to do so would be indirectly requiring the other assistance program to support an SSI recipient. Any in-kind support and maintenance (food, clothing, and shelter) furnished to the ineligible spouse, parent or spouse of a parent, if any, and any ineligible children in the household will not be considered as deemable income under this section.

The regulations also provide (§ 416.1185(e)) that the Social Security Administration will continue to deem income to an eligible individual when either the eligible individual or the person from whom income is deemed is absent from the household for temporary periods. A temporary absence is defined as one in which either the eligible individual or the person from whom income is deemed leaves the household but intends to return in the same or the next month. However, it is specifically provided that deeming will continue to apply to a child who is absent for extended periods in order to attend school so long as the child returns home on vacations and, thus, can fairly be said to continue to maintain his residence with his parents. If the absence is not temporary, deeming will cease effective with the first full month of absence. This provision makes explicit what has been the policy of the Social Security Administration.

It should be noted that § 416.1185 was first published as an interim regulation for comment on January 22, 1974, and a number of comments were received relating to the deeming of income. This section will continue in effect, as here amended, on an interim basis effective upon publication until a final regulation is adopted.

It is being published with interim effectiveness because a delay in the implementation of the proposed changes would be contrary to the interests of the public. There are several reasons why it is in the best interests of the public to publish these changes with interim effectiveness. The policy reflected in these changes is a liberalization of the current rules applicable in deeming of income from spouse to spouse and from parent to child situations, and will also simplify eligibility determinations for all concerned. The new rules take cognizance of the inflationary process on the income of persons from whom income is deemed and will equalize the treatment of income used in the deeming process with that of other SSI recipients not involved in the deeming process. As a result it is anticipated that no individual to whom these rules are applicable will be disadvantaged. Finally, these changes also take into consideration whenever possible, comments and suggestions made by the public with respect to the deeming policy.

If there are any questions concerning this regulation, you may contact Mr. S. J. Weissman, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone—(301) 594–7341. Mr. Weissman will respond to any questions, but will not accept comments on this regulation.

Prior to final adoption of these 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 within a period of 45 days from the date of publication of this notice in the FEDERAL REGISTER.

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.

(Secs. 1102, 1614 (f) and 1631 Social Security Act, as amended, 49 Stat. 647, as amended, 86 Stat. 1473, and 86 Stat. 1475; 42 U.S.C. 1302, 1382c(f), and 1383.)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 13, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 13, 1977.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Section 416.1185 is added to read as follows:

§ 416.1185 Deeming of income.

Any amounts used in the examples in paragraphs (a) and (b) of this section are based on the rates for quarters beginning July 1, 1976.

(a) *Individual with spouse.* In the case of an individual who is living in the same household with a person not eligible for benefits under this part who is, or who is considered to be, such individual's husband or wife in accordance with the provisions set forth in §§ 416.1001–416.1041, such individual's income shall be deemed to include (except as otherwise provided in this section) any income (as defined in § 416.1102(a)) of such spouse whether or not such income is available to such individual. For each child in the household who is neither blind nor disabled, the quarterly income of the ineligible spouse will be reduced by an amount equal to the difference between the quarterly benefit rate for an individual (as defined in § 416.410) and the quarterly benefit rate for a couple (as defined in § 416.412). Any income of such child will be used to reduce the allocation of income made on his behalf. If the remaining income of the ineligible spouse does not exceed one-half the quarterly benefit rate for an eligible individual there is no income to be deemed. If the remaining income of the ineligible spouse exceeds one-half of the quarterly benefit rate for an eligible individual, all income will be deemed to the eligible individual, combined with his own income, and the eligible indivdual's income will be treated as it would be if his spouse were an eligible spouse (as indicated in § 416.412). However, in no case will a payment to the eligible individual exceed the amount specified for an eligible individual without an eligible spouse. Whenever the initial application is filed in the second or third month of the quarter, the allocations enumerated in this paragraph will be prorated on a monthly basis.

Example 1. After all the prescribed allocations have been applied, Alice, the ineligible spouse of Ted, has $200 of deemable income for the third quarter of 1976. Since this is less than half the quarterly benefit rate for an eligible individual without an eligible spouse ($503.40 divided by 2=$251.70), no income is deemed to Ted and he is paid at the rate for an eligible individual. Only his own countable income is applied to that benefit rate.

Example 2. After all the prescribed allocations have been computed, Alice has $400 of deemable income for the third quarter of 1976. Since this exceeds one-half of the quarterly benefit rate for an eligible individual, Alice's income is to be added to Ted's own countable income. Ted has $200.00 of income (before any disregards are applied), which together with the deemed income equals $600 total quarterly income. All income disregards appropriate to an eligible couple are applied to determine countable income. This countable income is applied against the amount which would be paid to an eligible couple in determining the eligibility of the individual.

(b) *Child.* (1) In the case of an individual who is a child (as defined in § 416.1050) and under age 21, such individual's income shall, subject to the succeeding sentences of this paragraph and to paragraph (c) of this section, be deemed to include (except as otherwise provided in this section), any income (as defined in § 416.1102(a)) of a parent of such individual (or the spouse of such a parent) who is not eligible for benefits under this part and is living in the same household as such individual whether or not such income is available to such individual. Income so deemed will be treated as unearned income. Whenever there is more than one blind or disabled child in the deeming situation, the income to be deemed will be divided equally among them. However, no income will be deemed to a blind or disabled child in excess of that amount which, when combined with his own income, if any, reduces his payment level to zero. Thereafter, any remaining deemable income will be deemed only to the other blind or disabled children. Whenever the initial application is filed in the second or third month of the quarter, the allocations described in this paragraph will be prorated on a monthly basis.

(2) In the case of income for any quarter of the parent and spouse of such parent, such income will be reduced by the allocation specified in paragraph (a) of this section for each ineligible child (as defined in § 416.1050) under the age of 21 of the parent or spouse of the parent residing in the household. However, any income of the ineligible child himself will be used to reduce the allocation of income made on his behalf.

(3)(i) Thereafter, in the case of income for any quarter, all of which is earned (as defined in § 416.1102(b)), of the parent and spouse of such parent, such earned income will be reduced by an amount equal to $255 plus:

(*a*) Twice the quarterly benefit rate for an individual (as defined in § 416.410) in the case of one parent or spouse of a parent residing in the household; or

(*b*) Twice the quarterly benefit rate for a couple (as defined in § 416.412) in the case of a parent and spouse of a parent residing in the household.

(ii) In the case of income for any quarter, all of which is unearned, of the parent and spouse of such parent, such unearned income will be reduced by an amount equal to $60 plus:

(*a*) The quarterly benefit rate for an individual in the case of one parent or spouse of a parent residing in the household; or

(*b*) The quarterly benefit rate for a couple in the case of a parent and spouse of a parent residing in the household.

(iii) In any case in which the total income for a quarter of the parent(s) includes both earned and unearned income, the unearned income is reduced by $60; and the earned income is reduced by $195 plus one-half of the remainder. The sum of the unearned and earned income remaining after such reduction is further reduced by:

(*a*) The quarterly benefit rate for an individual (as defined in § 416.410) in the case of one parent or spouse of a parent residing in the household; or

(*b*) The quarterly benefit rate for a couple (as defined in § 416.412) in the case of a parent and spouse of a parent residing in the household.

(c) The remaining income is deemed income.

(iv) *Examples.*

Example 1. Susan, a blind 10-year-old, lives with her mother, stepfather, and able-bodied sister. Her stepfather has earned income of $1800 for the third quarter of 1976. Neither her mother nor her sister has any income of her own. In order to compute deemable income, there is first allocated to the sister $252 for the quarter. Thereafter, since the remaining parental income is earned and is less than $1765.80 per quarter (twice the couple's rate plus $255, or the amount of earned income which just makes a couple ineligible), there is no income deemed to Susan.

Example 2. James is a disabled child who lives with his mother. His mother receives benefits under title II of the Social Security Act in the amount of $225 per month or $675 for the third quarter of 1976. James has no income of his own. Since his mother's income is totally unearned, it is reduced before deeming by $563.40 ($503.40 (the quarterly benefit rate for a single individual) plus $60 (the unearned income disregard)). Thereafter, $111.60 per quarter is deemed to James. Since this is treated as unearned income, his $60-per-quarter disregard is applied, reducing the countable income to $51.60. This quarterly benefits, therefore, equal $451.80.

(c) *Individual with spouse and child.* In the case of an individual, as described in paragraph (a) of this section, and a child, as described in paragraph (b) of this section, living in the same household with a person not eligible for benefits under this part who is, or who is considered to be, the husband or wife of the individual and parent or spouse of the parent of the child, such individual's and child's income shall be deemed to include the income of such person whether or not such income is available to such indivdual or child. This person's income will be treated in the same manner, as described in paragraph (a) of this section. After the application of the spouse-to-spouse deeming, as provided in paragraph (a) of this section, all income in excess of the amount which reduces the individual's payment to zero will be deemed to the blind or disabled child and treated as unearned income.

(d) *Income not included.* (1) For purposes of this section, the term income does not include:

(i) Assistance based on need and income based on need and furnished by any Federal agency, State, or political subdivision of a State, or the payments made under title XVI of the Social Security Act and any income which was taken into account in determining and which affected the eligibility for, and amount of such assistance or payments;

(ii) Any portion of any grant, scholarship, or fellowship used to pay the cost of tuitions and fees;

(iii) Amounts received for foster care of an ineligible child;

(iv) Bonus value of food stamps and the value of the Department of Agriculture donated foods;

(v) Home produce grown for personal consumption;

(vi) Refund of taxes paid on income, real property, or food purchased by the family;

(vii) Such income needed to fulfill an approved plan for achieving self-support;

(viii) Such income used to comply with the terms of court-ordered support;

(ix) The value of any in-kind support and maintenance furnished to the ineligible spouse, ineligible parent or ineligible spouse of a parent, and ineligible children in the household;

(x) Periodic payments made by a State under a program established before July 1, 1973, based solely on duration of residence and attainment of age 65; and

(xi) Income otherwise excluded by Federal statute (see § 416.1146 of this part).

(2) In determining the income of ineligible children in the household for purposes of allocating a share of the parent's income, the items enumerated in paragraph (d)(1) of this section shall be excluded, and, in addition, the total earned income of such child who is a student (subject to the limitation in § 416.1163) shall be excluded unless the child actually makes this income available to the family.

(e) *Limitation on deeming.* The procedures for computing an individual's income described in this section will be applied during periods of temporary absence from the household on the part of the individual or the person from whom income is deemed. For the purposes of this section, a temporary absence is defined as one in which either the individual, or the person from whom income is deemed, leaves the household but intends to return in the same month or the next month. If an absence is not temporary, those procedures will cease to be applied effective with the first full month of absence. However, a child who is away at school will be considered to be temporarily absent (regardless of the duration of the absence) if he comes home on weekends or lengthy holidays and vacations (or for extended visits in accordance with school regulations).

[FR Doc.77-1599 Filed 1-17-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

MISCELLANEOUS INDIAN IRRIGATION PROJECTS

Proposed Revisions

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, Section 15a) and redelegated to the Area Directors by 10 BIAM 4.1, notice is hereby given that it is proposed to modify § 221.105 Charges of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against land to which water can be delivered under the Pyramid Lake Irrigation Project in Nevada and the San Carlos Reservation Irrigation Project in Arizona. On the Pyramid Lake Irrigation Project, the annual assessment rate will be $20.00 per acre for non-Indians; and $1.00 per acre for Indian owned and operated land. On the San Carlos Reservation Irrigation Project, the annual assessment rate will be $35.23 per acre for non-Indian owned land and Indian land leased to non-Indians. These annual assessment rates shall become effective for the calendar year 1977 and subsequent years unless changed by further orders. The revised section shall read as follows:

§ 221.105 Charges.

Pursuant to the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the annual basic charges against the lands to which water can be delivered under the respective irrigation systems of the projects listed in this section are hereby fixed in the following amounts for non-Indian owned lands, Indian owned lands leased to non-Indians and Indian owned and operated lands, for the calendar year 1977 and for each succeeding calendar year thereafter until further notice:

Annual per acre assessment

Project	Non-Indian owned land	Indian owned land leased to non-Indians	Indian owned and operated land
Duck Valley:			
Subjugated lands	$3.40	$3.40	$3.40
Native hay lands	3.40	3.40	1.00
Pyramid Lake	20.00	20.00	1.00
San Carlos Reservation	35.23	35.23	5.50
Warm Springs	2.00	2.00	----------

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed amendments, to John H. Artichoker, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona 85011, on or before February 10, 1977.

CHARLES D. WORTHMAN,
Assistant Area Director.

[FR Doc.77-1458 Filed 1-17-77;8:45 am]

[25 CFR Part 221]

WALKER RIVER INDIAN IRRIGATION PROJECT

Proposed Revisions

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, Section 15a) and redelegated to the Area Directors by 10 BIAM 4.1, notice is hereby given that it is proposed to modify § 221.83 Charges, of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against land to which water can be delivered under the Walker River Indian Irrigation Project in Nevada, by establishing an assessment rate of $7.00 per irrigable acre for non-Indian owned land and Indian owned land leased to non-Indians, and $1.00 per irrigable acre for Indian owned land farmed and operated by Indians for calendar year 1977 and subsequent years unless changed by further orders. The revised section shall read as follows:

§ 221.83 Charges.

The annual basic operation and maintenance assessment rates for land to which water can be delivered under the Walker River Indian Irrigation Project in Nevada for the operation and maintenance of the project are hereby fixed at $7.00 per irrigable acre for non-Indian owned land and Indian owned land leased to non-Indians, and $1.00 per irrigable acre for Indian owned land farmed and operated by Indians. The foregoing charges shall become effective for the calendar year 1977 and continued in effect thereafter until further notice.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments, to John H. Artichoker, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona 85011, on or before February 10, 1977.

CHARLES D. WORTHMAN,
Assistant Area Director.

[FR Doc.77-1457 Filed 1-17-77;8:45 am]

DEPARTMENT OF LABOR

Assistant Secretary for Labor-Management Relations Office of Labor-Management Relations Services

[29 CFR Part 215]

URBAN MASS TRANSPORTATION ACT OF 1964

Proposed Guidelines

Section 13(c) of the Urban Mass Transportation Act provides, in general, it shall be a condition of any federal financial assistance by the Department of Transportation to states other than local public bodies in financing mass transportation systems, that fair and equitable arrangements must be made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance. In conjunction with the Secretary of Labor's role in making such determinations, it is, therefore, the purpose of these proposed guidelines to provide information concerning the Department of Labor's administrative procedures in processing applications for assistance under the Urban Mass Transportation Act, and certification by the Secretary of Labor

of acceptable employee protective arrangements.

Interested persons are accorded until on or before March 4, 1977, to offer data, views or comments addressed to the Assistant Secretary of Labor for Labor-Management Relations United States Department of Labor. New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Any comments received by interested parties will be available for public inspection during normal working hours in Room N-5641, New Department of Labor Building at the same address.

Accordingly, it is proposed to amend 29 CFR Chapter 2, by adding a new Part 215 to read as follows:

PART 215—GUIDELINES, SECTION 13(c), URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

Sec.
215.1 Purpose statement.
215.2 General.
215.3 Employees represented by a labor organization.
215.4 Employees not represented by a labor organization.
215.5 Processing of amendatory applications.
215.6 Recertifications based on existing agreements.
215.7 Department of Labor contact.

AUTHORITY: Secretary's Order No. 11-72, May 12, 1972.

§ 215.1 Purpose statement.

(a) The purpose of these guidelines is to provide information concerning the Department of Labor's administrative procedures in processing applications for assistance under the Urban Mass Transportation Act of 1964, as amended (hereinafter "the Act").

(b) Section 13(c) of the Act reads as follows:

It shall be a condition of any assistance under section 3 of this Act that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) The preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) The continuation of collective bargaining rights; (3) The protection of individual employees against a worsening of their positions with respect to their employment; (4) Assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) Paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379, as amended). The contract for the granting of any such assistance shall specify the terms and conditions of the protective arrangements.

§ 215.2 General.

Upon receipt of copies of applications for Federal assistance subject to section 13(c), together with a request for the certification of employee protective arrangements from the Department of Transportation, the Department of Labor will process those applications, which may be in either preliminary or final form. To facilitate review, the section of the application dealing with labor and relocation should estimate the effects on mass transportation employees of urban mass transportation carriers of the contemplated Federal assistance including possible impact of the assistance upon existing collective bargaining agreements, employment rights, privileges and benefits (including pensions) and the continuation of collective bargaining rights. The application should identify the labor organization, if any, representing employees of urban mass transit carriers in the area of the proposed project and describe what steps, if any, have been taken to develop the required employee protections.

§ 215.3 Employees represented by a labor organization.

(a) If affected employees are represented by a labor organization it is expected that protective arrangements shall be the product of negotiation, pursuant to these guidelines.

(b) Upon receipt of an application involving affected employees represented by a labor organization, the Department of Labor will refer a copy of the application to that organization and notify the applicant of referral.

(c) Following referral and notification under paragraph (b), of this section, and subject to the exceptions defined in §§ 215.5 and 215.6, parties will be expected to engage in good faith efforts to reach mutually acceptable protective arrangements through negotiation.

(d) Provisions will be made for the setting of time limitations by the Secretary of Labor within which negotiations must be concluded. It is anticipated that time limits will be set, case by case, for all projects which the Secretary of Transportation indicates have a significant possibility of funding. Further, expedited processing will be given high priority projects, upon the Secretary of Labor's own initiative or on the request of the Secretary of Transportation.

(e) The Secretary of Labor will review negotiated protective arrangements. If an arrangement meets the requirements of section 13(c), the Secretary will so certify to the Urban Mass Transportation Administrator. If the arrangement is not in conformity with the provisions of section 13(c), the Secretary may grant parties additional time to negotiate a satisfactory agreement, or he may set forth the provisions of the protective arrangement himself.

(f) If the parties are unable to reach agreement within the time period specified pursuant to paragraph (d) of this section, the Secretary will review the positions of the parties to determine appropriate action. If it is determined that the parties cannot reach agreement, he will advise them of the protective terms and conditions upon which he intends to base the certification. If the Secretary determines that the applicant has not negotiated in good faith he will refuse to certify.

§ 215.4 Employees not represented by a labor organization.

(a) The certification made by the Secretary will afford the same level of protection to those employees who are not represented by labor organizations.

(b) If there is no labor organization representing employees, the Secretary will set forth the protective terms and conditions in his letter of certification.

§ 215.5 Processing of amendatory applications.

When an application is supplemental to or revises or amends in immaterial respects an application for which the Department of Labor has already certified that fair and equitable arrangements have been made to protect the interests of mass transit employees affected by the subject project, and absent unusual circumstances, the Department of Labor will on its own initiative apply to the supplemental or other amendatory application the same terms and conditions as were certified for the subject project as originally constituted. The Department of Labor's processing of these applications will be expedited.

§ 215.66 Recertificationns based on existing agreements.

When the Department of Labor receives a certification request for a grant application which is identified as being in a category of recurring grants, as set forth below, and when the applicant has an existing section 13(c) arrangement for a previous grant in that category, the Department of Labor will notify the parties of its receipt of the application and its intent to certify the new project on the basis of the previously developed section 13(c) arrangement unless within 30 days from that notification a party objects in writing to certification on that basis. Upon receipt of any objection the Secretary of Labor will review the objection to determine appropriate action to take in future processing of the certification request. This procedure will apply to the following categories of grants:

(a) Capital grants for purchase or renovation of vehicles (including buses, railcars, or other vehicles) based on a normal equipment replacement or maintenance cycle, not resulting in a contraction of service levels;

(b) Capital grants for refurbishing of rights-of-way, buildings, or other real property where the activity is closely similar to that carried out over a period of years;

(c) Grants pursuant to specified multi-year programs of identifiable projects;

(d) Other categories to be determined by the Secretary of Labor.

§ 215.7 Department of Labor contact.

Questions concerning the subject matter covered by these guidelines should be addressed to the Division of Employee Protections, Labor-Management Serv-

ices Administration, U.S. Department of Labor, Room N-5641, 200 Constitution Avenue, NW, Washington, D.C. 20210; phone number (202) 523-6495.

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

BERNARD E. DELURY,
Assistant Secretary for Labor-Management Relations.

[FR Doc.77-1517 Filed 1-17-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 251]

GEOLOGICAL AND GEOPHYSICAL EXPLORATION PERMIT

Submission of Data

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the Outer Continental Shelf Lands Act of August 7, 1953, 67 Stat. 462, 43 U.S.C. 1331-1343, the Department of the Interior proposes the following changes in Title 30, Code of Federal Regulations Part 251.

Part 251 provides for the issuance of geological and geophysical exploration permits on the Outer Continental Shelf (OCS). As promulgated (41 FR 25891, June 23, 1976), the regulations provided for the submission of permit data for inspection by the Supervisor at his request. The submission of volumes of geophysical data which the Supervisor ultimately concludes are not to be selected, but which are subject to the reimbursement provisions for reproduction costs, has proven burdensome to Geological Survey and objectionable to the geophysical exploration industry.

This amendment proposes to resolve this problem by providing that submission of data to the Supervisor prior to its selection will occur only when mutually agreeable, and that the Supervisor will rely more on inspection on the permittee's premises. This amendment should end industry's suspicion that submitted data are used, not just inspected for quality and suitability, and returned without being subject to the provisions for reimbursement of processing and reprocessing costs. This amendment makes no change in the requirements for submission of data upon their selection by the Supervisor.

The Department is now revising and simplifying the geophysical exploration permit form. In conjunction with this, certain provisions deleted from the permit should be elevated to the regulations. Among these are provisions proposed to be added to 30 CFR 251.13 and paragraph 9 below, 30 CFR 251.14(d).

The Department in this Notice also proposes to amend the definitions of "analyzed geological information" and "processed geophysical information" to include reference to data collected under a lease, so that the cross reference in 30 CFR 250.97 to definitions contained in section 251.3 is accurate.

In addition, the Department seeks, under proper circumstances, to allow geological and geophysical explortion for other commercial purposes not related to mineral development. Section 11 of the OCS Act, 43 U.S.C. 1340, requires geological and geophysical exploration of the OCS to be "authorized by the Secretary." By adopting regulations permitting only mineral exploration and scientific research, the Department did, but did not intend to, foreclose exploration permits in non-mineral commercial purposes. The proposed amendments remedy this.

This action does not require the drafting of an inflationary impact statement under the mandate of Executive Order No. 11821, 39 FR 41501 (1974). Departmental review under the criteria set forth in OMB Circular A-107 and the Department's memorandum on E.O. 11821 (revised October 7, 1975), indicates that the proposal does not invoke this impact statement requirement.

This action does not constitute a "major federal action significantly affecting the quality of the human environment within the meaning of section 102(2(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). These technical changes will not significantly alter the environmental effects of exploration under permits issued by the Department under the Outer Continental Shelf Lands Act, 43 U.S.C. 1331-1343. These impacts were discussed in the Impact Statement prepared prior to initial promulgation of these rules, Interior FES 76-23.

It is the policy of the Department of the Interior, whenever practicable, to afford the public on opportunity to participate in the rulemaking process. Interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, U.S. Geological Survey, National Center, Reston, Virginia 22092, on or before February 17, 1977.

Dated: January 11, 1977.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

1. Accordingly, it is proposed that the table of contents for Part 251 be amended by revising the entry for § 251.12 to read:

Sec.

251.12 Inspection, selection and submission of data and information.

§ 251.3 [Amended]

2. It is proposed to revise § 251.3(j) to read as follows:

* * * * *

(j) *Geological exploration for mineral resources or other commercial purposes.* Any operation conducted on the Outer Continental Shelf which utilizes geological and geochemical techniques, including, but not limited to, core and test drilling, well logging techniques, and various bottom sampling methods, to produce data and information on mineral resources, including data and information in support of possible exploration and development activity, or for other commercial purposes. The term does not include exploration for scientific research.

* * * * *

3. It is proposed to revise § 251.3(k) to read as follows:

* * * * *

(k) *Geophysical exploration for mineral resources or other commercial purposes.* Any operation conducted on the Outer Continental Shelf which utilizes geophysical techniques, including, but not limited to, gravity, magnetic and various seismic methods, to produce data and information on mineral resources, including data and information in support of possible exploration and development activity, or for other commercial purposes. The term does not include exploration for scientific research.

* * * * *

4. It is proposed that the first sentence of 30 CFR 251.3(p) be revised to read:

* * * * *

(p) Data, collected under a permit (or, for the purposes of § 250.97 of this chapter, under a lease), which have been analyzed. * * *

* * * * *

5. It is proposed that the first sentence of 30 CFR 251.3(q) be revised to read:

* * * * *

(q) Data, collected under a permit (or, for the purposes of § 250.97 of this chapter, under a lease), which have been processed. * * *

* * * * *

§ 251.12 [Amended]

6. It is proposed that the following modifications be made in 30 CFR 251.12:

A. That the section title be revised to read:

§ 251.12 Inspection, selection and submission of data and information.

B. That the heading of paragraph (b) be revised to read:

(b) *Inspection, selection and submission of geophysical data and processed geophysical information.* * * *

C. That the second and third sentences of paragraph (b)(2) be revised to read:

(b) * * *

(2) * * * This inspection may be performed on the permittee's premises or, at the request of the Supervisor, the permittee may agree to submit the geophysical data, processed geophysical information or reprocessed geophysical information to the Supervisor for inspection. The permittee may either submit the requested material within 30 days of receipt of the Supervisor's request or immediately notify the Supervisor of his objection to submission of any or all of the material for inspection. * * *

* * * * *

D. That the introductory portion of paragraph (b)(4) before paragraph (b)(4)(i) be revised to read:

* * * * *

(b) * * *

(4) The right of inspection and each submission shall include, at the direction of the Supervisor, all or any part of the following: * * *

§ 251.13 [Amended]

7. It is proposed that § 251.13(b) be revised to read:

* * * * *

(b) *Reimbursement for processing and reprocessing costs.* After the Supervisor selects processed and reprocessed geophysical information by written notice to the permittee or third party in accordance with § 251.12(b)(2), the permittee or third party shall be reimbursed for not more than one-half of the cost attributable to processing and reprocessing only, as distinguished from the cost of data acquisition. Reimbursement will be for the amount attributable to processing and reprocessing costs of the lowest rate at which the processed geophysical information is made available by the permittee or third party, but in no case shall reimbursement be more than one-half of the processing and reprocessing cost incurred by the permittee or the third party. When in the exercise of his discretion, the Supervisor so directs, the permittee or third party shall refund to the United States any amount by which the lowest share of the total processing and reprocessing cost is reduced following reimbursement to the permittee or third party by the United States.

* * * * *

8. It is proposed to revise 30 CFR 251.13(c) to read as follows:

* * * * *

(c) *Procedures for establishing amount of reimbursement.* Requests for reimbursement will contain a cost breakdown in sufficient detail to allow separation of processing and reprocessing from acquisition costs. Any reimbursement to a permittee or third party shall be conditioned upon a determination by the Supervisor that the request for reimbursement as originally submitted or as revised is proper.

* * * * *

§ 251.14 [Amended]

9. It is proposed that § 251.14 be amended by the addition of a paragraph (d) to read as follows:

* * * * *

(d) *Disclosure to independent contractors.* The Government reserves the right to disclose any data or information acquired from a permittee to an independent contractor or agent for the purpose of processing, reprocessing or interpretation.

§ 251.16 [Amended]

10. It is proposed to amend 30 CFR 251.16 by the addition of the words "or other commercial purposes" after "mineral resources" and before "and exploration".

[FR Doc.77-1370 Filed 1-17-77;8:45 am]

RENEGOTIATION BOARD

[32 CFR Part 1482]

MEETINGS; PUBLIC NOTICE AND OBSERVATION

Proposed Implementation of Government in Sunshine Act

Notice is hereby given that the Renegotiation Board proposes to amend 32 CFR by adopting a new Part 1482 to implement the provisions of the Government in the Sunshine Act (Pub. L. 94-409, 90 Stat. 1241).

The Government in the Sunshine Act is intended to provide the public with the fullest practicable information regarding the decisionmaking processes of the Federal Government while protecting the rights of individuals and the ability of the Government to carry out its responsibilities. Section 3 of the act requires that certain agencies, including the Renegotiation Board, adopt regulations generally providing for public announcements of their meetings, public attendance at such meetings unless exempt under the statute, and, if a meeting is closed, public access to a transcript or recording of the nonexempt portions of such meeting. The proposed Part 1482 is intended to comply with these requirements.

The proposed § 1482.1 would state the scope of Part 1482 and would provide that it applies to all meetings of the Board, and to all meetings of divisions of the Board composed of two or more members, and that the Board members shall not jointly conduct or dispose of official agency business except in accordance with the rules set forth therein. Paragraph (c) would make it clear that access to documents is governed by Part 1480 and not by the proposed Part 1482.

The proposed § 1482.2 would contain definitions applicable to Part 1482. Paragraph (e) would define the term "meeting" broadly to include not only all meetings of a majority of the Board, but also all meetings of a majority of the members of a division but not less than two, at which deliberations are undertaken which determine or result in the joint conduct or disposition of official business. Excepted from such definition would be meetings to consider closing another meeting to the public; meetings to establish or change the time, date or subject matter of another meeting; and actions taken by the Board through written notations which do not involve any gathering at all.

The proposed § 1482.3 would provide for the issuance of public announcements of the time, place and subject matter of meetings, and whether they will be open to public observation. Generally, such public announcements would be made at least seven days before such a meeting. Under certain circumstances, meetings could be held sooner or certain exempt information could be omitted from a public announcement. Public announcements would be made available for public inspection and copying in the Board's Public Information Office and, thereafter, submitted for publication in the FEDERAL REGISTER.

The proposed § 1482.4 would require that all covered meetings be open to public observation unless they are within one or more of the ten specific exemptions set forth in the Government in the Sunshine Act and paraphased in paragraph (b). Paragraph (c) would set forth in detail the procedures for closing a meeting. Paragraph (d) would permit any affected person to request that any meeting be closed to public observation. Paragraph (e) would make clear that "public observation" means the opportunity to see and hear Board proceedings but not to participate in or to record them.

The proposed § 1482.5 would require that every covered meeting, whether open or closed to public observation, be recorded and that such recordings, after excision of exempt matter from those of closed meetings, be made available for public review and copying. In addition, paragraph (c) would require that an index to such recordings be maintained and open to the public. Excisions would be made initially by the Assistant General Counsel-Secretary and, upon the request of any person, subject to review by the Board. Fees for copies of tapes would be limited to the actual cost of duplication.

Interested persons may participate in the proposed rulemaking through submission of written comments pertaining to these proposed regulations. Comments received by the Board before February 21, 1977 will be considered by the Board before taking final action. Such comments should be addressed to the General Counsel, Renegotiation Board, Washington, D.C. 20446.

Written material and comments submitted will be available for public inspection during regular business hours in the Board's Public Information Office, 2000 M Street, NW., Washington, D.C.

The Renegotiation Board 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: January 13, 1977.

REX M. MATTINGLY,
Acting Chairman.

32 CFR Chapter XIV is amended by adding a new Part 1482, reading as follows:

PART 1482—PUBLIC NOTICE AND OBSERVATION OF MEETINGS

Sec.

AUTHORITY: Sec. 109, Pub. L. 9, 82nd Cong., 65 Stat. 22 (50 U.S.C.A. App. 1219); sec. 3, Pub. L. 94-409, 90 Stat 1241 (5 U.S.C. 552b).

§ 1482.1 Scope.

(a) *In general.* This part implements the Government in the Sunshine Act

(Pub. L. 94–409, 90 Stat. 1241). The regulations herein provide for public announcement of information concerning meetings of the Board, public observation of such meetings unless exempt from such observation by law, and public access to recordings of such meetings except to the extent that such recordings are of meetings or portions of meetings closed to public observation and the discussion thereon is exempt from disclosure by law.

(b) *Applicability.* This part applies to all meetings of the Board and all meetings of divisions of the Board which are composed of two or more members. The members of the Board shall not jointly conduct or dispose of official agency business other than in accordance with this part.

(c) *Access to records.* Access to records, including those discussed, referred to or adopted in a meeting to which this part is applicable, shall be governed exclusively by the provisions of Part 1480 of this subchapter.

§ 1482.2 Definitions.

(a) "Board" means the Renegotiation Board.

(b) "Division" means one or more members of the Board designated by the Chairman pursuant to section 107(e) of the act.

(c) "Member" means an individual who has been appointed to the Board.

(d) "General Counsel" means the General Counsel of the Board appointed pursuant to section 107(c) of the act or, in his absence, the Acting General Counsel.

(e) "Meeting" means the deliberations of at least the number of members required to take action on behalf of the Board, or the deliberations of at least the number of members of a division required to take action on behalf of the division but not less than two, where such deliberations determine or result in the joint conduct or disposition of official business, but does not include deliberations for the purpose of closing a meeting or portion thereof to public observation under § 1482.4, deliberations for the purpose of establishing or changing the time, place or subject matter of a meeting under § 1482.3, or actions taken by the Board or a division through sequential, written notation of its members.

(f) "Earliest practicable time" means as soon as reasonably possible which, except in unusual circumstances, will be not later than the close of the next day which is not a Saturday, Sunday or legal holiday.

§ 1482.3 Public announcement of meetings.

(a) *In general.* A public announcement, in the form prescribed in paragraph (c) of this section, will be posted at least seven calendar days in advance of each meeting except that if a majority of the Board determines by recorded vote that agency business requires that such meeting be called at an earlier date, such public announcement will be posted at the earliest practicable time.

(b) *Changes in public announcements.* The time and place of a meeting may be changed following its public announcement only if the Board posts a public announcement of such change at the earliest practicable time. The subject matter of a meeting or the determination to open or close a meeting or portion thereof to public observation may be changed only if:

(1) A majority of the Board determines by recorded vote that that agency business so requires and that no earlier announcement of the change was possible; and

(2) A public announcement of such change, and the vote of each member thereon, is posted at the earliest practicable time.

(c) *Contents of public announcements.* Each public announcement of a meeting required by paragraphs (a) and (b) of this section shall state:

(1) The time and place of the meeting;

(2) The subject matter of the meeting;

(3) Whether the meeting will be open or closed to public observation; and

(4) The name, address and telephone number of the official designated to respond to requests for information concerning the meeting;

except that, with respect to a meeting or portion thereof which is to be closed to public observation under § 1482.4, to the extent that any information required to be stated in a public announcement by this paragraph is exempt from disclosure under the provisions of § 1482.4 (b), such information will not be included in a public announcement.

(d) *Posting.* A public announcement required under this section shall be posted by making it available for public inspection and copying during the usual hours of business in the Public Information Office at the principal office of the Board. See § 1472.6 (d)(1) and (e)(2). Immediately following its posting, such public announcement shall be submitted for publication in the FEDERAL REGISTER.

§ 1482.4 Public observation of meetings.

(a) *In general.* Except as provided in paragraph (b) of this section, every meeting shall be open to public observation.

(b) *Exemptions.* Meetings or portions of meetings will be closed to public observation, and information concerning such meetings or such portions will not be announced to the public, if the Board determines that public observation of such meeting or such portion, or public announcement of such information, is likely to:

(1) Disclose matters that are:

(i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy; and

(ii) In fact properly classified pursuant to such Executive Order;

(2) Relate solely to internal personnel rules and practices of the Board;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 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.

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

(i) Interfere with enforcement proceedings,

(ii) Deprive a person of a right to a fair trial or an impartial adjudication,

(iii) Constitute an unwarranted invasion of personal privacy,

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source,

(v) Disclose investigative techniques and procedures, or

(vi) Endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) Disclose information the premature disclosure of which would:

(i) In the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to

(A) Lead to significant financial speculation in currencies, securities, or the commodities, or

(B) Significantly endanger the stability of any financial institution or

(ii) In the case of any agency, be likely to frustrate implementation of a proposed agency action, except that subparagraph (ii) shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) Specifically concern the Board's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Board of a particular case of formal

agency adjudication involving a determination on the record after opportunity for a hearing; *Provided*, That the Board may open to public observation any meeting to which this paragraph applies if it determines that the public interest so requires. In making a determination that the public interest requires public observation of a meeting, the Board shall consider the probable effect of such public observation on the Board's ability to carry out the purposes and intent of the act and on the rights, duties and interests of affected persons, including other agencies, employees and contractors, and whether such public observation would violate any applicable provision of law, such as 5 U.S.C. 552a, 18 U.S.C. 1905 or 26 U.S.C. 7213.

(c) *Procedures.* (1) Upon the motion of any member of the Board to close any meeting or portion thereof to public observation,

(i) The General Counsel shall certify whether, in his opinion, such meeting or such portion may be closed to public observation under one or more of the exemptions set forth in paragraph (b) of this section and

(ii) The Board shall vote upon such motion.

(2) Within one business day following a vote under subparagraph (1) of this paragraph, a written record of such vote, reflecting the vote of each member and attaching the General Counsel's certification, shall be posted.

(3) If the vote of the Board under subparagraph (1) of this paragraph is to close such meeting or such portion to public observation, within one business day following such vote a full written explanation of the Board's action, together with a list of all persons expected to attend such meeting or such portion and their affiliation shall be posted.

(4) At the earliest practicable time following a meeting any portion of which is closed to public observation pursuant to this paragraph, the presiding member shall file a statement setting forth the time and place of such meeting and the persons present, which shall be posted.

(5) For the purposes of this paragraph, posting a document shall consist of making such document available for public inspection and copying during usual hours of business in the Public Information Office at the principal office of the Board. See § 1472.6(d) (1) and (e) (2) of this subchapter.

(6) With respect to any meeting or portion of a meeting closed to public observation pursuant to this section, if the Board determines that any information contained in any of the documents required to be posted pursuant to subparagraphs (1) through (4) of this paragraph is exempt from public disclosure under paragraph (b) of this section, such information shall be deleted from the copies of such documents that are posted; *Provided, however*, That undeleted copies of such documents shall be retained by the Board in its files.

(d) *Requests to close meetings.* Any person who believes that his interests may be directly affected by public observation of a meeting or portion of a meeting may request that such meeting or such portion be closed to such public observation for any of the reasons set forth in paragraph (b) of this section. Such requests shall be filed with the Assistant General Counsel-Secretary at the principal office of the Board, who shall distribute copies of such request to each member at the earliest practicable time. See § 1472.6 (d) (1) and (e) (2). Action on such request, if any, shall thereafter be taken in accordance with the procedure set forth in paragraph (c) of this section.

(e) *Public observation.* Unless otherwise stated in a public announcement made pursuant to § 1482.3 (a) or (b) of this subchapter, public observation of a meeting shall mean that all members of the public are invited to attend such meeting for the purposes of observing and listening to the proceedings but not for the purposes of participating in or recording, whether electronically, photographically or otherwise, such proceedings.

§ 1482.5 Recordings of Meetings.

(a) *In general.* Recordings of every meeting, whether open or closed to public observation under § 1482.4 of this subchapter, shall be made and retained. Each such recording shall accurately identify the meeting to which it relates, each speaker thereat and each document or physical item discussed thereat.

(b) *Excision of recordings of closed meetings.* The Assistant General Counsel-Secretary or his duly appointed representative shall prepare a copy of the recording of each meeting or portion thereof closed to public observation pursuant to § 1482.4 of this subchapter and shall excise therefrom all discussion which, in his opinion, is exempt from public disclosure under paragraph (b) of such section. The original recording of each such meeting or portion shall be retained by him.

(c) *Public access to recordings.* The recording of each meeting or portion thereof which is open to public observation and the copy of the recording of each meeting or portion thereof which is closed to public observation, after excision in accordance with paragraph (b) of this section, together with an index of the subject matter thereon and suitable equipment for the review of such recordings and copies, shall be available to the public during the usual hours of business in the Public Information Office at the principal office of the Board. See § 1472.6(d) (1) and (e) (2) of this subchapter.

(d) *Procedure for obtaining copies of recordings.* (1) Any person desiring a copy of any recording available to the public under the preceding paragraph shall submit a written request therefor, stating that it is made pursuant to the Government in the Sunshine Act and describing such recording with sufficient particularity to permit its identification with reasonable certainty. All requests should be addressed to the Assistant General Counsel-Secretary, Renegotiation Board, Washington, D.C. 20446. The envelope in which such request is sent shall be prominently marked with the letters "GISA."

(2) The Assistant General Counsel-Secretary or, in his absence, his duly appointed representative, shall furnish the requested copies within ten days (excluding Saturdays, Sundays and legal holidays) after the receipt of a request under this paragraph.

(e) *Review of excisions.* Any person who has been afforded access to a copy of a recording of a closed meeting under paragraph (c) of this section or who has received a copy of such a recording under paragraph (d) of this section may obtain review by the Board of the decision of the Assistant General Counsel-Secretary excising portions of such recordings under paragraph (b) of this section by making written application to the Renegotiation Board, Washington, D.C. 20446, within 20 calendar days after the date of such access or receipt of such copy. The decisions of the Board shall be made within 20 days (excluding Saturdays, Sundays and legal holidays) after the receipt of such application. Failure of the Board to act within the time limit prescribed in the preceding sentence shall constitute a decision of the Board not to furnish the excised discussion to the requester.

(f) *Fees.* (1) The charge for furnishing a copy of a recording under paragraph (d) of this section shall be the actual cost of its duplication.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as anticipated, the requester shall be notified of the amount of the anticipated fee. Such notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it.

(3) Where the anticipated fee exceeds $25 or where a requester has previously failed to pay a fee under this paragraph, an advance deposit of the full amount of the anticipated fee may be required. In any case requiring a deposit, the request will not be deemed to be received until receipt of such deposit.

(4) Remittances of fees under this paragraph shall be made payable to the order of the Renegotiation Board and mailed to the Renegotiation Board, Attention: Director, Office of Administration, Washington, D.C. 20446. The Board will assume no responsibility for cash which is lost in the mail.

(5) The Board shall waive any fee prescribed in this paragraph in any instance in which the Board, in its discretion, determines such waiver to primarily benefit the general public. There will be no charge for making copies of recordings required for use by other agencies of the Government.

(g) *Period of retention.* A recording made and maintained under paragraphs (a) or (b) of this section shall be re-

tained for a period of not less than two years after the meeting or one year after the conclusion of any Board proceeding with respect to which the meeting was held, whichever is longer.

[FR Doc.77-1510 Filed 1-17-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Subtitle A]

PUBLIC ATTENDANCE AT ADJUDICATIVE HEARINGS

Advance Notice of Proposed Rulemaking

The Secretary of the Department of Health, Education, and Welfare has determined that the Department should adopt a uniform policy with respect to public attedance at adjudicative hearings and has sent the following memorandum to the heads of the principal operating components of the Department directing that regulatory amendments be prepared to effect such a policy. Interested persons are invited to comment on the policy and to participate in the development of regulations by submitting such written data, views or arguments as they may desire. All communications should be addressed to the Director, Office of Regulatory Review, Department of Health, Education, and Welfare, Room 730-E, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Written comments and information may be submitted in any form such as by means of letters, position papers, or memoranda. There are no special rules concerning format. However, to assure full consideration, all written comments should be submitted on or before March 21, 1977. Comments received in response to this Notice will be available for public inspection in Room 730-E, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Dated: December 21, 1976.

DAVID MATHEWS,
Secretary.

To: Heads of Principal Operating Components, Assistant Secretary for Administration and Management, Director, Office for Civil Rights, Chairman, Grant Appeals Board.

From: Secretary.

Subject: Public Attendance at Adjudicative Hearings.

DECEMBER 21, 1976.

It has recently come to my attention that the Department has no uniform policy, and has a diversity of practice, concerning the admission of the general public to adjudicative hearings. It also appears to me that at least some of the regulations of the operating components dealing with this subject are more restrictive than they need or should be. For these reasons, I have determined that the Department should have a uniform policy permitting public attendance at adjudicative hearings unless such attendance would be inconsistent with our obligation not to disclose personal and private information, trade secrets or other information made confidential by law.

To implement the new policy, each component of the Department that conducts adjudicative hearings should prepare and submit for my approval amendments to such regulations in a form consistent with the model regulatory provision attached to this memorandum. If for any reason such an amendment is inappropriate for a particular program, the program administrator should submit to me in writing a full explanation in support of his request that he be allowed to deviate from the general policy.

The regulation amendments as well as any explanations why such amendments should not be adopted should be submitted to me no later than March 21, 1977.

Attachment.

MODEL REGULATORY PROVISION FOR PUBLIC ATTENDANCE AT ADJUDICATIVE HEARINGS

§ ------ Public attendance.

(a) Except as provided in paragraph (b) of this section, all [adjudicative[1]] hearings shall be open for attendance by the public.

(b) The presiding officer shall, on his own motion or on that of any party, close to the public any hearing or portion of a hearing at which evidence is to be offered or matters discussed which—

(1) Are of a personal nature and disclosure would constitute a clearly unwarranted invasion of personal privacy;

(2) Are trade secrets or consist of other commercial or financial information of a privileged or confidential nature; or

(3) Are such that disclosure would violate any provision of law.

[FR Doc.77-1594 Filed 1-17-77;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 249]

MEDICAL ASSISTANCE PROGRAM

Intermediate Care Facilities—Institutions for the Mentally Retarded

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The purpose of these regulations is to modify certain Federal requirements which become effective on March 18, 1977, and to extend the period allowed under current regulations for compliance with certain selected standards. These regulations will apply to institutions for the mentally retarded certified on or before March 18, 1977, as Intermediate Care Facilities under the Medicaid program (title XIX, Social Security Act) and participating under an approved plan of compliance provided for under 45 CFR 249.33(a)(8). Facilities (or distinct parts thereof) entering the program after March 18, 1977, would be subject to the current provisions for full compliance under 45 CFR 249.12(c)(6) or certification with deficiencies under the provisions of 45 CFR 249.33(a)(4).

[1] The context provided by the procedural regulations in which this section would be inserted may make it unnecessary to describe the hearings as "adjudicative." On the other hand, some other qualifying adjective may be appropriate.

With the adoption of the intermediate care facility program under title XIX, Social Security Act, effective on March 18, 1974, the Department established standards applicable to institutions for the mentally retarded which provided that all such institutions participating under the title XIX program as providers of intermediate care would be required to be in compliance with Federal standards established under 45 CFR 249.13 effective March 18, 1977. To achieve this purpose, provisions were made to allow institutions for the mentally retarded to initially participate under the program provided that such facilities submitted a plan of compliance, approved by the Secretary, for achieving conformity with the standards specified in 45 CFR 249.13 no later than March 18, 1977.

A Departmental study completed in June of 1976 by the Office of Long Term Care of the status and progress of facility efforts to meet the March 18, 1977, deadline indicated that only 35% of the State-owned facilities were expected to be in full compliance by the deadline. The shortage of available State funds to make the required changes and renovations to meet Federal requirements with respect to the Life Safety Code and physical environment was identified as the major obstacle in achieving full compliance. Staffing was also identified as an area in which States needed more time because of the shortage of qualified personnel.

These problems were of sufficient significance that they became very clear to the Department both through reports and inquiries from State and local agencies and through contacts from the New Coalition, an organization consisting of the National Association of Counties, the National Governors' Conference and the National Conference of State Legislators. These groups reiterated to the Department the difficulties in meeting certain aspects of the existing regulations; they emphasized that it would be impossible for all State-owned facilities to comply in full by the specified date. A special problem existed in some States that were attempting to phase out certain facilities and place the residents in alternative care settings. These States would have been forced to spend funds on renovating those facilities in order to continue to receive Federal Medicaid matching funds. Recognizing the validity of these concerns, the Department initiated intensive discussions with the New Coalition, National Association of Retarded Citizens, Epilepsy Foundation, Cerebral Palsy Association, and the National Association of Coordinators of State Programs for the Mentally Retarded, Inc. These discussions culminated in specific recommendations made to the Department by the New Coalition, and a Departmental response indicating a willingness to make certain regulatory changes in response to their legitimate concerns. Accordingly, this Notice of Proposed Rule Making specifies such changes, which the Department also believes maintain the necessary program quality.

Under the proposal, the Department purposes to maintain in principle the March 18, 1977, compliance date for facilities providing services to the mentally retarded which were certified prior to that date. However, in the case of an individual facility which will not meet the Federal requirements for staffing, Life Safety Code, and certain physical environmental standards by the deadline date, continued Medicaid participation will be allowed provided that the health and safety of the residents in the facility will not be jeopardized by a delay in achieving compliance with those requirements.

Under these proposed regulations, facilities may be granted up to one additional year to correct deficiencies in staffing on the basis of a written plan, approved by the Secretary or his designee, which establishes a timetable of corrective action to achieve full compliance with Federal staffing requirements within one year. Similarly, provided that the facility is found in compliance with existing State fire safety and sanitation requirements, the facility may be granted up to March 18, 1980, to correct deficiencies in requirements for the Life Safety Code, living units, dining rooms, and therapy areas. Such facilities may be recognized for purposes of certification based upon a written plan, approved by the Secretary or his designee, which establishes a timetable for correcting deficiencies in, or phase-out of, buildings which will assure a facility's full compliance with Federal Life Safety Code and physical environment requirements by March 18, 1980.

The proposed regulation would also:

Modify current requirements for application of the Rooming House section of the residential occupancy section of the Life Safety Code in facilities of 15 beds or less to permit mobile nonambulatory as well as ambulatory residents to be housed in these buildings rather than in large institutions as part of the normalization and deinstitutionalization process. In addition, the Federal requirement with respect to resident actions for self-preservation has been modified to provide some flexibility of the residential occupancy code in housing arrangements for the mentally retarded population by providing for the application of the residential occupancy code in facilities of fifteen beds or less where the Secretary or his designee has determined, in the case of residents who ar not capable of self-preservation, that the facility has procedures which assure the orderly evacuation of each resident.

Expand the definition of "Qualified Mental Retardation Professional" to include a certified rehabilitation counselor in order to recognize and specifically provide for inclusion of a category which by professional training and experience would be qualified in the area of mental retardation.

Clarify the effective date of the Federal standards under 45 CFR 249.13 and correct the citations of the cross-referenced requirements under 45 CFR 249.12. The cross-referenced requirements omit, due to a technical error, current provisions for patient rights.

Modify requirements with respect to the maximum number of residents per bedroom, to recognize and allow for a variance which is in accordance with the programmatic needs of an individual. For purposes of survey and certification, the survey agency may grant a variance where the survey agency has established that a physician or qualified psychologist has documented in the resident's plan of care that such a variance is in accordance with the resident's programmatic needs.

Modify requirements for minimum bedroom floor space to provide some flexibility in the application of Federal requirements to existing buildings. The survey agency may grant a variance within certain limitations for ambulatory resident bedrooms where the survey agency has determined in accordance with Federal guidelines that such a variance does not adversely affect the programmatic needs of the resident.

These proposed amendments are intended to alleviate the serious difficulties some States are encountering in their efforts to meet the published requirements by the 1977 date, and thus to permit continued participation of facilities for a reasonable time while improvements are being made in order to avoid substantial disruption in the care, treatment, and living arrangements of the residents by having to move them to other certified facilities. Residents of the facilities will not be disadvantaged by the changes since the extended time may be granted only when an approved plan of correction is in effect and no harm will result to the individuals. The Department will monitor activities under each facility's plan to assure that adequate and timely progress is being made.

With respect to the time extension for staffing, one year is considered sufficient time for a facility to recruit the necessary staff and also is the maximum period that a facility should attempt to provide the required "active treatment" short of a full complement of staff. The Department believes a longer period could result in harm to the residents or at least deter their progress toward maximum normal functioning. With respect to structural changes, however, it is recognized that a longer period may be necessary to plan and carry out building modifications or to complete a satisfactory building phase-out plan. Thus three years is considered reasonable in this instance based upon the Department's study and review of the State's progress toward compliance in these areas. Following the time periods which are being proposed for correction of staffing, Life Safety Code, and physical environment deficiencies, the facility must be found in compliance with the Federal standards and would not be eligible for further participation under the program in accordance with Federal prohibitions with respect to repeating deficiencies under 45 CFR 249.33(a)(4).

These special provisions for achieving full compliance with the staffing and structural requirements are applicable only to facilities which have been participating in the Medicaid program under approved plans of compliance in accordance with 45 CFR 249.33(a)(8). It is the Department's view that serious harm would be done both to the States which have been attempting to provide adequate care to their retarded populations, using State and Federal funds, and, more importantly, to the individuals involved who are now benefiting from participation in the Medicaid program, if there were a cutoff of Federal funds at this point. These facilities are already making progress toward compliance so that they can continue in the program and thus their termination would serve no real purpose and could result in very inadequate or no care for their residents.

The Department's current policies on the regulations process provided for publication of a "Notice of Intent" to develop regulations on which all interested persons may comment, and which would then be followed by a Notice of Proposed Rule Making (NPRM). In the case of these proposed amendments to the standards for mental retardation facilities, it has been determined that the "Notice of Intent" step should be omitted (and the regular 45-day comment period on NPRMs shortened) since the time remaining between publication of this NPRM and the effective date of the current regulations (March 18, 1977) does not allow for it. States must know before March 18, 1977, what specific Federal standards will be applied in determining the qualifications of facilities to participate in the Medicaid program for purposes of Federal matching.

Further, the Department believes that the purpose of the "Notice of Intent" process has been met in large measure by the extensive discussions already held on the proposed changes with representatives of both the State agencies and affected consumers. Meetings have been held with the National Governors' Conference, the National Association for Retarded Citizens, the President's Committee on Mental Retardation, and the National Association of Coordinators of State Programs for the Mentally Retarded which involved thorough consideration of the existing standards and possible modifications. Accordingly, this NPRM is being published without a preceding Notice of Intent so that a final decision on standards can be communicated to all affected parties before March 18, 1977.

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions, or objections thereto which are received by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, on or before February 17, 1977. In order to assure prompt handling of comments, please refer to MSA–194–P. Agencies and organizations are requested to submit their comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202–245–0950). Answers to specific questions may be ob-

tained by calling Robert Silva (202-245-0425).

(Sec. 1102, 45 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Social and Rehabilitation Service has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 12, 1977.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: January 13, 1977.

MARJORIE LYNCH,
Acting Secretary.

Chapter II, Title 45, Code of Federal Regulations, is amended as set forth below:

1. Section 249.10 of Part 249 is amended by revising paragraph (b)(15)(i), as set forth below:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * *

(b) *Federal financial participation.* Subject to the limitations in paragraph (c) of this section, Federal financial participation is available in expenditures for medical or remedial care and services under the State plan which meet the following definitions: * * *

(15) *Intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902(a)(31)(A) of the Act, to be in need of such care.* Intermediate care facility services may include services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions. (See paragraph (d)(1)(vi) of this section.) "Intermediate care facility services" means those items and services furnished by a facility which meets the following conditions: * * *

(i) * * *

(D) It meets the standards for an intermediate care facility specified by the Secretary under § 249.12, and in the case of an institution for the mentally retarded or persons with related conditions, also meets the standards specified under § 249.13; and no later than March 18, 1977; and

* * * * *

2. Section 249.12 of Part 249 is amended by revising paragraph (a)(5), adding new paragraph (c)(3)ix), and revising paragraph (c)(6), as set forth below:

§ 249.12 Standards for intermediate care facilities.

(a) The standards for an intermediate care facility (as defined in § 249.10(b)(15) of this part) which are specified by the Secretary pursuant to section 1905(c) and (d) of the Social Security Act and are applicable to all intermediate care facilities are as follows. The facility: * * *

(5) Meets such provisions of the Life Safety Code of the National Fire Protection Association as are applicable to institutional occupancies; except that:

(i) For facilities of 15 beds or less, the State survey agency may apply the Lodging or Rooming Houses section of the residential occupancy requirements of the Code for institutions for the mentally retarded or persons with related conditions and intermediate care facilities primarily engaged in the treatment of alcoholism and drug abuse, all of whose residents are currently certified by a physician or in the case of an institution for the mentally retarded or persons with related conditions by a physician or psychologist as defined in paragraph (c)(3)(i) of this section, as:

(A) Ambulatory or mobile nonambulatory (as defined under the provisions of § 249.13(h) of this chapter) and determined to be capable of following directions;

(B) Engaged in active programs for rehabilitation which are designed to and can reasonably be expected to lead to independent living, or in the case of an institution for the mentally retarded or persons with related conditions, receiving active treatment; and

(C) Capable of taking appropriate action for self-preservation under emergency conditions; except that, in facilities with ambulatory and mobile nonambulatory residents who are not certified as capable of self-preservation, the Lodging or Rooming Houses section of the Code may be applied where the Secretary has made a determination, in writing based upon documented evidence, that the facility has in place an adequate 24-hour operational plan designed on the basis of the specific needs of such residents, which assures their systematic and orderly evacuation within acceptable time lengths and conditions.

* * * * *

(c) In addition, for institutions for the mentally retarded or persons with related conditions the following standards specified pursuant to section 1905(d) of the Social Security Act shall apply: * * *

(3) The institution provides for a Qualified Mental Retardation Professional who is responsible for supervising the implementation of each resident's individual plan of care, integrating the various aspects of the institution's program, recording each resident's progress and initiating periodic review of each individual plan of care for necessary modifications or adjustments. The term "Qualified Mental Retardation Professional" means: * * *

(ix) A rehabilitation counselor who is certified by the Committee on Rehabilitation Counselor Certification and who has specialized training or one-year of experience in treating the mentally retarded.

* * * * *

(6) No later than March 18, 1977 the institution meets the standards specified in § 249.13. For institutions determined to meet the standards specified in § 249.13, the following sections of paragraph (a) and (c) of this section do not apply: (a)(1)(i), (ii)(A), (iv), (v) and (vi); (a)(4); (a)(6); (a)(7); (a)(8); (c)(4); and (c)(5).

3. Section 249.13 of Part 249 is amended by revising the first sentence and paragraph (b)(6), as set forth below:

§ 249.13 Standards for intermediate care facility services in institutions for the mentally retarded or persons with related conditions.

No later than March 18, 1977, the standards for intermediate care facility services (as defined in § 249.10(b)(15)) in an institution for the mentally retarded or persons with related conditions which are specified by the Secretary pursuant to section 1905(c) and (d) of the Social Security Act and referred to in § 249.12(c)(6), are specified in this section. At such time as an institution is deemed to meet the standards contained in this section, such institution will no longer be required to meet the following provisions of § 249.12: (a)(1)(i), (ii)(A), (iv), (v) and (vi); (a)(4); (a)(6); (a)(7); (a)(8); (c)(4); and (c)(5).

* * * * *

(b) *Resident living.* * * *

(6) *Design and equipage of living units.* (i) Bedrooms shall:

(A) Be on or above street grade level;

(B) Be outside rooms;

(C) Accommodate no more than 4 residents, except where the survey agency has made a finding in writing that a variance (which in no case may exceed 8 residents per room) is in accordance with the programmatic needs of each of the residents assigned to such bedroom as documented by a physician or qualified psychologist, (as defined in § 249.12(c)(3)(i) of this chapter), in the individual resident's plan of care. In instances where such a variance has been granted rejustification of the variance by the survey agency must be established in writing on a quarterly basis and maintained on file for continued certification of the institution under the program; and

(D) Provide not less than 80 square feet per resident in multiple bedrooms and not less than 100 square feet per resident in single bedrooms, except that the survey agency may grant a variance in bedrooms for ambulatory residents in existing buildings where the survey agency has justified and documented, in accordance with guidelines issued by the Secretary, that such variance does not adversely affect the programmatic needs and goals of each specific resident and provided that such variance is within the following limitations:

(1) Not less than 60 square feet is provided per resident in multiple bedrooms, and

(2) Not less than 80 square feet is provided per resident in single bedrooms.

* * * * *

4. Section 249.33 of Part 249 is amended by revising paragraphs (a)(2) and (a)(4)(iii), as set forth below:

§ 249.33 Standards for payment for skilled nursing and intermediate care facility services.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

* * *

(2) Provide that the single State agency will, prior to execution of an agreement with any facility (including hospitals and skilled nursing facilities) for provision of intermediate care facility services and making payments under the plan, obtain certification from the agency designated pursuant to § 250.100 (c) of this chapter that the facility meets the definition set forth under § 249.10(b)(15), except that: (i) In the case of an intermediate care facility determined to have deficiencies under the requirements for environment and sanitation (§ 249.12(a)(6)) or of the Life Safety Code (§ 249.12(a)(5)) it may be recognized for certification as an intermediate care facility in accordance with subparagraph (a)(4)(iii) of this section for a period not exceeding 2 years following the date of such determination provided that:

(A) The institution submits a written plan of correction acceptable to the survey agency which contains;

(1) The specific steps that it will take to meet all such requirements; and

(2) A timetable not exceeding 2 years from the date of the initial certification of the facility for participation as an intermediate care facility detailing the corrective steps to be taken and when correction of deficiencies will be accomplished;

(B) The survey agency makes a finding that the facility potentially can meet such requirements through the corrective steps and they can be completed during the 2 year allowable period of time;

(C) During the period allowed for corrections, the institution is in compliance with existing State fire safety and sanitation codes and regulations;

(D) The institution is surveyed by qualified personnel at least semiannually until corrections are completed and the survey agency finds on the basis of such surveys that the institution has in fact made substantial effort and progress in its plan of correction as evidenced by supporting documentation, signed contracts and/or work orders, and a written justification of such findings is maintained on file; and

(E) At the completion of the period allowed for corrections, the intermediate care facility is in full compliance with the Life Safety Code requirements set forth under §249.12(a)(5), and the requirements for environment and sanitation set forth under §249.12(a)(6), except for any provisions waived in accordance with §249.12; and

(ii) In the case of an institution for the mentally retarded (or distinct part thereof) certified under the program and participating under a plan approved by the Secretary prior to March 18, 1977 in accordance with the provisions of paragraph (a)(8) of this section and determined to have deficiencies under the requirements for staffing (§249.13(b)(5)), the Life Safety Code (§ 249.12(a)(5)); living units (§ 249.13(b)(6)(i)(A), (B), (D); (ii)(D); (iii), (iv), (v), (vii), (viii), (ix) and (xii)); dining rooms (§ 249.13(c)(4)(viii)); or therapy areas (§ 249.13(c)(8)(vi)), it may be recognized for certification as an intermediate care facility in accordance with paragraph (a)(4)(iii)(A) of this section, provided that:

(A) Prior to the certification, a written plan of correction has been approved in writing by the Secretary which details the extent of the institution's current compliance with such requirements and the specific action steps that it will take to meet all such requirements. Such plans must:

(1) In the case of public institutions be approved by the State or political subdivision having jurisdiction over the operation of the facility; and

(2) In the case of a facility determined to have deficiencies under the requirements for staffing (§ 249.13(b)(5)) establish a timetable not exceeding one year from effective date of certification after (publication of these regulations) for completion of necessary action steps for correction of staffing deficiencies. Such plan must include the number, job titles, and qualifications of personnel employed by the facility and arrangements for recruiting and training additionally required personnel sufficient to insure that each resident participates in an effective program of active treatment, and

(3) In the case of a facility determined to have deficiencies under the requirements for the Life Safety Code (§ 249.12(a)(5)), living units (§ 249.13(b)(6)(i)(A), (B), (D); (ii)(D); (iii), (iv), (v), (vii), (viii), (ix) and (xii)); and dining rooms (§ 249.13(c)(4)(viii)), or therapy areas (§ 249.13(c)(8)(vi)), provide assurance that the facility will meet such requirements during a period not to exceed March 18, 1980 by either:

(*i*) A timetable detailing the corrective steps to be taken and specifying when correction of deficiencies will be accomplished. The timetable must specify the necessary structural changes and renovations to buildings and provide documented evidence of the availability of sufficient financial resources to complete such changes or renovations on schedule; or

(*ii*) A timetable for the phasing out of the certified institution (or distinct part thereof) which provides for no new title XIX resident admissions to subject buildings (or distinct parts thereof) after approval of the plan. Such timetables must specify the units or buildings to be closed and describe the phase-out action steps and the alternate methods and systems provided in lieu of the full regulatory requirements which will assure the health and safety of the residents until the building is completely phased out.

(B) During the period allowed for correction, the institution is in compliance with applicable existing State fire safety and sanitation codes and regulations;

(C) The institution is surveyed by qualified personnel at least semi-annually until corrections or phasing-out under the provisions of paragraph (a)(2)(ii)(A) of this section are completed and the Secretary finds on the basis of such surveys as supported by documentation, signed contracts and work orders that the institution has in fact made substantial progress in meeting its plan for correction.

(D) At the completion of the period provided for under plans established under paragraph (a)(2)(ii)(A) of this section, the institution (or distinct part thereof) has achieved full compliance with such plans and is found in compliance with the requirements for staffing (§ 249.13(b)(5)), the Life Safety Code (§ 249.12(a)(5)), living units (§ 249.13(b)(6)(i)(A), (B), (D); (ii)(D); (iii), (iv), (v), (vii) and (viii); dining rooms (§ 249.13(c)(4)(viii)) and therapy areas (§ 249.13(c)(8)(vi)); except for any provisions waived in accordance with § 249.12(a)(5), and § 249.13(f)(1)(iv) or granted a variance under § 249.13(b)(6)(i)(C) and (D).

* * * * *

(4) Provide that certification by the survey agency designated pursuant to § 250.100(c) of this chapter will be subject to the following provisions and exclusions: * * *

(iii) In the case of facilities certified under the provisions of paragraph (a)(4)(ii)(A) and (B) of this section certification will be for:

(A) A period that is no later than the 60th day following the end of the time period specified for the correction of deficiencies in a written plan which the survey agency has approved provided that such period shall not exceed 12 full calendar months except as provided for under paragraph (a)(2)(i) or (ii) of this section, or

* * * * *

[FR Doc.77-1595 Filed 1-17-77;8:45 am]

[45 CFR Part 250]

MEDICAL ASSISTANCE PROGRAM

Utilization Control: Quarterly Showing Regulation. Notice of Intent To Issue Proposed Rules

Notice is hereby given that the Administrator, Social and Rehabilitation Service (SRS), with the approval of the Secretary of Health, Education, and Welfare, intends to propose revised regu-

lations implementing the quarterly showing requirement of section 1903(g) of the Social Security Act, 42 U.S.C. section 139b(g), which would supersede the current regulation at 45 CFR 250.20(b)(1). Section 1903(g) requires that each State participating in title XIX of the Social Security Act (Medicaid), in order to avoid a reduction in Federal financial participation (FFP) in its Medicaid program, make a quarterly showing satisfactory to the Secretary, that it has in operation an effective program of control over the utilization of institutional services (called in this Notice utilization control or UC).

SRS has found the current regulations unsatisfactory in that it does not give States clear notice of information they may be required to supply to make a satisfactory showing of performance of the UC requirements (subject to subsequent validation). Therefore, SRS has become aware of a need to require States to provide more detailed and in-depth information in order to be able to make a more reliable judgment of the effectiveness of a State's UC program. In the interim period before a final quarterly showing regulation become effective, SRS will continue to require States to submit quarterly showings under the requirements of section 1903(g) in the format prescribed in SRS–AT–76–88, dated June 3, 1976, as revised and updated.

This Notice is confined to the issues which must be addresed in the development of quarterly showing regulations. SRS also plans an overall revision of all current UC regulations (at 45 CFR §§ 250.18, 250.19, 250.20, 250.23, and 250.24), which revision will be coordinated with the development of the quarterly showing regulations to assure their consistency with them. A Notice of Intent to Issue Proposed Rules on that subject will be published in the FEDERAL REGISTER at a later date.

STATUTORY REQUIREMENTS

Section 1903(g)(1) of the Social Security Act provides that:

> * * * After an individual has received care as an inpatient in a hospital (including an institution for tuberculosis), skilled nursing facility or intermediate care facility on 60 days, or in a hospital for mental diseases on 90 days (whether or not such days are consecutive), during any fiscal year, which for purposes of this section means the four calendar quarters ending with June 30, the *Federal medical assistance percentage* with respect to amounts paid for any such care furnished thereafter to such individual in the same fiscal year *shall be decreased by 33⅓ per centum thereof unless the State agency* responsible for the administration of the plan *makes a showing satisfactory to the Secretary that*, with respect to each calendar quarter for which the State submits a request for payment at the full Federal medical assistance percentage for amounts paid for inpatient hospital services (including tuberculosis hospitals), skilled nursing facility services, or intermediate care facility services furnished beyond 60 days (or inpatient mental hospital services furnished beyond 90 days), *there is in operation in the State an effective program of control over utilization* of such services; * * * (Emphasis added.)

As stated above, the Federal medical assistance percentage for specified institutional care must be decreased by 33⅓ percent "unless the State agency responsible for the administration of the plan makes a showing satisfactory to the Secretary" that it has in operation "an effective program of control over utilization of such services." If the showing (or the Secretary's attempt to validate the showing) reveals that any of the utilization control requirements listed in section 1903(g) has not been met for a particular level of care, the Secretary must assess the entire reduction specified in the statute. These reductions are substantial.

The statute specifies five elements that must be included in a satisfactory showing. Each showing must include evidence:

(1) That in each case for which payment is made under the State plan, a physician certified the necessity of institutionalization at that level of care at the time of admission or, if later, at the time of application for medical assistance under the State plan (1903(g)(1)(A));

(2) That, in each such case, a physician recertified at 60-day intervals that there was a continuing need for institutionalization at that level of care (1903(g)(1)(A));

(3) That, in each such case, such services were furnished under a plan of care established and periodically reviewed and evaluated by a physician (1903(g)(1)(B));

(4) That the State had in effect "a continuous program of review of utilization pursuant to section 1902(a)(3) whereby each admission is reviewed or screened in accordance with criteria established by medical and other professional personnel who are not themselves directly responsible for the care of the patient involved, and who do not have a significant financial interest in any such institution and are not, except in the case of a hospital, employed by the institution providing the care involved; and the information developed from such review or screening, along with the data obtained from prior reviews of the necessity for admission and continued stay of patients by such professional personnel, shall be used as the basis for establishing the size and composition of the sample of admissions to be subject to review and evaluation by such personnel, and any such sample may be of any size up to 100 per centum of all admissions and must be of sufficient size to serve the purpose of (i) identifying the patterns of care being provided and the changes occurring over time in such patterns so that the need for modification may be ascertained, and (ii) subjecting admissions to early or more extensive review where information indicates that such consideration is warranted;"

(5) That the State had in operation an effective program of medical review of the care of patients in mental hospitals and skilled nursing facilities, and of independent professional review of the care of patients in intermediate care facilities, pursuant to sections 1902(a)(26) and (31), whereby the professional management of each case is reviewed and evaluated at least annually (1903)(g)(1)(D)).

Section 1903(g)(2) provides that the Secretary is to validate the States' showings, in part by sample onsite surveys in institutions providing inpatient services.

GENERAL PROBLEMS RELATED TO QUARTERLY SHOWING (QS) REQUIREMENTS

A. *Type of Information Required.* The Department seeks comments on the information that should be required as a showing with respect to each of the five required elements of a UC program. The information submitted in the showing must be verifiable by Federal reviewers in validation surveys. The information required should be a valid indicator of States' performance of the UC requirements; it must enable the Department to make an intelligent judgment as to whether a State has satisfactorily shown that it has an effective UC program and thus is entitled to full Federal funding. Because section 1903(g) requires a reduction in FFP for any State which fails to make the required showing, the regulation cannot require information as part of a satisfactory showing that does not go to the question of whether adequate UC is being performed, because to do so might create an anomalous situation in which a State's showing would be found unsatisfactory for failure to submit information which would not have shown whether it had an effective UC program as mandated by the statute. At the same time, in order to minimize the administrative burdens on both the States and the Department, the information required should be the minimum necessary to test the States' performance of each requirement.

SRS is well aware that it would be a considerable administrative burden for the States to collect and submit and for the Department staff to analyze the information under the proposed requirements outlined below, but has been unable to develop alternative requirements that would produce information providing an equally accurate picture of the States' performance of UC requirements. SRS would welcome suggestions of such alternatives. SRS would particularly welcome suggestions for use of Medicaid Management Information Systems (MMIS) or other presently available computerized data to meet the QS requirement.

B. *Sampling.* The collection of information on performance of UC requirements with respect to all recipients or institutions would be administratively burdensome for States. Therefore, SRS intends to require States to submit as a satisfactory showing of some or all of the UC requirements information based on a sample of institutions or of institutionalized patients.

One question to be considered is the appropriate size of each of these samples. Unnecessarily large samples will needlessly increase the burden on the States of making a satisfactory showing; on the other hand, samples that are too small may be unrepresentative.

Apart from the issue of sample size, other issues need to be considered concerning the methodology for sample selection. Perhaps a sample of patients could be taken from single State agency (sSa) records. Or sampling might be done in two steps: First, a sample of in-

stitutions could be selected for each level of care; second, a sample of the patients at each selected institution could be selected for review. The methods for selecting samples should ensure that neither a State agency nor an institution would be able to influence the selection. Ideally, the sampling methods would provide a cross-section by size of institution within each level of care, geographical location, and any other relevant factors.

Since section 1903(g) seems by its terms to require 100% performance of each element in the UC program (physician certification, recertification, and plan of care "in each case"; utilization review and medical review "of the professional management of each case" "at least annually"), it is the Department's position that it is not necessary, in order to determine that a State is subject to the penalty provided by the statute, for the sampling technique to assure a statistically valid sample, because any omission, under this reading of the statute, would be legally sufficient grounds to assess the entire penalty. However, the Department believes that the statute can be read to allow for human error. In the interests of fairness, the Department therefore proposes to set an adherence percentage, and to establish a sampling procedure which would provide a representative, though not necessarily statistically valid, sample.

The Department would welcome comments on the above discussion, and in particular seeks guidance as to the factors that are relevant to the selection of an acceptable sample, the methodology that should be used, and the size and composition of an acceptable sample. Are different samples appropriate for different purposes (for example, for testing adherence to different UC requirements)? In particular, where a State has certified only one or a few institutions for a level of care (as is often the case with mental hospitals), should a different sampling method be used, or should sampling be dispensed with altogether in favor of a comprehensive review? Are there some UC requirements, for example medical review, for which sampling is an inappropriate method of making an adequate showing?

Proposed Quarterly Showing (QS) Format

SRS is considering the following format for its quarterly showing (QS) requirement: The regulation would require that the sSa have procedures in place:

(a) To select a sample of institutions at each level of care by methods specified or approved by the Secertary;

(b) To have these institutions visited by a sSa review team meeting qualifications established by the Secretary, in order to collect specified information as evidence of adherence to each of the statutory UC requirements; and

(c) To submit the information to the Regional Commissioner when requested, on forms to be developed by the Department. This format would give SRS the flexibility to focus each QS on whichever UC requirements seemed currently of greatest concern, and would minimize the burden of QSs on the States by requiring them to collect for each quarter only the information required for that quarter's showing.

SRS seeks comments on the proposed format, and would also welcome proposals for other possible QS formats.

Proposed QS Requirements for Specific Elements of UC Program

A. *Proposed QS Requirements for Certification and Recertification.* As a showing that certification and recertification by a physician have been performed as required, SRS is considering requiring the sSa to be able to provide upon request some or all of the following information for each patient whose record is reviewed by the sSa team, and for whom, under the terms of the statute and regulations, a physician should have certified or recertified need for institutionalization:

(1) Date of admission and, if later, authorization of benefits; date of certification (and recertification);

(2) The physician's name and medical degree;

(3) A description of the form and content of the certification or recertification (e.g. statement signed and dated by attending physician that the individual is in need of a particular level of care; physician orders signed and dated on or before the date of admission; medical evaluation signed and dated by a physician prior to admission; referral or transfer forms signed and dated by a physician);

(4) A statement describing where the certification or recertification is maintained.

B. *Proposed QS Requirements for Plan of Care.* As a showing that it has complied with the statutory requirement that for each Medicaid patient there be a written plan of care periodically reviewed and evaluated by a physician, SRS is considering requiring the sSa to to be able to provide upon request the following information for each patient record reviewed.

(1) A description of the content of the plan of care which includes the diagnosis, symptoms, complaints, and/or complications indicating the need for admission;

(2) A description of the functional level of the individual;

(3) Orders (as apropriate) for medications, treatment, restorative and rehabilitative services, activities, social services and diet;

(4) Documentation of the frequency with which the plan of care is reviewed.

C. *Proposed QS Requirements for Utilization Review (UR).* As a showing that the State has complied with the statutory requirement that it have in effect a continuous program of UR pursuant to section 1902(a)(3), SRS is considering the following requirements:

(1) As evidence that it has complied with the statutory requirement of review or screening of admissions, SRS is considering requiring the sSa to be able to provide upon request some or all of the following information:

For each patient record reviewed by the sSa team: (a) date admission was reviewed or screened; (b) result of review or screening (conclusion of reviewer(s) concerning need for admission); (c) name(s), title(s), professional qualifications and affiliations of individual(s) performing review or screening.

For each institution reviewed:

(a) A description of the criteria established for UR;

(b) Names, titles, professional qualifications and affiliations of the individuals who established the UR criteria.

If the current statute is amended to restore the requirement of review or screening of extended stays, similar information would be required as evidence that this requirement was being met.

(2) As a showing that it has complied with the statutory requirement of review and evaluation of a sample of admissions, SRS is considering requiring the sSa to be able to provide, in addition to the information detailed under (1) above, a statement of the methodology and criteria used for setting the sample size and for selecting the sample.

SRS may need to establish separate QS requirements for States performing UR under a waiver pursuant to 45 CFR 250.19(b). Comments are solicited particularly from States performing UR under a 250.19(b) waiver as to the information necessary to establish a satisfactory showing of performance of UR.

D. *Proposed QS Requirements for Medical Review (MR) and Independent Professional Review (IPR).* As a showing that it has complied with the statutory requirement that MR be performed at least annually in each mental hospital and skilled nursing facility, and that IPR be performed at least annually in each intermediate care facility, SRS is considering requiring that the sSa be able to provide some or all of the following information:

(1) A *list of facilities* at each level of care certified during the quarter, which list indicates:

(a) The effective date of the provider agreement, and if the provider agreement has terminated, the termination date;

(b) The date on which MR or IPR was performed in the facility in the current annual period;

(c) The date of the most recent prior review;

(d) (In the case of MR) the name and medical degree of the physician who supervised the MR team;

(2) *For a sample of institutions* in which MR and IPR were performed in the quarter to which the QS applies:

(a) The names, titles, professional qualifications and affiliations of the review team members;

(b) The number of title XIX patients for that level of care in the facility on the review date;

(c) Specific findings in the review team's report with respect to individual patients;

(d) Action taken (or not taken) on any recommendations of the review team.

Relation of QS to Validation Surveys (VS)

Section 1903(g)(2) requires that the Secretary, as part of his validation of the States' fulfillment of the statutory UC requirements, conduct on-site surveys in health care institutions. SRS proposes to tie these validation surveys (VS) closely to the quarterly showings, focusing the survey on validation of the

quarterly showing. Issues being considered in this connection are:

Should the on-site VS be performed at the same time that the State is collecting information on-site for its QS? Or should the VS be performed later?

SSRS seeks suggestions on a VS format (or perhaps a number of interchangeable formats) that will be a reliable test of the States' operation of effective UC programs, while making the most efficient and economical use of limited administrative resources.

Consideration will be given, in designing proposed regulatory changes, to written comments and suggestions on these issues addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before March 4, 1977. In order to assure prompt handling of comments, please refer to MSA–197–N1. Agencies and organizations are requested to submit their comments in duplicate.

Such comments will not be acknowledged but will be available for public inspection in Room 5223 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950). Answers to specific questions on this Notice may be obtained by calling Dorothy Soltys, 202–245–0225.

This invitation to submit suggestions is being issued for the purpose of obtaining the broadest participation possible in drafting regulatory revisions. Any such changes developed by the Service will be published in the regular manner as a Notice of Proposed Rule Making with a period for comment by all interested parties.

(Sec. 1102, 45 Stat. 647 (42 U.S.C. 1302).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).)

Dated: December 16, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: January 11, 1977.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.77–1598 Filed 1–17–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

CANNERY CREEK TIMBER SALE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Cannery Creek Timber Sale, Report Number USDA–FS–DES(Adm)R–10–77–03.

This environmental statement concerns a proposed timber sale involving the harvesting of 2.23 million board feet of timber.

This draft environmental statement was transmitted to the CEQ on January 4, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
U.S. Department of Agriculture, Forest Service, Alaska Region, Federal Building, Juneau, Alaska 99802.
Forest Supervisor, Chugach National Forest, 2221 E. Northern Lights Blvd., Room 230, Anchorage, Alaska 99504.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Bldg., Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Clay G. Beal, Forest Supervisor, Chugach National Forest, 2221 E. Northern Lights Blvd., Room 230, Anchorage, Alaska 99504.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Clay G. Beal, Forest Supervisor, Chugach National Forest, 2221 E. Northern Lights Blvd., Room 230, Anchorage, Alaska 99504. Comments must be received by March 15, 1977 in order to be considered in the preparation of the final environmental statement.

CLAY G. BEAL,
Forest Supervisor, Chugach National Forest, Alaska Region.

JANUARY 4, 1977.

[FR Doc.77–1467 Filed 1–17–77;8:45 am]

LAND USE PLAN FOR THE ROGUE-ILLINOIS PLANNING UNIT

Availability of Draft Environmental Statement

The Notice of Availability for the Land Use Plan for the Rogue-Illinois Planning Unit, Siskiyou National Forest, Oregon, USDA–FS–R6–DES–(Adm)–77–2 that appeared in FEDERAL REGISTER Vol. 41, No. 238, Thursday, December 9, 1976 is corrected to extend the review period to February 14, 1977.

DALE L. FARLEY,
Acting Forest Supervisor.

JANUARY 10, 1977.

[FR Doc.77–1501 Filed 1–17–77;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA WILDERNESS SUITABILITY

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Oregon Dunes National Recreation Area Wilderness Suitability, USDA–FS–FES(Adm) 75–05.

The environmental statement concerns a review of the lands within the Oregon Dunes National Recreation Area and recommendation relative to its suitability for inclusion in the National Wilderness Preservation System, within Lane, Douglas and Coos Counties, State of Oregon, Siuslaw National Forest.

This final environmental statement was transmitted to CEQ on January 10, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St., and Independence Ave., SW, Washington, DC 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine Street, Portland, Oregon 97208.
Siuslaw National Forest, 545 SW Second Street, Corvallis, Oregon 97330.
Willamette National Forest, 210 E. 11th Street, Eugene, Oregon 97402.
Oregon Dunes, National Recreation Area, 855 Highway Avenue, Reedsport, Oregon 97467.

A limited number of single copies are available upon request to Regional Forester, Pacific Northwest Region, 319 SW Pine Street, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

EINAR L. ROGET,
Acting Deputy Chief.

JANUARY 10, 1977.

[FR Doc.77–1500 Filed 1–17–77;8:45 am]

RECOMMENDED MANAGEMENT PLAN FOR OREGON DUNES NATIONAL RECREATION AREA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the proposed Oregon Dunes National Recreation Area Management Plan. USDA–FS–R6 FES (Adm) 75–01.

The environmental statement concerns proposed management and development proposals for lands located within the boundaries of the Oregon Dunes National Recreation Area, located within Lane, Douglas and Coos Counties, State of Oregon.

This final environmental statement was transmitted to CEQ on January 10, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th Street & Independence Ave. SW, Washington, DC 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine Street, Portland, Oregon 97208.
Siuslaw National Forest, 545 SW Second Street, Corvallis, Oregon 97330.
Willamette National Forest, 210 E. 11th Street, Eugene, Oregon 97402.
Oregon Dunes, National Recreation Area, 855 Highway Avenue, Reedsport, Oregon 97467.

A limited number of single copies are available upon request to Regional Forester, Pacific Northwest Region, 319 SW Pine Street, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,
Acting Deputy Chief.

JANUARY 10, 1977.

[FR Doc.77-1499 Filed 1-17-77;8:45 am]

U.S. BORAX MINING ACCESS ROAD FOR THE QUARTZ HILL PROSPECT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the U.S. Borax Mining Access Road for the Quartz Hill Prospect, USDA-FS-DES(Adm)-77-04.

The U.S. Borax & Chemical Corporation, in behalf of Pacific Coast Mines, Inc., has proposed to develop a mining exploration road due east of Ketchikan on the mainland of southeast Alaska. This road is to be used for intensive development drilling of the prospect to depths below 600 feet and for the extraction of about 500 tons of ore for pilot testing (bulk sampling).

This draft environmental statement was transmitted to CEQ on January 6, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Bldg., Room 3231, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Alaska Region, Federal Office Bldg., Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Forest Supervisor, Ketchikan Area, Tongass National Forest, P.O. Box 2278, Ketchikan, Alaska 99901.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to J. S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, P.O. Box 2278, Ketchikan, Alaska 99901. Comments must be received by March 6, 1977 in order to be considered in the preparation of the final environmental statement.

CARL W. SWANSON,
Environmental Coordinator, Alaska Region.

JANUARY 6, 1977.

[FR Doc.77-1466 Filed 1-17-77;8:45 am]

Rural Electrification Administration

BIG RIVERS ELECTRIC CORP.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $7,100,000 to Big Rivers Electric Corporation, of Henderson, Kentucky. These loan funds will be used to finance the purchase of an additional fuel supply to assure a 60-day, continuous burn, supply of coal on hand for the borrower's existing generation system.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Marshall R. Dorsey, Manager, Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420.

In order to be considered, proposals must be submitted on or before February 17, 1977 to Mr. Dorsey. The right is reserved to give such consideration and make such evalution or other disposition of all proposals received, as Big Rivers and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 12th day of January, 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-1800 Filed 1-17-77; 8:45 am]

BOARD FOR INTERNATIONAL BROADCASTING

PRIVACY ACT OF 1974

Adoption, Additional Routine Use Payroll Records System

JANUARY 6, 1977.

On December 7, 1976, there was published in the FEDERAL REGISTER (41 FR 53517) a notice of proposed additional routine use for the system of records designated "Payroll Records—BIB-2." Interested parties were given the opportunity to submit comments on the additional routine use contained in that notice, no later than January 6, 1977.

No comments have been received, and the proposed additional routine use for this system of records is hereby adopted without change and is set forth below.

Effective date: January 6, 1977.

Signed at Washington, D.C. on January 6, 1977.

WALTER R. ROBERTS,
Executive Director.

BIB-2

System name:

Payroll Records—Board for International Broadcasting.

System location:

General Services Administration, Region Three Office; copies held by the Board for International Broadcasting. (GSA holds records for the Board for International Broadcasting under contract.)

Categories of records maintained in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by the Board for International Broadcasting and GSA employees to maintain adequate payroll information for the Board for International Broadcasting employees, and otherwise by the Board for International Broadcasting and GSA employees who have a need for the record in the performance of their duties.

Authority for the system:

31 U.S.C., generally. Also, Pub. L. 93-129, as amended.

Routine use of records:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Budget and Administrative Officer, Board for International Broadcasting, Suite 430, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. The request must include a copy of the applica-

ble statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Budget and Administrative Officer of the Board for International Broadcasting.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Pub. L. 93–579.

Policies and practices for storing and retrieving, assessing, retaining and disposing of records in the system:

Storage:

Paper and microfilm.

Retrievability and accessing:

Social Security Number.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager:

Budget and Administrative Officer; Board for International Broadcasting, Suite 430, 1030 Fifteenth Street NW., Washington, D.C. 20005.

Notification procedures:

Refer to Board for International Boardcasting access regulations contained in 1 CFR Part 415.

Record access procedures:

Refer to Board for International Broadcasting access regulations contained in 1 CFR Part 415.

Contesting records procedures:

Refer to Board for International Broadcasting access regulations contained in 1 CFR Part 415.

Categories of sources of records in the system:

The subject individual; the Board for International Broadcasting.

APPENDIX—BOARD FOR INTERNATIONAL BROADCASTING

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.77–1487 Filed 1–17–77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29789]

HOUSTON/NEW ORLEANS-YUCATAN ROUTE PROCEEDING

Reassignment of Proceeding

This proceeding has been reassigned from the undersigned to Administrative Law Judge Arthur S. Present. Future communications should be addressed to Judge Present.

Dated at Washington, D.C., January 12, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77–1580 Filed 1–17–77;8:45 am]

[Order 77–1–44; Docket 29123; Agreement C.A.B. 26352 R–1 and R–2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Passenger Fare Matters

Issued under delegated authority January 10, 1977.

An agreement has 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 carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend the resolution establishing first-class and economy-class fares between Benghazi and Japan/Korea so that those fares need not be higher than the corresponding fares between Tripoli and Japan/Korea, thus reflecting Benghazi's status as the gateway point from Libya to the Far East.

Consistent with our prior approval, we will approve the agreement insofar as the fares established under this resolution are combinable with fares to/from the United States and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board's Regulations 14 CFR 385.-14, it is not found that Resolutions JT23-(Mail 83)055 and JT23(Mail 83)065 which are incorporated in Agreement C.A.B. 26352, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

Accordingly, *it is ordered* That: Agreement C.A.B. 26352, R–1 and R–2, be and 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 ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics

Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1583 Filed 1-17-77;8:45 am]

[Docket 27813; Agreement C.A.B. 26064, R-1 through R-13, R-15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of January, 1977.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North/Central Pacific passenger fares.

By Order 76-8-147, August 27, 1976, the Board directed the U.S. carrier members of the International Air Transport Association (IATA) to submit justification in support of an agreement which would close North/Central Pacific fares through March 31, 1977.[1] Northwest Airlines, Inc. (Northwest), although not a member of IATA, was likewise directed to file pertinent economic data.

Pan American World Airways, Inc. (Pan American), the only U.S. IATA member providing service over the North/Central Pacific, has submitted economic data as directed, as has Northwest. Two supplemental carriers, Trans International Airlines, Inc. (TIA) and World Airways, Inc. (World), have jointly filed initial comments and objections, as well as reply comments, and the Puget Sound Traffic Association (PSTA) has filed reply comments. Finally, Pan American has filed a motion, which will be granted, to file an otherwise unauthorized document in response to the reply comments of TIA, World, and PSTA.

THE AGREEMENT

The agreement proposes an increase of three percent in normal economy fares, and a five percent increase in first-class and most promotional fares between the U.S. west coast/Honolulu and Japan. The basic-season group inclusive-tour (GIT) fare would be increased by an additional $50 over the five percent increase, and group-100 affinity fares applicable to U.S.-originating traffic would be increased by ten percent. Most fares between Alaska and Japan would remain at present levels, although first-class fares would be increased by four percent, and the basic-season GIT and group-100 affinity fares would be increased by $25 and 10 percent, respectively.

Fares to Asian destinations other than Japan would remain at present levels, with the exception of first-class and basic-season GIT fares which would be increased by four percent and $50 ($25 from Alaska), respectively. In addition, the agreement proposes two roundtrip 30/120-day excursion fares: one for eastbound-originating travel to the Western Hemisphere, the other for westbound travel from Canada, which is set at a lower level than that proposed for eastbound travel. Finally, the agreement would eliminate stopover restrictions previously applicable to travel on the GIT fares, and would permit individual return from the last point of embarkation in Asia to point of origin in the Western Hemisphere.

CARRIER JUSTIFICATION

Pan American anticipates that, for the year ending September 1977, the agreement will produce a $5.0 million increase in revenue, 1.7 percent above that otherwise forecast at present fares. The carrier states that it sustained an operating loss of $18.9 million and a −3.7 percent return on investment (ROI) during the historical period. It forecasts an operating profit of $10.0 million and an ROI of 5.3 percent during the forecast period under present fares, and an operating profit of $14.6 million and a ROI of 6.8 percent under the fares proposed. These estimates are based upon a historical load factor of 41.6 percent, and forecast load factors of 50.2 and 49.9 percent under present and proposed fares, respectively. The improved load factors stem from an expected 16.8 percent increase in traffic, coupled with a 3.3 percent decline in capacity offered.

Pan American contends that the three to five percent increases in U.S.-Japan fares serve only to realign these fares with other fares between this country and Asia, for which similar increases were approved in May 1976;[2] that the additional increases in the basic-season GIT and group-100 affinity fares are an effort to reduce discounts which now exceed 50 percent from the normal economy fare; and that the individual-return option on the GIT fare is necessitated by current practices of competitive non-IATA carriers. The carrier further maintains that the eastbound Asia-originating 30/120-day excursion fare is required to stem the capture of traffic by competing non-IATA carriers resulting from their overt offering of non-tariff fares at levels and conditions more liberal than those proposed in the agreement. Finally, Pan American states that the Canadian-originating 30/120-day excursion fare proposed by the IATA agreement is similar to a present fare unilaterally filed from Canada and available in tariffs from certain U.S. points by combination of fares over Canada.

In anticipation that the issue of common-faring Seattle with other U.S. west-coast cities would again be raised, Pan American contends that this practice is for the purpose of enabling the IATA carriers to compete equally for all continental U.S. traffic; that Northwest, unlike the IATA carriers, has nonstop route authority to/from Seattle and, as a result, already holds a competitive edge in terms of elapsed time; that over the routings Pan American actually operates, Seattle-Far East fares are lower on a per-mile basis than are fares from other west-coast cities; and that de-common-faring would impact adversely upon the competitive posture of various Pacific carriers, raise problems with foreign governments, and disrupt California-Far East services. The carrier argues that the Board has approved and the courts have upheld Seattle-west coast common-faring; that in seeking a change, the burden is upon the complainant to show that it would be just, reasonable, and otherwise not unlawful; and that the proper forum for full examination of the impact of de-common-faring Seattle is the investigation recommended by the administrative law judge in his Initial Decision in the *Domestic Common Fares Investigation* (DCFI) case, Docket 27330.[3]

Northwest states that the proposed fare increases will provide $4.2 million in additional revenue, 2.3 percent above that forecast at present fares for the year ending September 1977. The carrier states that it earned a $9.0 million operating profit and an ROI of 3.26 percent during the historical year ended June 1976, anticipates an operating profit of $8.9 million and an ROI of 2.92 percent during the forecast period under present fares, and an operating profit of $12.4 million and an ROI of 3.81 percent under the proposed fares. Its estimates are based upon load factors of 49.5 percent in the historical period, and 51.0 percent during the forecast period under both present and proposed fares. The improved load factor appears to be the result of a 7.0 percent increase in anticipated traffic, offset by a lesser 3.7 percent increase in forecast capacity.

COMMENTS AND CARRIER RESPONSES

In general, TIA and World contend again that further increases in normal fares should be disallowed, but express some approval of the fact that the low U.S.–Japan promotional fares would be increased in greater percentage degree than would be the normal fares. However, both object to continuation of certain promotional fares, particularly urging elimination of the group-100 affinity fare on the grounds that it continues to reflect a discount from normal economy-class fares in excess of 50 percent; that it is below fully-allocated costs; and that

[1] Agreement C.A.B. 26064, R-14, which deals with Japan-originating group—30/40 inclusive-tour fares has been disposed of by the Board in Order 76-9-160, September 30, 1976.

[2] Order 76-5-158, May 28, 1976. In that order the Board disapproved increases in U.S.-originating fares to Japan in the absence of similar increases in Japan-originating fares to the United States.

[3] The Initial Decision, presently under review by the Board, recommended deferral of final disposition of the Hawaii-U.S. mainland gateway common-faring question pending investigation of those fares in the overall context of the total international Pacific fare structure.

it has not yet been fully and specifically justified. In essence, they argue that it is predatory and, in reality, a "part-charter" fare.

The supplemental carriers urge deferral of action on the Japan-originating group-30/40 GIT fares, and request that the Board direct the participating carriers to provide additional data showing the historical and forecast impact of that fare on traffic traveling on other fares, the fare's relationship to cost, and its historic yield (net of commission). They contend that this is necessary since these fares are being further decreased in the shoulder season; that the basic-season fares are set at levels approximating discounts of 50 percent from the normal economy fare; and that the carriers apparently disagree on the impact of these fares on their respective systems.[4]

Pan American, on the other hand, argues that both the group-100 affinity and group-30/40 GIT fares produce yields which cover total operating costs, are almost entirely generative, are sufficiently restrictive to preclude diversion, and thus profitable as demonstrated in its justification. The carrier contends that advocacy of fully-allocated cost pricing by TIA and World is motivated by their desire to prevent price competition between scheduled and charter services; that this pricing methodology has no basis in economic theory or business practice; that the Board has recognized that each fare cannot be expected to meet the fully-allocated costs of service; and that the relevant standard is incremental cost. Finally, Pan American denies that the group-100 affinity fare is anti-competitive, arguing that neither supplemental carrier has demonstrated resultant injury; that the fare has little impact upon charter competition; and that the real problem lies with the restrictive charter policy of the Japanese Government which cannot be addressed by the IATA carriers or the Board within the context of its evaluation of IATA agreements.

PSTA continues to maintain that the Board is required to end the inequiites suffered by Seattle. and requests that the Board condition the agreement to require mileage-related fares from west-coast gateways. It argues that it is merely seeking application of the Board's existing domestic common-fare policies which preclude the practice absent special circumstances not allegedly yet demonstrated; that while not directed towards North/Central Pacific markets, the initial decision in *DCFI* recommended abolition of common-faring; and that the present common-faring violates the "rule of equality" in all respects.[5]

PSTA contends that Pan American's reference to court approval of common-faring in the Pacific is misplaced; that de-common-faring will not disrupt California-Far East services; that the burden is on the carriers to demonstrate that "special circumstances" justify the current practice; and that the possible objection of foreign governments provides no basis for the Board to ignore the legal requirements of the Act. Absent the requested condition, PSTA requests disapproval of the agreement on the general ground that the carriers' justifications are inadequate, deficient, and show irreconcilable contradictions. The Association argues that Northwest's justification is suspect since, while supposedly a low-cost carrier, that carrier has projected a higher load factor but a lower ROI than has Pan American; that for many reasons Northwest's traffic-growth projection is unrealistically low, thus understating its forecast passenger revenue under the proposed fares; that when adjusted to Pan American's more realistic growth rate, Northwest's forecast would show a 7.4 percent rather than a 3.81 percent ROI. It is also contended that Northwest's allowance for commission expense is inexplicably excessive; and that when adjusted to Pan American's more moderate expense level, its forecast ROI would increase further to 10.44 percent. In addition, PSTA argues that Pan American uses an elasticity factor in its justification to adjust forecast revenue, whereas Northwest does not; and that Pan American's unit cost is inexplicably and substantially greater than is Northwest's which, when substituted for Pan American's, places that carrier in an excess earnings position. Finally, PSTA contends that neither carrier's justification addresses the question of apparent illegal discounting on Asia-originating fares and its effect upon historical and forecast yields.

In reply to PSTA, Pan American contends that it has demonstrated the existence of special circumstances which fully warrant the common-faring of Seattle with other west-coast points and that, if the Board wishes to reexamine its historic policy in the Pacific area, it should do so along the lines recommended in the Initial Decision in *DCFI*. The carrier further argues that, since present west coast-Far East fares are set at levels appropriate for the shortest-haul Seattle-Far East market, present Seattle-gateway passengers do not subsidize California-gateway passengers and that de-common-faring will not result in lower fares from Seattle. Finally, the carrier states that the difference between its unit operating cost and that of Northwest results from its different fleet mix and relative use of leased aircraft.

FINDINGS

Except for several important exceptions as noted below, the Board has decided to approve the agreement. It is essentially of an interim nature with the primary objective being to bring U.S.-Japan fares into line with increases in fares between the U.S. and other points in Asia previously approved by the Board (Order 76–5–158), and does, to some extent, move toward the Board's expressed objectives insofar as it narrows the spread between the normal economy fare and some of the lowest-rated promotional fares. In that context disapproval of the group-100 affinity fare at this time would not appear to solve the problem facing TIA and World which, as a practical matter, stems more from the Japanese Government's restrictive charter-policy. In all likelihood, the net result would be a continuation of the existing and lower group-100 affinity fares in the carriers' tariffs.

As for PSTA's arguments on the common-faring issue, the Board has previously determined the appropriate occasion for the examination of this issue, and has clearly placed the carriers on notice that they will be expected to consider and fully address PSTA's arguments in their justifications in support of the next major IATA North/Central Pacific fare agreement for effect April 1, 1977.[6]

Pan American has submitted detailed traffic data as requested, showing revenue passenger-miles and revenue by specific fare category. As a result of a moderate upward shift to higher fare categories, Pan American forecasts a 4.8 percent increase in yield over its historical experience, assuming continuation of present fares, and a further 2.3 percent increase under the proposed fares. By contrast, Northwest forecasts a 1.2 percent decline from its historical yield under present fares, which would be countered by a 2.3 percent increase in yield under the proposed fares for a net 1.1 percent increase. Northwest has not provided detailed traffic data as requested by the Board to document its projected initial decline in yield. In the absence of sufficient documentation by Northwest with which to compare its differing estimate and on the assumption that the recent grand jury action in San Francisco will have the effect of abating illegal discounts, we have adjusted Northwest's forecast revenue under the proposed fares to reflect an increase over its historical yield of 2.3 percent.

After making the foregoing adjustment, eliminating the elasticity factor used by Pan American and adjusting the data to the "revenue-offset" method,[7] the carriers' historical data indicate an experienced composite ROI during the historical period of 2.0 percent. This is expected to increase to 5.06 percent during the forecast period assuming continuation of currently effective fares. Under the proposed fares, the two carriers can be expected to achieve, on an adjusted basis, a $13.4 million improvement in

[4] These and other contentions have previously been made to the Board and considered by it in connection with its approval of the Japan-originating group-30/40 GIT fares through March 31, 1977 (Order 76–9–160).

[5] See *Transcontinental* v. *C.A.B.*, 383 F. 2d 466, 477 (5th Cir. 1967).

[6] See Orders 76–5–158, May 28, 1976 and 76–10–62, October 15, 1976.

[7] See *Hawaii Fares Investigation*, Docket 25474, Order 76–10–37 decided October 8, 1976. See also *Western Air Lines, Inc., U.S.-Mexico Passenger Fares*, Docket 28146, Order 76–11–7, November 3, 1976, denying Petition for Reconsideration.

revenues and a composite ROI of 6.40 percent.[8] It seems clear, therefore, that on a composite basis the carriers will not approach the Board's 12-percent ROI guideline. This conclusion is buttressed by our disapproval of portions of the agreement, as discussed below.

We are unable to approve the increases proposed in the normal economy fares. The carriers were cautioned in the May 28, 1976, Order that the Board would not be prepared to approve future increases in normal economy fares. It seems increasingly clear that the level of the normal economy fares could substantially exceed that necessary to recover fully-allocated costs plus a reasonable return from those services. Based upon a 50 percent load factor, and even allowing for the increase forecast in carrier unit costs, the proposed normal economy fares are substantially in excess of the level needed to recover fully economic cost including a 12 percent ROI.

As for first-class fares, we would have been inclined to approve an increase between the U.S. west coast/Honolulu and Japan had it been limited to three percent rather than the five percent proposed, and thus held to the three percent increase in first-class fares to other destinations in Asia approved by Order 76–5–158. However, we are unable to approve the greater increase to Japan or the additional four-percent increase to other Asian destinations which are here proposed. The Board is reluctant to permit increases in first-class fares, since most carriers persist in using this fare as the basis for determining their charge for excess-baggage. Despite the Board's decision in *Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation* (Docket 24869), various governments in the North/Central Pacific area have ordered their carriers to continue to apply charges set at one percent of the applicable first-class fare in transportation to and from the United States, charges demonstrated to be excessive in a formal proceeding.

We have also decided to disapprove the proposed Asia-originating 30/120-day excursion fare. Although these fares are proposed by IATA at slightly higher levels, they are nevertheless substantially the same as those which Pan American has previously attempted to file with the Board on a unilateral basis. Then, as now, Pan American seeks to justify this fare on the need to meet alleged illegal competition. However, Pan American has again failed to submit the kind of detailed economic analysis of the potential profit impact of the fare which would lead to the conclusion that its position would be improved by implementation of such a steeply discounted, below-cost fare, which would be widely available because of its few meaningful conditions.[9] As the Board has previously stated, it is incumbent upon the IATA carriers, in tandem with IATA and governmental enforcement activities, to resolve the problem of illegal fares in the area and to undertake steps to protect the legally filed fare structure.

As for the westbound-originating 30/120-day excursion fare, it is specified in the IATA agreement only for Canadian originations. It is our understanding that it was required by CP Air because of Pan American's requirement for a comparable Asia-originating excursion fare. Since we are herein disapproving the latter, we perceive no reason for continuation of the Canada-originating fare, and strongly urge its elimination from the structure. Finally, consistent with our previously stated conviction that individual-return travel on the GIT fare erodes its economic soundness, we will condition our approval of the pertinent resolution to preclude this option.[10]

In view of the Board's partial approval of this agreement, we are constrained to caution the carriers against the trend in the transpacific fare structure and level which appears to be moving towards that which has evolved on the North Atlantic. The Board has, on a number of occasions, expressed its dissatisfaction with respect to the level of fares at the lowest end of the spectrum, most specifically the group-100 affinity group fare, and continues to question the need, much less the economic validity, for fares at such a level on scheduled service.[11] The Board is aware of the carriers' need for additional revenue but feels that the carriers should devise a fare structure that is consistent with both the Board's expectation that passengers traveling on certain already above-cost fares not be further burdened by those passengers traveling on excessively discounted fares. In this light, the carriers may well wish to renegotiate the recently submitted North/Central Pacific fare package proposed for April 1, 1977 effectiveness to make appropriate changes which would satisfy both their need for revenue and the Board's desires for a more equitable fare structure.[12]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreement as 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:

Agreement CAB	IATA No.	Title	Application
26064:			
R-1	001b	North and Central Pacific Special Effectiveness Resolution (Tie-in)	3/1.
R-2	001e	Special Escape for JT31 Agreements (North and Central Pacific) (New)	3/1.
R-3	002d	Special Readoption Resolution	3/1 (N/C Pacific).
R-4	015b	North and Central Pacific Proportional Fares—North America (Readopting and Amending).	3/1.
R-5	022g	JT31 (North and Central Pacific) Special Rules for Sales of Passenger Air Transportation (Readopting and Amending).	3/1.
R-10	070u	North and Central Pacific 21 Day Excursion Fares (Readopting and Amending).	3/1.
R-11	076j	North and Central Pacific Own Use and Affinity Group Fares (Readopting and Amending).	3/1.
R-12	083c	North and Central Pacific 35 Day Individual Inclusive Tour Fares (Readopting and Amending).	3/1.
R-15	097	North and Central Pacific Special One Way Fares (Readopting and Amending).	3/1.

2. It is not found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest or in violation of the Act provided that approval is subject to the conditions stated herein:

Agreement C.A.B.	IATA No.	Title	Application
26064:			
R-13	084b	North and Central Pacific Group Inclusive Tour Fares (Readopting and Amending). Provided with respect to Resolution 084b, Subparagraph (10)(b): Passengers shall be required to travel together from the last point of embarkation in TC3 to the point of origin in TC1.	3/1.

3. It is not found that the following resolution, incorporated in the agreement as indicated and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26064:			
R-9	070qq	North and Central Pacific 120 Day Excursion Fares (Westbound) (New)	3/1.

[8] Were the "space-method" approach applied, the resulting composite ROI would be 5.59 percent.

[9] See Orders 76–6–162, June 24, 1976 and 76–10–25, October 5, 1976.

[10] Order 76–2–74, February 20, 1976.

[11] See Order 75–3–100, March 26, 1975, 76–2–74, February 20, 1976 and 76–5–158, May 28, 1976.

[12] See Order 76–12–85, December 15, 1976, which set procedural dates for handling the April 1 agreement.

4. It is found that the following resolutions, incorporated in the agreement as indicated, are adverse to the public interest and in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26064:			
R-6	056	North and Central Pacific First Class Fares	3/1.
R-7	066	North and Central Pacific Economy Class Fares	3/1.
R-8	070pp	North and Central Pacific 120 Day Excursion Fares (Eastbound) (New)	3/1.

Accordingly, *it is ordered* That:

1. Those portions of Agreement C.A.B. 26064, set forth in finding paragraphs 1 and 3 above, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. That portion of Agreement C.A.B. 26064 set forth in finding paragraph 2 above be and hereby is approved subject to the condition imposed therein;

3. Those portions of Agreement C.A.B. 26064, set forth in finding paragraph 4 above be and hereby are disapproved; and

4. Tariffs implementing the approved portions of Agreement C.A.B. 26064 may be filed on not less than one day's notice for effectiveness not earlier than January 23, 1977 and shall be marked to expire March 31, 1977. The authority in this paragraph expires February 22, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1447 Filed 1-17-77;8:45 am]

[Order 77-1-64; Docket 29968]

LOUISVILLE SERVICE CASE

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of January, 1977.

By Order 76-10-113, October 26, 1976, the Board instituted the Louisville Service Case, Docket 29968. The issues in the Louisville Service Case are as follows:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in new or additional nonstop air transportation between:

(i) Louisville, Kentucky, on the one hand, and Baltimore, Maryland, Washington, D.C., or the hyphenated point Washington/Baltimore, on the other hand;

(ii) Louisville, Kentucky, on the one hand, and Los Angeles, California, Memphis, Tennessee, and/or Nashville, Tennessee, on the other hand; and/or

(iii) Houston, Texas, on the one hand, and Cincinnati, Ohio, and/or Louisville, Kentucky, on the other hand?

(b) Is the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service? and

(c) What conditions, if any, should be placed on the operations of such carrier(s)?

Petitions for reconsideration of Order 73-10-113, October 26, 1976, were filed by Braniff Airways, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Frontier Airlines, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; and the Louisville Parties.[1]

The various petitions urge expansion of the issues to include nine markets in addition to the seven markets already in issue herein.

Braniff urges that the case should include the Dallas/Ft. Worth-Louisville, Dallas/Ft. Worth-Cincinnati, and Cincinnati-Washington/Baltimore markets. Braniff argues in pertinent part that the Dallas/Ft. Worth-Louisville market is substantially larger than several of the markets which the Board has already placed in issue; that since Cincinnati-Houston nonstop service is already being considered herein, enlargement of the issues to include the Cincinnati-Dallas/Ft. Worth market which is a larger market than Cincinnati-Houston, would not affect the size of the proceeding; and finally that inclusion of the Cincinnati-Washington/Baltimore market would not substantially enlarge the proceeding since Louisville-Washington/Baltimore is already in issue.

In its petition Delta notes that the Board indicated in the text of Order 76-10-113 its intention to consider in the investigation the deletion of the nonstop authority of Eastern in the Louisville-Baltimore and Louisville-Nashville markets but that the ordering paragraphs fail to mention those issues.

Eastern asks the Board to expand the issues to consider the Louisville-Minneapolis/St. Paul and Louisville-Milwaukee markets. Eastern also seeks elimination of its Route 5 restriction which prevents the carrier from operating single-plane service between Buffalo and Pittsburgh, on the one hand, and Houston, on the other hand. As an alternative to elimination of its own restriction Eastern seeks a pretrial restriction which would preclude single-plane service by Allegheny in the Buffalo/Pittsburgh-Houston markets via Louisville or Cincinnati. Finally, Eastern asks the Board specifically to focus on the question of which airport or airports in the Washington/Baltimore area would be served under an authorization of additional service between Louisville, on the one hand, and Washington, Baltimore, or the hyphenated point Washington/Baltimore, on the other hand.

Frontier asks the Board to reconsider and include the Louisville-St. Louis and Louisville-Kansas City markets in the case. Frontier argues that TWA now provides no service at all in the Louisville-Kansas City market which is larger than several of the markets which the Board has included herein; that Louisville-St. Louis is larger than the Louisville-Washington market which the Board has included for consideration herein; and that Frontier has available to it a strong traffic flow to support Louisville-Kansas City and Louisville-St. Louis service.

Piedmont seeks expansion of the issues to include Nashville-Houston service. According to Piedmont, the Nashville-Houston market could support new service when combined with other markets involved in this proceeding and it is comparable in size to markets already consolidated herein.

Southern seeks inclusion of the Louisville-Detroit market. According to Southern, the Louisville-Detroit market compares favorably in size with markets already consolidated herein and the quality and quantity of Delta's Louisville-Detroit service has declined in the past year.

The Louisville Parties ask for reconsideration to the extent that the issues do not include the Louisville-St. Louis and Louisville-Kansas City markets. According to the Louisville Parties, the Louisville-St. Louis market will soon be Louisville's largest remaining monopoly market and it is larger than numerous other markets where the Board has recently investigated and in most cases actually authorized competitive nonstop service. The Louisville Parties also state that Eastern holds nonstop authority in the Louisville-St. Louis market and has not operated nonstop service since 1972. With respect to the Louisville-Kansas City market, the Louisville Parties contend that TWA actually pulled out of the Louisville-Kansas City market on October 1, 1976, and that the statement in Order 76-10-113 that TWA operates one daily nonstop round trip is therefore erroneous.

Answers to the petitions for reconsideration were filed by Allegheny Airlines, Inc.;[2] American; Delta; Eastern; Piedmont; TWA; the Cincinnati Parties. the Louisville Parties, the St. Louis Parties, and the Bureau of Operating Rights. In addition, American and Delta both filed motions to file late documents, in the case of Delta an answer to Southern's petition for reconsideration, and in the

[1] Additional applications and motions to consolidate applications were filed by American Airlines, Inc.; Braniff; Delta; Hughes Airwest; Ozark Air Lines, Inc.; Piedmont; Southern; and Trans World Airlines, Inc. The motions seek consolidation of applications which conform to the issues as presently constituted although in certain instances, the applications involve markets not presently in issue.

[2] In addition, Allegheny filed an answer to the motions to consolidate.

Moreover, the Louisville Parties filed a motion for leave to file an unauthorized document, a reply to the Bureau's answer. The Louisville Parties have not established good cause for filing a reply which would represent a third round of pleadings, and, hence, we will deny the motion.

case of American, an answer to Braniff's petition for reconsideration.[3]

Allegheny opposes any expansion of the proceeding. American opposes Piedmont's request to include the additional issue of Nashville-Houston service and Braniff's request to include Louisville-Dallas/Ft. Worth, Cincinnati-Dallas/Ft. Worth, and Cincinnati-Washington/Baltimore issues. Delta opposes inclusion of the Louisville-Detroit market and also opposes Eastern's request to limit new authorizations in the Washington/Baltimore area to a specific airport or airports. Eastern opposes the petitions for reconsideration which seek inclusion of the Louisville-St. Louis market in the case; and Piedmont opposes Braniff's request to expand the issues to include the Cincinnati-Washington/Baltimore markets. TWA opposes the petitions of Louisville and Frontier insofar as they seek consideration of Louisville-St. Louis/Kansas City issues and TWA also opposes the petition of Braniff insofar as it seeks addition of a Cincinnati-Washington issue to the case. The Cincinnati Parties support Braniff's petition insofar as it relates to the Cincinnati-Dallas/Ft. Worth market. The St. Louis Parties urge the Board to expand the issues to include the St. Louis-Louisville market, and, finally, the Louisville Parties state that the Board should not consider the addition of other Louisville markets unless Louisville-St. Louis and Louisville-Kansas City are first placed in issue.

The Bureau of Operating Rights opposes all of the requests to change the issues.

Upon consideration of the pleadings and all of the relevant facts we have decided to deny the various petitions for reconsideration.[4]

In our Order of Investigation, we considered the traffic and service in the Louisville-St. Louis, Louisville-Kansas City and Louisville-Dallas/Ft. Worth markets. The petitions have not persuaded us that we should alter our previous determination not to include those markets in the instant proceeding.[5]

Several parties seek expansion of the issues to include certain markets not considered by the Board in its Order of Investigation.

A number of the suggested additional markets are non-Louisville markets and there is no sound basis for including them in a case designed to consider the service needs of Louisville. The non-Louisville markets for which inclusion is sought are: Cincinnati-Dallas/Ft. Worth, Cincinnati-Washington/Baltimore, Buffalo/Pittsburgh-Houston, and Nashville-Houston. The Cincinnati-Washington market is clearly not appropriate for consideration herein because that service issue is being considered by the Board in the *Allegheny-Piedmont Subpart M Proceeding*, Docket 29132.[6]

With respect to the Cincinnati-Dallas/Ft. Worth market, Braniff seeks inclusion of this market essentially because the Board included the Cincinnati-Houston market. Inclusion of the latter market, however, was predicated on an interrelationship between the Cincinnati-Houston market and the Louisville-Houston market and the lack of nonstop service in the Cincinnati-Houston market. These considerations are not applicable to the Cincinnati-Dallas/Ft. Worth market.

With respect to the Nashville-Houston market for which Piedmont seeks inclusion, American correctly points out that there is no relationship between the Nashville-Houston market and the instant proceeding which would require or warrant hearing Nashville-Houston in the *Louisville Service Case*. Moreover, both American and Braniff provide single-plane service in the Nashville-Houston market and American provides nonstop service.

Expansion of the issues to include the Louisville-Detroit, Louisville-Minneapolis-St. Paul, and Louisville-Milwaukee markets is sought by Southern in the case of the Detroit market and by Eastern in the case of the Twin Cities and Milwaukee markets.

Delta opposes consolidation of Southern's Louisville-Detroit application and points out that it presently provides three daily round trips in the market. Although the market is sizeable (65,000 annual passengers), it is smaller than the Louisville-St. Louis market which the Board has excluded from the instant proceeding and like the Louisville-St. Louis market, Louisville-Detroit has single-plane service.

The Louisville-Milwaukee and Louisville-Twin Cities markets are both small (13,000 in the Milwaukee market and 18,000 in the Twin Cities market) and it does not apear that there is any persuasive basis for hearing these two markets and excluding other larger Louisville markets.

Eastern has requested removal of the certificate restriction which prohibits it from providing Buffalo/Pittsburgh-Houston single-plane service on the grounds that Allegheny could receive such authority via Louisville as the result of this proceeding. In the alternative, Eastern seeks imposition of a pretrial restriction to preclude single-plane service via Allegheny in the Buffalo/Pittsburgh-Houston markets. We will deny Eastern's request. The Board's customary practice is not to impose pretrail restrictions to bar tacking. Eastern, of course, will be free to argue that such a restriction should be imposed on Allegheny if Allegheny receives an award in this proceeding.

Finally, Eastern suggests that the Board include in the issues the following: "If additional service is authorized between Louisville and the Washington/Baltimore area should the new authorization be limited to a particular airport or airports?" The Bureau correctly points out, however, that there is no need to recite the particular language suggested by Eastern, since the issues expressed in the Order of Investigation are clearly broad enough to encompass the question of whether a Washington/Baltimore award should be limited to a particular airport or airports.

Accordingly, it is ordered That: 1. The motions of American Airlines and Delta Air Lines to file late documents, be and they hereby are granted;

2. The applications of American Airlines, Docket 30075; Braniff Airways, Docket 27812 (Amendment No. 2); Delta Air Lines, Docket 27814 (Amendment No. 2); Hughes Airwest, Docket 29690; Ozark Air Lines, Docket 30078; Piedmont Aviation, Docket 30077; Southern Airways, Docket 30071; and Trans World Airlines, Docket 30074, be and they hereby are consolidated for hearing and decision with the *Louisville Service Case*, Docket 29968 to the extent that they conform to the issues in that proceeding;

3. The issues in the *Louisville Service Case*, Docket 29968, shall include the following:

Do the public convenience and necessity require, the alteration, amendment, modification or suspension of the certificates of Eastern Air Lines, Inc., so as to delete Eastern's nonstop authority in the Louisville-Baltimore and Louisville-Nashville markets?

4. The motion of the Louisville Parties for leave to file an unauthorized document, be and it hereby is denied; and

5. Except to the extent granted herein, the petitions for reconsideration of Order 76-10-113, be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1582 Filed 1-17-77;8:45 am]

[3] Delta states that it was never served with Southern's petition in the instant proceeding, and, therefore, did not have an opportunity to respond to Southern's petition in a timely fashion. American states that it did not actually see Braniff's petition until after the answers were due.

[4] As several parties have noted, we inadvertently omitted from the ordering paragraphs of Order 76-10-113, issues relating to the deletion of Eastern's nonstop authority in the Louisville-Baltimore and Louisville-Nashville markets. These issues are included in the ordering paragraphs herein.

[5] We recognize, as Frontier has pointed out, that TWA does not now provide any nonstop service in the Louisville-Kansas City market. However, we are not convinced that the fact that TWA does not now operate nonstop service in this market is a sufficient justification in the light of the size of the market to warrant inclusion of a Louisville-Kansas City issue.

[6] Although the Cincinnati-Baltimore market is not being directly considered in the Subpart M Proceeding, there is no logical basis for hearing Cincinnati-Baltimore in the instant proceeding and Cincinnati-Washington in some other case.

[7] Minetti and West, Members, Concurring and Dissenting statement filed as part of original.

[Docket 29882]

PACIFIC WESTERN AIRLINES, LTD.

Foreign Air Carrier Permit; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Stephen J. Gross to Administrative Law Judge Ralph L. Wiser. Future communications should be addressed to Judge Wiser.

Dated at Washington, D.C., January 13, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-1581 Filed 1-17-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator for Agricultural Attaches, Agricultural Attaches, Foreign Agricultural Service.

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

[FR Doc.77-1384 Filed 1-17-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

PURDUE UNIVERSITY, ET AL.

Application for Duty-Free Entry of Scientific Articles: Correction

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 56875 in the FEDERAL REGISTER of Thursday, December 30, 1976, the following correction should be made:

Docket Number: 77-00057 should be corrected to read:

Docket Number: 77-00057. Applicant: University of Utah, College of Pharmacy, Salt Lake City, Utah 84112. Article: Mass Spectrometer, Model MAT 731 and accessories. * * *

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-1504 Filed 1-17-77;8:45 am]

VANDERBILT UNIVERSITY, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before February 7, 1977.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00062. Applicant: Vanderbilt University, Department of Molecular Biology, P.O. Box 1820, Station B., Nashville, Tennessee. Article: High Vacuum Freeze Etch Unit. Manufacturer: Balzers Liechtenstein, Germany. Intended use of article: The article is intended to be used for fundamental studies on membrane arrangement by reconstituting membrane in the test tube with different proteins and lipids and looking at the freeze-fracture ultrastructures, arrangements, and density of particles in fracture faces and on freeze-etched surface. A variety of biological membranes will be studied especially from liver and muscle spermatozoans and protozoans. The article will also be used in the following courses: Molecular Biology 390, Molecular Biology 369, and Molecular Biology Ph.D. Dissertation Research.

Students will be instructed individually in the use of the equipment to provide familiarity with modern laboratory techniques and to permit the student to pursue a research problem as part of undergraduate or graduate education. Application received by Commissioner of Customs: December 10, 1976.

Docket Number: 77-00063. Applicant: Emory University, Chemistry Dept. 1515 Pierce Ave., Atlanta, Ga. 30322. Article: NMR Coherent Pulse Spectrometer, CPS-2. Manufacturer: Spin Lock Ltd., Canada. Intended use of article: The article is intended to be used to measure water proton relaxation times (T_1, $T_{1\rho}$, and T_2) of suspensions of red and white blood cells for the purpose of more fully characterizing disease processes in blood (particularly sickle cell anemia, hereditary spherocytosis, leukemia and drug resistant cell lines). Measurements of water proton exchange across the membranes of blood cells can be made by utilizing these relaxation parameters. Application received by Commissioner or Customs: December 10, 1976.

Docket Number: 77-00065. Applicant: ITT Research Institute, 10 West 35th Street, Chicago, Illinois 60616. Article: Mass Spectrometer, Model MAT 311A. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article is intended to be used in the following mass spectral studies:

(a) Characterization of the species present in air comprising the following environments: ambient air; stationary source emisions; occupied spaces; worker environments, indoor and outdoor; fire generated atmosphere; aircraft-generated events, aircraft-range sampling.

(b) Characterization of laboratory generated atmospheres: combustion/degradation emissions; product effluents; laboratory simulated process operations; explosives effluents.

(c) Characterization of organic species in water: industrial wastewaters; receiving waters; drinking water.

(d) Characterization of organic species adsorbed on environmental particulate samples.

(e) Characterization of species present in lung effluents.

(f) Detection and quantification of specific analytes in environmental samples: air; water; biota.

(g) Detection and quantification of specific analytes for chronic bioassays in animal tests designed to establish their carcinogenic potential.

(h) Identification and characterization of organic compounds synthesized for study as potential therapeutic agents.

(i) Identification and characterization of toxic environmental contaminants synthesized for toxicologic study and for investigation of their potential carcinogenic properties.

(j) Identification and characterization of mass isotope-labeled compounds synthesized for metabolism studies and the detection, identification and characterization of metabolites obtained in these studies.

(k) Characterization and monitoring of very low levels of vapor pressure ($<10^{-9}$ mm Hg).

(l) Characterization of the sphingomyelins, cerebrosides, sulfatides and gangliosides in relation to genetically transmitted neurological diseases.

(m) Identification of the mycolic acids associated with various strains of *Mycobacteria* smegmatis.

(n) Structural alterations in the pulmonary surfactant phospholopids due to oxygen toxicity, proteinosis, and air pollutant oxidants.

(o) Studying the possible role of folic acid in the formation of cyclopropanoid fatty acids in L. *casei* using $S^{-13}C=$ methyladenosyl-methionine.

(p) Screening studies of the nucleoside distribution in normal tissue and "hard mass" carcinomas.

Application received by Commissioner of Customs: December 19, 1976.

Docket Number: 77-00066. Applicant: Associated Universities, Inc., Brookhaven National Laboratory, Upton, New York 11973. Article: NMR Spectrometer, Model WH-360 with High-Resolution Electromagnet System. Manufacturer: Bruker Instruments, Inc., West Germany. Intended use of article: The article is intended to be used in a NMR laboratory

for detection of ^{1}H and ^{13}C and other nuclear resonances. Emphasis will be placed on membrane structure, the function of enzymes, and other biological problems. Application received by Commissioner of Customs: December 19, 1976.

Docket Number: 77–00067. Applicant: Lehigh University, Metallurgy & Materials Science Dept., Whitaker Laboratory Bld. No. 5, Bethlehem, Pa. 18015. Article: PW6570/00C Scanning Attachment for EM 300, Adaptor; and accompanying accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is an attachment to an existing electron microscope that provides the facility to scan the electron beam across the specimen with a beam diameter from 250 to 2.5 nm. The STEM facility will be used to investigate the following materials problems:

(1) Solute redistribution occurring during selected phase transformations,

(2) Solute profiles occurring in meteorites,

(3) The fine scale structure of iron meteorites which have been shocked and cosmically reheated.

(4) The fine structure of hot-pressed and as-crept specimens of SiC and Si_3N_4 manufactured from the powder.

(5) The identification of particles in the Bi-MnBi directionally solidified eutectic.

(6) The crystalline structure of polyethylene.

The equipment will also be used in a course in Electron Metallography to introduce students to the most recent advances in electron optical applications. Application received by Commissioner of Customs: December 19, 1976.

Docket Number: 77–00068. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Automatic Bar Machine, Model AR7 and accessories. Manufacturer: Andre Bechler, Ltd., Switzerland. Intended use of article: The article is intended to be used in the fabrication of meteorized detonator components needed and requested for the Laboratory weapons program. Application received by Commissioner of Customs: December 19, 1976.

Docket Number: 77–00069. Applicant: University of Montana, Missoula, Montana 59801. Article: Reaction Coulometer Mark IIA with accessories for Gas Chromatography. Manufacturer: Reaction Coulometers Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of cellulose, raw wood and foliage in which the heat of combustion of volatile pyrolysis products will be investigated to determine the available heat content of forest fuels. Application received by Commissioner of Customs: Demember 19, 1976.

Docket Number: 77–00070. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Laser System, Pulsed CO_2. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for the study of laser induced fusion of cryogenic targets. Typical targets would include various hydrocarbon and materials such as carbon dideuterium. The system will be used to investigate radiation damage in materials and the feasibility of controlled thermonuclear fusion. Application received by Commissioner of Customs: December 22, 1976.

Docket Number 77–00071: Applicant: University of Wisconsin, Department of Physics, 1150 University Avenue, Madison, WI 53706. Article: Polarized Neutral Atomic Beam Source. Manufacturer: ANAC Ltd., New Zealand. Intended use of article: The article is intended to be used to provide a directed beam of polarized hydrogen or deuterium atoms of high intensity. The ultimate purpose of the device is to bombard the polarized atoms with an intense beam of fast neutral cesium atoms to study the transformation of polarized hydrogen atoms into polarized negative ions. The objective pursued in this investigation is to determine whether in atomic collisions of this type the atoms maintain a state of polarization or whether the polarization is disturbed by the collision process. If it develops that the atoms maintain polarization, the article will be used for a second purpose—to inject the polarized negative ions into the University of Wisconsin Tandem Accelerator in order to study nuclear reactions with polarized beams. The work described above will constitute part of the Ph. D. thesis of two graduate students in the course: Physics 990. Application received by Commissioner of Customs: December 22, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77–1503 Filed 1–17–77;8:45 am]

National Oceanic and Atmospheric Administration

CHARLES F. McALPINE

Endangered Species Certificate of Exemption; Application

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under Pub. L. 94–359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: Charles F. McAlpine, McAlpine Fur Trading Co., 819 West Fourth Avenue, Anchorage, Alaska 99501.

Period of Exemption: The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted: (1) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(2) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part;

(3) The prohibition, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted: Finished scrimshaw products to be made from approximately 34,400 pounds of whale bone and 2,500 pounds of baleen.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before February 17, 1977.

Dated: January 10, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77–1484 Filed 1–17–77;8:45 am]

MORGAN J. LEVINE

Endangered Species Certificate of Exemption; Application

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under Pub. L. 94–359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: Morgan J. Levine d/b/a The Four Winds, Straight Wharf, Nantucket, Massachusetts 02554.

Period of Exemption: The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted: (1) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part;

(2) The prohibition, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted: Finished scrimshaw products to be made from approximately 2,079 pounds of sperm whale teeth and six sperm whale pan bones.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 17, 1977.

Dated: January 12, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77–1483 Filed 1–18–77;8:45 am]

National Oceanic and Atmospheric Administration

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Correction

In FR Doc. 77–1265, appearing on page 3012 in the issue for Friday, January 14, 1977, the following changes should be made:

1. The first five lines of small print in the third paragraph should be replaced with:

January 21, 1977, at 9 a.m. at the State Capital Building, 1151 Punchbowl Street, Honolulu, Hawaii.
January 21, 1977, at 9 a.m. at the Office.

2. The first line of small print in the second column should read:

January 21, 1977, at 9 a.m. at the offices.

CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM WIRE CONNECTIONS

Extension of Time

The purpose of this notice is to announce that the Consumer Product Safety Commission has extended the time period within which it must publish either a proposed consumer product safety standard for aluminum wire connections or a notice withdrawing the previously published notice of proceeding to develop such a standard.

BACKGROUND

On November 4, 1975, the Commission published in the FEDERAL REGISTER (40 FR 51218) a notice under section 7 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2056) commencing a proceeding to develop a consumer product safety standard applicable to the aluminum wire system used in 15 and 20 ampere electrical circuits.

In that notice, the Commission, on the basis of various injury data and technical information, preliminarily determined that the aluminum wire system presents an unreasonable risk of injury and that a consumer product safety standard is necessary. In the notice of proceeding, the Commission identified the ultimate risk of injury it believed to be associated with the aluminum wire system as death or injury due to fire. The Commission also solicited offers to develop a standard and the submission of existing standards to address the hazard. In response to the notice, the Commission received one offer to develop a standard and the submission of an existing standard. On December 30, 1975, the Commission determined that the submissions were not acceptable because they failed to comply with the regulations of the Commission and were not fully responsive to the notice of proceeding. The Commission directed its staff to develop a plan under which the Commission would develop the standard itself.

The Commission staff on February 20, 1976, submitted a plan to the Commission for developing a standard for the aluminum wire system. This plan involved technical work by the staff with subsequent public participation in the development of a standard.

On March 25, 1976, the staff submitted to the Commission for its consideration an unsolicited proposal from Battelle Columbus Laboratories to undertake and manage the development of a consumer product safety standard for the aluminum wire system. By notice in the FEDERAL REGISTER of June 10, 1976 (41 FR 23450), the Commission extended the period within which it would publish either a proposed rule or a notice withdrawing the notice of proceeding to develop a rule until August 30, 1976.

In a briefing package dated June 11, 1976, the staff, at the Commission's request, submitted to the Commission a plan of the Commission's Bureau of Engineering Sciences for developing a design standard to address the problems associated with the aluminum wire system.

After considerable deliberation of the issues emerging from the earlier briefing packages, the Commission requested and the staff submitted another briefing package dated September 14, 1976, which contained a plan for resolving the problems associated with the aluminum wire system through modification of the National Electric Code (NEC) as it applies to aluminum wire. The National Electric Code, which is administered by the National Fire Protection Association states as one of its purposes the practical safeguarding of persons and property from hazards arising from the use of electricity.

RECENT DEVELOPMENTS

The Commission has been studying the available technical information on the nature of the aluminum wire problem in terms of the various alternatives available to it in regard to the development of a standard for the aluminum wire system. The Commission recognizes that the method of termination of an aluminum wire system, that is, the method in which electrical conductors are connected, joined, or terminated, with various products, devices and assemblies (convenience outlets, wall switches, circuit breakers and the like) to may be capable of resolution in an expeditious and cost-effective manner through modification of the National Electric Code. Thus, the Commission on December 16, 1976, approved the staff plan included in the Briefing Package of September 14, 1976, which suggested a method of resolving the problems associated with the aluminum wire system through a modification of the National Electric Code. A copy of the Briefing Package is available in the Commission's Office of the Secretary, 1111 18th Street, NW., Washington, D.C.

Recognizing the ability and technical expertise of organizations such as the National Fire Protection Association, (NFPA), the Commission has instructed its staff to contact the NFPA and other appropriate organizations to determine their interest in implementing a modification of the NEC.

In this regard, the Commission notes that the National Electric Code has been adopted and is enforced by building code authorities that have authority over the vast majority of residences in the United States. It is anticipated that this independent local governmental enforcement of the NEC can be expected to result in a high degree of compliance with the code, possibly approaching that which might be expected for a federal mandatory standard enforced by the Commission. Morover, the availability of a large, local inspectional force is of great importance in a situation such as this where the aluminum wire conections that would be the subject of the NEC modifications are assembled on site. This local inspectional capability far exceeds that available to the Commission through the use of its own resources.

Consequently, revisions to the NEC that address the risk of injury that the Commission has preliminarily determined to be associated with the aluminum wire system might reduce or eliminate that risk. Reduction to a sufficient degree, or elimination, of the risk of injury through revisions to the NEC might lead to Commission withdrawal of its notice of proceeding for the development of a mandatory safety standard for the aluminum wire system used in 15 and 20 ampere electrical circuits.

EXTENSION OF TIME

In order to provide the staff and organizations contacted an opportunity to develop appropriate requirements for the aluminum wire system, the Commission, pursuant to section 7(f) of the CPSA, as amended, is extending the period within which it must propose a consumer product safety standard for the aluminum wire system or withdraw the notice of proceeding until May 1, 1977. If, in the Commission's opinion, demonstrable progress is not being made, the Commission will then complete the development of and propose a mandatory Federal standard.

This decision does not affect the Commission's activities under section 15 of the CPSA and those activities are to continue.

Dated: January 13, 1977.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.77–1574 Filed 1–17–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 10, 1977.

The USAF Scientific Advisory Board, Science and Technology Advisory Group, Air Force Systems Command, will hold a meeting on February 9, 1977 at HQ SAC, Offutt AFB, Nebraska and on February 10–11, 1977 at Minot AFB, North Dakota.

The Group will receive classified briefings on the mission of the Air Force Strategic Air Command and will conduct classified discussions on the sole of basic research in the Air Force community.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202–697–4648.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–1462 Filed 1–17–77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 10, 1977.

The USAF Scientific Advisory Board C–141 Independent Review Team will hold a meeting on 17–18 February 1977 from 8:30 a.m. to 5 p.m. each day at the Lockheed Georgia Company, Marietta, Georgia.

The Team will review results of the Durability and Damage Tolerance Analysis Program.

The meeting will be open to the public.

For further information contact the Scientific Advisory Board Secretariat at 202–697–8845.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–1468 Filed 1–17–77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 3, 1977.

The USAF Scientific Advisory Board Foreign Technology Division Advisory Group, Air Force Systems Command, will hold meetings on February 28, 1977 from 8 a.m. to 5 p.m. and on March 1, 1977 from 8 a.m. to 1 p.m. at Wright-Patterson Air Force Base, Ohio in Room 276, Building 828.

The Group will receive classified briefings and participate in classified discussions relative to the Foreign Technology Division's assessments of foreign command and control systems and electronic warfare.

The meetings concern matters listed in section 552(b) and Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings are closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202–697–8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–1469 Filed 1–17–77;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Tuesday, 15 February 1977

The entire meeting commencing at 0845 hours is devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Panel will receive briefings and participate in discussions relative to the Defense Intelligence Agency's assessments of foreign military equipment, operations, and capabilities.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 13, 1977.

[FR Doc.77–1579 Filed 1–17–77;8:45 am]

[DOD Directive 5120.46, 1/8/77]

DEPARTMENT OF DEFENSE AFFIRMATIVE ACTION BOARD

Establishment

The Secretary of Defense has approved the following:

I. *Purpose.* This Directive establishes the Department of Defense Affirmative Action Board, and prescribes its missions, functions, responsibilities, policies, and management arrangements.

II. *Applicability.* The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereinafter referred to collectively as "DOD Components").

III. *Mission.* The mission of the DOD Affirmative Action Board is to:

A. Emphasize and coordinate efforts throughout the Department of Defense to increase the employment and promotional opportunities of minorities and women in executive positions, GS–15 and above.

B. Provide policy and operational guidance and direction to an Executive Search Group on Equal Employment Opportunity (EEO) matters relating to staffing executive positions.

C. Eliminate barriers or problems which hinder progress in attaining the numerical goals of the Affirmative Action Plans of DOD Components and in implementing established policies of the Department of Defense.

IV. *Policy.* The Department of Defense will pursue an affirmative course of action for purposes of providing increased representation of minorities and women in executive positions, GS–15 and above. All actions to achieve this policy will be in full compliance with merit system requirements.

V. *Functions.* The DOD Affirmative Action Board will:

A. Establish equal employment opportunity policies and procedures for staffing executive positions in DOD, in accordance with DOD Directive 1100.15, "The Department of Defense Equal Opportunity Program," June 3, 1976[1] and DOD Directive 1400.19, "Staffing of Executive Level Positions," June 20, 1968.[1]

B. Assess the efforts made by all DOD Components to ensure compliance with the equal employment opportunity provisions of DOD Directive 1100.15[1] as they relate to staffing executive positions throughout the DOD.

C. Monitor the progress of the Executive Search Group in its efforts to enhance equal employment opportunities for all minority group members and women in staffing executive positions.

D. Review and approve specific numerical goals and timetables for the hiring of minorities and women in executive positions by all DOD Components.

E. Periodically advise the Secretary of Defense on the status and progress made by all DOD Components in placing minorities and women in executive positions.

VI. *Responsibilities.* A. *The Assistant Secretary of Defense (Manpower and Reserve Affairs) (ASD (M&RA))* shall:

1. Serve as Chairman of the DOD Affirmative Action Board with representatives from the Army, Navy, Air Force, DSA, DASD (Administration), OASD (C); and the DASDs (Equal Opportunity) and (Civilian Personnel Policy), OASD (M&RA).

2. Establish an Executive Search Group which shall receive policy and operational guidance from the DOD Affirmative Action Board.

3. Review and approve the Executive Search Group's program plans and operational requirements.

4. Coordinate the interchange of statistical and related data between and among the DOD Components.

B. Under the direction of the ASD (M&RA), the Director of Personnel, in the Office of the Deputy Assistant Secretary of Defense (Administration), Office of the Assistant Secretary of Defense (Comptroller), shall:

1. Serve as Executive Secretary of the DOD Affirmative Action Board.

2. Provide advisory assistance to the Executive Search Group.

3. Assist in the coordination of the Executive Search Group activities within the DOD Components.

4. Provide to the Chairman analyses of the Executive Search Group activities, suggestions, and recommendations for the operation of the Group, including use of consultants with expertise in the field of minority recruiting.

[1] Filed as part of original. Copies available at U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attn: Code 300.

C. *The Executive Search Group* shall:

1. Establish guidelines and review procedures established by DOD Components by which minorities and female executive candidates are identified and considered for employment by DOD managers. Guidelines developed will be coordinated with DOD Components before being implemented.

2. Oversee recruitment undertaken by the DOD Components to ensure they have widely publicized executive position vacancies to all sources, including women and minority group members.

3. Use data bases consisting of extracts from automated files developed and maintained by DOD Components for their own use.

4. Make analyses and provide the DOD Affirmative Action Board with recommendations and/or reports as may be required.

5. As requested by the Secretary of Defense, the Affirmative Action Board will assist in search for personnel/nominees to fill Schedule C and other noncareer executive positions.

VII. *Authority.* The Executive Secretary, DOD Affirmative Action Board, is delegated authority to:

A. Manage and operate the Executive Search Group.

B. Communicate directly with DOD Components relative to employment programs as they relate to minority groups and women.

C. Obtain such information, data, analyses, reports, and assistance from DOD Components as is necessary for the performance of responsibilities assigned by the DOD Affirmative Action Board.

VIII. *Effective date.* This Directive is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 12, 1977.

[FR Doc.77-1578 Filed 1-17-77;8:45 am]

DEFENSE NUCLEAR AGENCY

SCIENTIFIC ADVISORY GROUP ON EFFECTS (SAGE)

Meeting

A meeting of the Scientific Advisory Group on Effects (SAGE), Defense Nuclear Agency (DNA), will be held during the period 1-4 March 1977 at the USAF Conference Center, Homestead AFB, Florida. The principal purpose of the meeting will be an examination of research programs sponsored by DNA with specific interest concerning nuclear effects on inter-theater communications and weapons systems. Since presentations and ensuing review will contain classified information, it has been determined that the meeting will be closed to the public under the provisions of section 10(d) of the Federal Advisory Committee Act and sections 552(b) (1) and (3) of Title 5, United States Code.

W. A. HUGHES,
LCDR, USN,
Executive Secretary, SAGE.

JANUARY 12, 1977.

[FR Doc.77-1505 Filed 1-17-77; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 672-2; OPP-240010A]

CONNECTICUT

Interim Certification To Register Pesticides To Meet "Special Local Needs"

Pursuant to section 24(c) 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.), the State of Connecticut submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on April 20, 1976. Notice of approval of this Request was published in the FEDERAL REGISTER on May 24, 1976 (41 FR 21219). This initial Request sought authority to amend EPA registrations that involve "changed use patterns", as that term is defined in § 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538), and to amend EPA registrations that did not involve changed use patterns.

On October 22, 1976, the State of Connecticut sought to amend its Request to include authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations. This Agency has found that the specific requirements for registration of new products are satisfied in the Connecticut Request, in that Connecticut's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of Connecticut for Interim Certification allowing that State the authority to register new products. The State agency designated responsible for issuance of such registrations, the Connecticut Department of Environmental Protection, was notified on December 16, 1976, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from Connecticut, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, John F. Kennedy Federal Bldg., Rm. 2303, Boston, Massachusetts 02203.

Dated: January 11, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-1454 Filed 1-17-77;8:45 am]

[FRL 672-1; PW8]

NOR-AM AGRICULTURAL PRODUCTS, INC.

Pesticide and Food Additive Petitions; Withdrawal

Notice is given that Nor-Am Agricultural Products, Inc., 1275 Lake Avenue, Woodstock, Ill. 60098, has withdrawn the following petitions without prejudice:

PP 3F1351 proposed the establishment of tolerances (40 CFR Part 180) for residues of the insecticide formetanate hydrochloride (*m*-[[(dimethylamino)methylene]amino]phenyl methylcarbamate hydrochloride) and its metabolites containing the *m*-aminophenol moiety (calculated as formetanate hydrochloride) in or on grapes at 5 parts per million (ppm); liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; meat, fat, and meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep; milk; and eggs at 0.05 ppm. Notice of Filing was published in the FEDERAL REGISTER of March 23, 1973 (38 FR 7488).

FAP 3H5025 proposed the establishment of food additive tolerances (21 CFR Part 121) for residues of the above insecticide in or on dried grape pomace and raisin waste at 45 ppm and raisins at 20 ppm resulting from application of the insecticide to growing grapes. (38 FR 7488)

PP 4F1419 proposed the establishment of tolerances (40 CFR Part 180) for combined residues of the above insecticide in or on the raw agricultural commodities almond hulls at 35 ppm; almonds at 0.5 ppm; and liver and kidney of cattle, goats, hogs, horses, sheep, and poultry at 0.3 ppm. Notice of Filing was published in the FEDERAL REGISTER of August 15, 1973 (38 FR 22182).

FAP 3H5029 proposed the establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the above insecticide in dried apple pomace at 30 ppm resulting from application of the insecticide to the growing raw agricultural commodity apples. (38 FR 22182)

Dated: January 10, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-1456 Filed 1-17-77;8:45 am]

[FRL 672-3; OPP—240011A]

WEST VIRGINIA

Interim Certification To Register Pesticides To Meet "Special Local Needs"

Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenti-

cide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the State of West Virginia submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on May 7, 1976. Notice of approval of this request was published in the FEDERAL REGISTER on June 3, 1976 (41 FR 22412). This initial request sought authority to amend EPA registrations that involve "changed use patterns", as that term is defined in § 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538), and to amend EPA registrations that did not involve changed use patterns.

On November 17, 1976, the State of West Virginia sought to amend its Request to include authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations. This Agency has found that the specific requirements for registration of new products are satisfied in the West Virginia Request, in that West Virginia's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of West Virginia for Interim Certification allowing that State the authority to register new products. The State agency designated responsible for issuance of such registrations, the West Virginia Department of Agriculture, was notified on December 16, 1976, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from West Virginia, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, SW, Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Dated: January 11, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-1455 Filed 1-17-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1025]

RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration of Actions

JANUARY 10, 1977.

Docket or RM No.	Rule No.	Subject	Date received
RM-2608	Sec. 95.41	Request amendment of sec. 95.41 to reserve channel 19 as a moving vehicle channel in the Citizens Radio Service. Filed by C. L. Chingara, KKG-0106, national director for Highway Assistance Modulators.	Dec. 3, 1976
RM-2676	Pts. 0 and 1	Request amendment of pts. 0 and 1 of the Commission rules to facilitate participation of indigent interested persons in Commission proceedings. Filed by Carl L. Shipley, attorney for Radio Station WFAR	Dec. 6, 1976
18875		Inquiry into policy to be followed in future licensing of facilities for overseas cummunications. Filed by Howard A. White, senior vice president and general counsel for ITT World Communications, Inc.	Dec. 29, 1976

NOTE.—Oppositions to petitions for reconsideration must be filed on or before February 2, 1977. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1406 Filed 1-17-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ES77-10]

CITIZENS UTILITIES CO.

Application

JANUARY 13, 1977.

Take notice that on January 5, 1977, Citizens Utilities Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $18,000,000 outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho and Vermont.

The Notes are to be issued pursuant to a credit arrangement with a bank or banks, or, in the alternative, in the form of commercial paper. All notes are to have a final maturity on or before a date which shall be less than one year after the issuance of the first notes issued under such arrangements. The interest rate for notes issued pursuant to the bank credit agreement shall be at the prime commercial interest rate of the banks concerned for short-term borrowings. The maximum principal amount of all notes to be issued pursuant to the application shall not exceed $18,000,000 outstanding at any one time.

The net proceeds from the sale of the Notes will be used, together with other funds of the Applicant, for replenishment of the treasury for expenditures for current transactions, for repayment of indebtedness and for the construction, extension and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 21, 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 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.77-1688 Filed 1-14-77;11:35 am]

[Docket No. ER77-102]

PENNSYLVANIA POWER CO.

Initial Interim Transmission Rate

JANUARY 13, 1977.

Take notice that the Pennsylvania Power Company (Company), on December 23, 1976, tendered for filing an initial interim transmission rate schedule in its FPC Electric Service Tariff, Municipal Resale—Primary Voltage Schedule. This primary rate schedule has had an additional provision added to provide for Transmission Voltage utilizing the existing primary rate with a discount for 69 kv service and was filed in compliance with the Federal Power Commission Order issued August 20, 1975 at Docket No. E-8159.

The reason for this additional transmission voltage provision arises from the fact that Ellwood City Borough, one of five municipalities served by the Company, has either purchased, or leased, a customer-owned 69 kv substation located in the borough that is presently serving Ellwood Steel Casting Company. The Company has received notice from the Ellwood Steel Casting Company that service will no longer be required from the Pennsylvania Power Company at that station effective February 1, 1977. Ellwood City Borough is apparently of the view that all service to the borough and Ellwood Steel Casting Company can be served through this purchased or leased 69 kv substation. The interim rate schedule does not provide that a municipality can receive both primary and transmission service simultaneously.

Copies of the filing were served upon the borough secretaries of Ellwood City, Grove City, New Wilmington, Wampum and Zelienople.

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 January 21, 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.77-1687 Filed 1-14-77;11:35 am]

FEDERAL POWER COMMISSION

[Docket No. G-18441, et al.]

SHELL OIL COMPANY, ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

JANUARY 5, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 28, 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 accord 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
G-18441 [1] 7-14-76	Shell Oil Co. (successor to T. F. Hodge, (operator), et al.), 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.		
G-19189 [2] 7-14-76	Shell Oil Co. (successor to L. D. Crumley, Jr. (operator), et al.).	El Paso Nztural Gas Co., Scarborough Field, Winkler County, Tex.		
G-19572 [3] 7-14-76	Shell Oil Co. (successor to the Carter Oil Co.).	Colorado Interstate Gas Co., Southwest Camp Creek Field, Beaver County, Okla.		
CI60-466 C F 11-29-76	Cabot Corp. (successor to Apexco, Inc.), P.O. Box 1101, Pampa, Tex 79065.	Northern Natural Gas Co., Barby Ranch No. 1-41 Unit Well in sec. 8, township 2 North, range 27 ECM, Beaver County, Okla.	[4] [5] 27.3060¢	14.65
CI61-323 D 12-14-76	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Transwestern Pipeline Co., lease No. LOG-BEA-7, SE/4 of sec. 25-1N-24ECM, Beaver County, Okla.	[6]	
CI61-1621 [7] 11-22-76	Hunt Industries, 2500 1st National Bank Bldg., Dallas, Tex. 75202.	Montana-Dakota Utilities Co., North Tioga area, Burke County, N.Dak.	18.0¢	14.73
CI62-286 B 4-14-76	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Cities Service Gas Co., Hugoton Field, Kearny and Finney Counties, Okla.	[8]	
CI65-323 B 6-23-76	Louisiana Crude Oil & Gas Co., Inc. (successor to Consolidated Gas Supply Corp.,) 922 Richards Bldg., New Orleans, La. 70112.	Texas Gas Transmission Corp., Chalkley Field, Cameron Parish, La.	15.0¢	15.025
CI65-624 CI72-169 CI72-597 [9] 11-23-76	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Ector plant tailgate, located in Ector County, Tex.	[10]	14.65
CI77-125 (CI66-154) B 11-18-76	Sun Oil Co	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	[11]	
CI74-63 [7] 11-22-76	Hunt Industries	Montana-Dakota Utilities Co., North Tioga Area, Burke County, N.Dak.	[12] [13] 103.6128¢	15.025
CI75-13 [14] C 6-29-76	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79105.	Trunkline Gas Co., Block 639, West Cameron area (South addition), offshore Louisiana.	[6] 182.72¢	15.025
CI76-90 [15] B 12-2-76	Hurley Petroleum Corp., 400 Petroleum Bldg., Shreveport, La. 71101.	Mississippi River Transmission Corp., Cocke-Jobe lease and the Ella V. Armstrong lease, Waskom Field, Harrison County, Tex.	[16]	[16]
CI76-178 C 12-6-76	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., East Niles Field, Caddo and Canadian Counties, Okla.	[13] [17] [18] 160.7218¢	14.65
CI76-792 (G-15810) F 12-15-76	Gulf Oil Corp. (successor to Union Oil Co. of California), P.O. Box 2100, Houston, Tex. 77001.	Transwestern Pipeline Co., White City Penn Field, Eddy County, N.Mex.	[19] 94.8628¢ [20] [21] [22] 145.8643¢	15.025
CI77-129 (G-10823) B 12-6-76	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Glendive Plant, Wilbaux County, Mont.	[23]	
CI77-140 A 12-9-76	Energy Reserves Group, Inc., P.O. Box 1201, Wichita, Kans. 67201.	Transcontinental Gas Pipe Line Corp., Terrebonne Parish, La.	[5] [18] [24] 164.0743¢	15.025
CI77-141 (G-7207) B 12-9-76	Chevron Oil Co., western division, P.O. Box 599, Denver, Colo. 80201.	El Paso Natural Gas Co., various fields, Lockhart B No. 8 well, SE¼ SE¼ of sec. 14, T-21-S, R-27-E, Lea County, N. Mex.	[25]	[25]
CI77-142 (G-15082) B 12-9-76	Austral Oil Co., Inc., 2700 Exxon Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Holly Beach Field, Cameron Parish, La.	[26]	[26]
CI77-143 (CI67-1082) B 12-9-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Lone Star Gas Co., Raloh R. Ford unit, W/2 sec. 30-2N-8W, Stephens County, Okla.	[27]	
CI77-144 (CI75-316) B 12-10-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Northern Natural Has Co., Sherard Field, Blaine and Chouteau Counties, Mont.	[28]	
CI77-145 A 12-13-76	Freeport Minerals Co., P.O. Box 3038, Midland, Tex. 79701.	Transcontinental Gas Pipe Line Corp., Block 22, Vermilion area, offshore Louisiana.	[5] [30] 155.179¢	15.025
CI77-146 A 12-13-76	Monsanto Co., 5051 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77056	Kansas-Nebraska Natural Gas Co., Inc., Madden unit, Fremont and Natrona Counties, Wyo.	[30] [31] $0.93, [5] $1.43	14.73
CI77-147 (CI76-71) B12-13-76	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla.	El Paso Natural Gas Co., Hemphill County, Tex.	[32]	[32]

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
CI77-148..... A 12-12-76	Freeport Minerals Co.....	Florida Gas Transmission Co., block 22, Vermilion area, offshore Louisiana.	[3] [20] 155.179¢	15.025
CI77-150..... (CS67-82) B 12-17-76	Mesa Petroleum Co. et al., P.O. Box 2009, Amarillo, Tex. 79105.	Northern Natural Gas Co., Lovedale Field, Harper County, Okla.	([20])	([20])
CI77-151..... A 12-9-76	Tricentrol United States, Inc., 1701 Pennsylvania Ave. NW., Washington, D.C. 20006.	Northern Natural Gas Co., 7 wells in Blaine and Hill Counties, Mont.	[3] [15] [32] $1.425	14.73
CI77-152..... A 12-15-76	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Transwestern Pipeline Co., South Newmill area, Chaves County, N. Mex.	[3] [22] [23] [34] 154.6335¢	14.65
CI77-153..... A 12-17-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., West Delta Block 117 Field, offshore Louisiana.	[3] [22] [24] [33] $1.76	15.025
CI77-154..... A 12-17-76	Southland Royalty Co., 1600 1st National Bldg., Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Atoka/Morrow formations, sec. 22, T24S, R28E, Eddy County, N. Mex.	[3] [22] [24] [33] 169.884¢	14.73
CI77-155..... A 12-20-76	Kerr-McGee Corp.....	Montana-Dakota Utilities Co., Boxcar Butte Field, McKenzie County, N. Dak.	[3] [15] [25] [30] 167.7367¢	14.73
CI77-156..... A 12-20-76	Placid Oil Co., 1600 1st National Bank Bldg., Dallas, Tex. 75202.	Transcontinental Gas Pipe Line Corp., Bassfield Field, Jefferson Davis County, Miss.	[3] [15] [33] [37] 52.0¢	15.025
CI77-157..... A 12-20-76	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., Willow Lake Atoka Field, Eddy County, N. Mex.	[15] [24] [33] $1.5617	14.73
CI77-158..... A 12-20-76	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Tennessee Gas Pipeline Co., block 64 field, West Delta area, offshore Louisiana.	[39] $1.75 [42] 54.0614¢	15.025 --------
CI77-159..... A 12-14-76	Texas Gas Exploration Corp., P.O. Box 52310, Houston, Tex. 77052.[41]	Texas Gas Transmission Corp., block 248, Vermilion area, offshore Louisiana.	[3] [15] [33] [42] $1.90	14.73
CI77-160..... A 12-13-76	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Cabana No. 1 Well, Eddy County, N. Mex.	[3] [15] 93.0¢	14.73
CI77-161..... A 12-14-76	Texas Gas Exploration Corp.[41].....	Texas Gas Transmission Corp., block 315, Eugene Island area, offshore Louisiana.	[3] [15] [33] [42] $1.90	14.73

[1] Applicant requests termination of certificate and rate schedule No. 302, effective as of May 1, 1970.
[2] Applicant requests termination of certificate and rate schedule No. 313, effective as of May 1, 1970.
[3] Applicant requests termination of certificate and rate schedule No. 218, effective as of Oct. 1, 1969.
[4] Includes 24¢ base rate, 2.88¢ Btu adjustment and 0.4260¢ tax reimbursement.
[5] Subject to upward and downward Btu adjustment.
[6] Applicant states that the deletion is a result of a sale of Union's 25 pct working interest in the Sun-Meier No. 1 gas well and the assignment of certain acreage to Texas Energies, Inc.
[7] Filing to reflect the closing of North Tioga plant and arranging for Burmah Oil & Gas Co. to process the gas in Burmah's Tioga plant located in Williams County, N. Dak.
[8] Applicant requests termination of the certificate issued in docket No. CI62-286 and of its rate schedule No. 401 due to assignment of leases to W. B. Osborn.
[9] Amendment to change delivery point from Ector plant to Goldsmith plant, both located in Ector County, Tex.
[10] CI65-624, rate schedule No. 410, 20.0¢; CI72-169, rate schedule No. 488, 37.5¢; CI72-597, rate schedule No. 504, 53.5¢. CI72-597, rate schedule No. 504, 143.5¢.
[11] The Thomas No. 1-8 well, which was assigned to David A. Chambers effective Feb. 28, 1975, was plugged and abandoned on Mar. 27, 1975.
[12] Includes 1.02¢ gathering allowance.
[13] Subject to upward Btu adjustment.
[14] Amendment authorizing initial service from reserved 10 pct of Diamond Shamrock's interest in the gas reserves.
[15] Applicant requests permission to abandon only sales from the 2 leasehold interests which have expired and does not seek to abandon sales to MRT from any interest which Hurley now holds or may hold for the remaining term of the Apr. 23, 1951, contract, as amended.
[16] Leases expired.
[17] Includes 10.8449¢ tax reimbursement.
[18] Applicant is willing to collect the national rate in accordance with opinion No. 770, as amended.
[19] Base price for wells commenced on or after Jan. 1, 1973, and before Jan. 1, 1975 per opinion No. 770, as amended (plus 7.8129¢ State taxes, and upward and downward Btu adjustment from 1,000 Btu per cubic foot).
[20] Base price for wells commenced on or after Jan. 1, 1975 per opinion No. 770, as amended (plus 12.0134¢ State taxes and upward and downward Btu adjustment from 1,000 Btu per cubic foot).
[21] Includes reimbursement of 100 pct of all State or Federal production, severance or similar taxes imposed on seller.
[22] Applicant is willing to accept a permanent certificate in accordance with opinion No. 770, as amended.
[23] Shell Oil Co. is the producer for all gas being supplied to the Glendive plant. Shell has given notice of termination of the casinghead gas contract, and there will accordingly be no gas supply for the Glendive plant.
[24] Plus 1¢ escalation per quarter.
[25] Reclassification of well.
[26] Wells have been plugged and abandoned.
[27] Atlantic no longer has any interest in acreage covered by the contract of Jan. 20, 1965. Acreage was totally assigned to C. & Y. Casing Pulling Co. by assignment dated Sept. 26, 1972.
[28] Applicant has transferred and assigned all interests in such acreage to purchaser.
[29] Base price provided in sec. 2.56a, plus 7.785¢ per 1,000 ft³ Btu adjustment based on Btu content of 1053, plus 0.51¢ per 1,000 ft³ gathering allowance.
[30] Base price for MDU No. 1 spudded Feb. 13, 1973. (Within the limits prescribed by opinion No. 770, as amended.)
[31] Base price for Okie 1-9 No. 1 spudded Dec. 20, 1975. (Within the limits prescribed by opinion No. 770, as amended.
[32] Well plugged and abandoned.
[33] Includes 100 pct tax reimbursement.
[34] Inclusive of 1.4919¢ gathering allowance, New Mexico severance, conservation, and emergency school taxes but subject to variable school district ad valorem tax adjusted annually, and subject to Btu adjustment.
[35] Includes estimated Btu adjustment of 15.1578¢ per 1,000 ft³.
[36] Plus quarterly increases.
[37] At 14.73 lb/in²a.
[38] Includes tax reimbursement.
[39] Contract price.
[40] Applicant is willing to accept a permanent certificate at the national rate in accordance with opinion No. 770, as amended (subject to unknown Btu adjustment and 0.51¢ gathering).
[41] Applicant and purchaser are affiliated.
[42] Plus 1.5¢ per 1,000 ft³ escalation per quarter commencing on Apr. 1 of the year following the date of initial deliveries.

[FR Doc.77-1439 Filed 1-17-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and the FDA regulations, 21 CFR Part 2, Subpart D, relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Pathology Subcommittee of the Science Advisory Board.	Feb. 3, 8:30 a.m., Board Room, Holiday Inn, North Little Rock, Ark.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 1 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the update of pathology services project, personnel, equipment, problem areas, and general discussion and recommendations.

Committee name	Date, time, and place	Type of meeting and contact person
2. Hepatoma Subcommittee of the Science Advisory Board.	Feb. 3, 1 p.m., Board Room, Holiday Inn, North Little Rock, Ark.	Open public hearing 1 p.m. to 2 p.m.; open committee discussion 2 p.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the report on the status of phenotypic lindane study, report on proposed National Cancer Institute/National Center for Toxicological Research Interagency Agreement, proposed hepatoma workshop, and general discussion and recommendations.

Committee name	Date, time, and place	Type of meeting and contact person
3. Antiperspirant Panel.....	Feb. 3 and 4, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 3, 9 a.m. to 10 a.m.; open committee discussion Feb. 3, 10 a.m. to 4:30 p.m., Feb. 4, 9 a.m. to 4:30 p.m.; Lee Geismar, (HFD-510) 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
4. Neurologic Drugs Advisory Committee.	Feb. 3 and 4, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 3, 9 a.m. to 10 a.m.; open committee discussion Feb. 3, 10 a.m. to 4:30 p.m.; open public hearing Feb. 4, 9 a.m. to 10 a.m.; open committee discussion Feb. 4, 10 a.m. to 4:30 p.m.; Stephen C. Groft, (HFD-120) 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3800.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

Agenda—Open public hearing. Any interested person may present information, data, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Use of amphetamines in the treatment of narcolepsy, seizure disorders, and minimal brain dysfunction; and appropriate indications for the use of antiemetics.

Because of the problem of continuing abuse in spite of Schedule II controls, the Food and Drug Administration is considering the removal of the anorectic indication for amphetamine and methamphetamine. In addition, these drugs have been used in the treatment of narcolepsy, minimal brain dysfunction (MBD), and seizure disorders. The Neurologic Drugs Advisory Committee, invited guests, and other participants are requested to advise on the following:

1. Are there alternative safe and effective treatments for these disorders?

2. Would a withdrawal of amphetamine and methamphetamine from the market have a deleterious effect on the treatment of patients with narcolepsy, MBD, or seizure disorders?

The recommendations of the advisory committee to the Division of Neuropharmacological Drug Products and the Bureau of Drugs will be considered in arriving at a decision whether amphetamines should be totally withdrawn from the market, or relabeled for the treatment only of narcolepsy, MBD, and/or seizure disorders. In either case, the investigational new drug application process would still be available for research purposes.

Committee name	Date, time, and place	Type of meeting and contact person
5. Ophthalmic Panel	Feb. 4 and 5; 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., on Feb. 4; Connecticut Room, Holiday Inn, Bethesda, Md., on Feb. 5.	Open public hearing Feb. 4, 9 a.m. to 10 a.m.; open committee discussion Feb. 4, 10 a.m. to 4:30 p.m., Feb. 5, 9 a.m. to 4:30 p.m., John T. cElroy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
6. General Hospital and Personal Use Panel.	Feb. 7 and 8, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 7, 9 a.m. to 10 a.m.; open committee discussion Feb. 7, 10 a.m. to 4:30 p.m., Feb. 8, 9 a.m. to 4:30 p.m.; William C. Dierksheide, Ph. D., (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Those desiring to make formal presentations should notify the executive secretary by February 1, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. Devices to be classified are as follows: spinal venous pressure manometer, hypodermic needle, piston syringe, aneroid blood pressure manometer, mercury blood pressure manometer, nursery apnea monitor, battery-powered thermometer, disposable thermometer, mercurial thermometer, battery-powered infusion line monitor, oxygen depletion alarm, laminar airflow unit, aerator cabinet, sterilization indicators, sterilization wrap, gas sterilizer, steam sterilizer, prophylactic (condom), bactericidal floormat, surgical patient isolation unit, AC-powered operating room table, manual operating room table, jet lavage, manual cardiac resuscitator, powered heart-lung resuscitator, manual resuscitator, surgical drape, surgeon glove, operating room gown, electric heating pad, chemotherapy perfusion unit, AC-powered chemotherapy perfusion unit, heat lamp, AC-powered bed, air flotation bed, hydraulic bed, ICU bed, manual bed, tiltable cradle bed, AC-powered water flotation bed, wheeled geriatric chair, patient care isolation chamber, electrically powered patient lift, manual patient lift, overhead boom patient lift, neonatal heated water mattress, patient rollers, AC-powered patient rollers, battery-powered metabolic scale, stopclock, silicone bed.

Committee name	Date, time, and place	Type of meeting and contact person
8. Matrix Approach to Carcinogenesis Bioassay Subcommittee to the Science Advisory Board	Feb. 11, 9 a.m., Conference Room 2-A-304, Chidlaw Bldg., 2221 East Bijou St., Colorado Springs, Colo.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of approaches to evaluation of hepatotoxicity in animals and man and discussion of pharmacogenetics and drug interaction.

Committee name	Date, time, and place	Type of meeting and contact person
7. Subcommittee on Development of Guidelines for Evaluation of Hepatotoxicity of the Gastrointestinal Drugs Advisory Committee.	Feb. 7 and 8, 9 a.m., Conference Rooms J and K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 7, 9 a.m. to 10 a.m.; open committee discussion Feb. 7, 10 a.m. to 5 p.m., Feb. 8, 9 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 29857, 301-443-4730.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion and definition of the conceptual basis of the Matrix Approach Program.

Committee name	Date, time, and place	Type of meeting and contact person
9. Mutagenesis Subcommittee of the Science Advisory Board.	Feb. 12, 9 a.m., Conference Room 2-A-304, Chidlaw Bldg., 2221 East Bijou St., Colorado Springs, Colo.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ariz. 72079, 501-541-4528.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the implementation of the Dosimetry/Pharmacokinetics Program.

Committee name	Date, time, and place	Type of meeting and contact person
10. Vitamin, Mineral, and Hematinic Panel.	Feb. 14 and 15, 9 a.m., Room 1409, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 14, 9 a.m. to 10 a.m.; open committee discussion Feb. 14, 10 a.m. to 4:30 p.m., Feb. 15, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
11. Dental Panel	Feb. 16 and 17, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 16, 9 a.m. to 10 a.m.; open committee discussion Feb. 16, 10 a.m. to 4:30 p.m., Feb. 17, 9 a.m. to 4:30 p.m.; Michael D. Kennedy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
12. Endocrinology and Metabolism Advisory Committee.	Feb. 17 and 18, 9 a.m., Conference Rooms G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 17, 9 a.m. to 10 a.m.; open committee discussion Feb. 17, 10 a.m. to 5 p.m.; open public hearing Feb. 18, 9 a.m. to 10 a.m.; open committee discussion Feb. 18, 10 a.m. to 5 p.m.; A. T. Gregoire, Ph. D., (HFD-130), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3510.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of new drug applications—NDA 17-783 (Glibenese), NDA 17-498 (Micronase), and NDA 17-532 (Dia-Beta); report to committee on antiosteoporosis guidelines workshop; and estrogen for treatment of osteoporosis.

Committee name	Date, time, and place	Type of meeting and contact person
13. Antimicrobial Panel	Feb. 18 and 19; 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., on Feb. 18; Connecticut Room, Holiday Inn, Bethesda, Md., on Feb. 19.	Open public hearing Feb. 18, 9 a.m. to 10 a.m.; open committee discussion Feb. 18, 10 a.m. to 4:30 p.m., Feb. 19, 9 a.m. to 4:30 p.m.; Armond M. Welch, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
14. Gastroenterological and Urological Panel.	Feb. 20 and 21, 8 a.m., Captain's Room, Channel Inn Motel, 650 Water St. SW., Washington, D.C.	Open public hearing Feb. 20, 8 a.m. to 9 a.m., Feb. 21, 8 a.m. to 9 a.m.; open committee discussion Feb. 20, 9 a.m. to 5 p.m., Feb. 21, 9 a.m. to 5 p.m.; Thomas L. Anderson, M.D., (HFK-460), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to dialysis devices and endoscopes/surgical devices to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 7, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. Discussion of the following dialysis devices: A-V shunt accessories: Cannula clamp; vessel dilator; disconnect forcep; shunt guard; infusion "T" heparin; crimp plier; tube plier; crimp ring; joint ring; shunt stabilizer; declotting tray (including contents); blood circuit components; blood filter; blood pump inserts; line clamp; shunt connector; fistula adaptors; extraluminal blood pump; infusion extraluminal or syringe pump (heparin); shunt adaptor; clamps blood automatic tubing; vessel tip: "Y" adaptors; dialysate circuit components: Dialysis control station negative press type; water purification subsystem; reverse osmosis water purification system; holding tank; dialysate tubing connectors; dialysate tubing; dialysate delivery systems; coil canister; miscellaneous accessories; powered dialysis chair (with or without scales); unpowered dialysis chair (with or without scales); line clamp; dialyzer holder sets; protector transducer; solution-test standard-conductivity; start/stop tray (including contents); free-standing dialysis concentrate tank; tie gun; ties; declotting tray (including contents); monitors: arterial blood pressure alarm; pillow pressure alarm; venous blood pressure alarm; type remote induction conductivity meter; nonremote conductivity meter; air bubble detector; comparative inflow-outflow blood leak detector; noncomparative detector; blood level detector; dialysate level detector; blood flowmeter; dialysate flowmeter; water manometer; temperature monitor.

Endoscopes/surgical devices—biopsy instruments: Biopsy forcep covers; electric cautery biopsy forceps; nonelectric biopsy forceps; suction biopsy instrument; biopsy needle set; biopsy needles; biopsy punch; biopsy tray; gastrointestinal instrument set biopsy; diagnostic catheters: Barium enema retention catheter with bag; biliary catheter; ureteral disposable catheter (X-ray); double lumen female urethrographic catheter; positive pressure urethrographic X-ray catheter; urethrographic catheter; diagnostic light sources: Diagnostic lamps; fiberoptic focusing headlight; fiberoptic ureteral light catheter; photographic light source; pocket battery box; rechargeable battery box.

Endoscopes/surgical devices (February 21)—endoscopic equipment nonmanual air pump; nonpowered anoscope; binocular attachment for endoscope; cannula; choledochoscope; cleaning accessories for endoscopes; colonoscope; coloscope; cystourethroscope; cytology brush; electric cord for endoscopes; enteroscope; esophago - gastro - duodenoscope; esophagoscope; eyepiece attachment for insertion of prescription lens; fiberoptic illuminators; flexible fiberoptic teaching attachment; gastroscope; endoscopic inflation bulb; automatic C02 insufflator; laparoscope; measuring device for panendoscope; miscellaneous adaptor bulbs; nephroscope; obturators; peritoneoscope (fiberoptic); photo accessories for endoscope; sheaths, flexible sigmoidoscope; rigid sigmoidoscope; endoscopic smoke removal tube; special lens instruments; sphyncteroscope trocar; ureteroscope; urethroscope; enema kits: disposable barium enema kit; kit enema for cleaning purpose; gastrointestinal intraluminal diagnostic devices: electrode PH stomach; electrogastrograph; gastrointestinal motility system (electrical); GI string and tubes to locate internal bleeding; pressure and flow rate measuring devices: Hydraulic cystometric device; urine flow rate measuring devices; specimen collectors: Kit urinary drainage collection; pediatric urine collector; sterile urethral catheterization trays; monitoring devices—physiologic function monitors: Closed circuit TV and video tape; external pressure recorders, amplifiers, and transducers; photographic equipment; nonpowered rectal probe; radio pill, urine flow meter; electrical urinometer; prosthetic devices—bile collecting device: Bile collecting bag; colostomy appliances: Colostomy cup; colostomy dome; colostomy pouch; colostomy

protector; colostomy rod; disposable colostomy appliance; ostomy collector; ostomy irrigator; ostomy sleeve selector; surgical appliance cement; external supporting devices: Abdominal belt; hernia supports; pendulous abdominal support; scrotal support; scrotal truss; umbilical truss.

Committee name	Date, time, and place	Type of meeting and contact person
15. Miscellaneous Internal Drug Products Panel.	Feb. 20 and 21, 9 a.m., Connecticut Room, Holiday Inn, Bethesda, Md.	Open public hearing Feb. 20, 9 a.m. to 10 a.m.; open committee discussion Feb. 20, 10 a.m. to 4:30 p.m.; Feb. 21, 9 a.m. to 4:30 p.m.; Armond M. Welch, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
16. Oral Cavity Panel	Feb. 23 and 24, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 23, 9 a.m. to 10 a.m.; open committee discussion Feb. 23, 10 a.m. to 4:30 p.m., Feb. 24, 9 a.m. to 4:30 p.m.; John T. McElroy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
17. Subcommittee on Development of Guidelines for Evaluation of Hepatotoxicity of the Gastrointestinal Drugs Advisory Committee.	Feb. 23 and 24, 9 a.m., Conference Rooms 1 and L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 23, 9 a.m. to 10 a.m.; open committee discussion Feb. 23, 10 a.m. to 5 p.m., Feb. 24, 9 a.m. to 5 p.m.; Joan C. Standaert, (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion on the value of various special techniques and approaches for evaluating human hepatotoxicity, drug interaction and liver toxicity, and functional evaluation of hepatotoxicity in animals and man.

Committee name	Date, time, and place	Type of meeting and contact person
18. Topical Analgesic Panel	Feb. 23 and 24, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 23, 9 a.m. to 10 a.m.; open committee discussion Feb. 23, 10 a.m. to 4:30 p.m.; Feb. 24, 9 a.m. to 4:30 p.m.; Lee Geismar, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
19. Toxicology Advisory Committee.	Feb. 23 and 24, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion Feb. 23, 9 a.m. to 12 m.; open public hearing Feb. 23, 1 p.m. to 2 p.m.; open committee discussion Feb. 23, 2 p.m. to 4:30 p.m., Feb. 24, 9 a.m. to 12 m.; open public hearing Feb. 24, 1 p.m. to 2 p.m.; open committee discussion Feb. 24, 2 p.m. to 3 p.m.; Jeffrey A. Staffa, Ph. D., (HFS-50), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4490.

General function of the committee. Reviews and evaluates available data relating to the evaluation of the safety of chemicals present in foods, drugs, cosmetics, and medical devices. Advises on the safety of specific human drugs, animal drugs, color and food additives, cosmetic components, and components of devices. Recommends the development of standardized methodologies for the toxicity testing of such materials.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion on animal drug subgroup status report; increased prolactin levels in animals on psychotropic drugs; and toxicology guidelines.

Committee name	Date, time, and place	Type of meeting and contact person
20. General and Plastic Surgery Panel.	Feb. 24, 8 a.m., Room 4131, HEW-N., 330 Independence Ave. SW., Washington, D.C.	Open public hearing 8 a.m. to 9 a.m.; open committee discussion 9 a.m. to 3.30 p.m.; Mark F. Parrish, Ph. D., (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of the devices listed below to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 17, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. A presentation will be made on Proplast™ by Charles A. Homsy, Sc.D.

The panel will form its recommendations for the content of safety and performance standards for cryosurgical devices.

The following devices will be classified: tissue adhesives; apparel—apron, cap, dress, exhaust apparatus, gown (isolation, patient, and surgical), helmet, hood, mask, shoe covers, shoes, suit; suture bolster and retention bridge; surgical cameras and accessories; burn and wound dressings; surgical gloving cream; nonremote and remote illumination devices; light/illuminators and accessories—lamp (fluorescent, incandescent, ultraviolet, xenon), light (accessories, carriers, ceiling mounted, connectors, endoscopic, fiberoptic, floor standing, headband, instrument); loupe; surgical microscope; monitors—continuous blood gas, blood pressure (arterial, cardiac, pulmonary artery, venous, powered and nonpowered, invasive and noninvasive), cardiac output, EEG, respiratory, temperature; direct and electronic stethoscopes; fluid column and liquid crystals thermometer; vein fulgurator.

The panel's previous classification of colonic irrigator will be reviewed.

The panel will discuss high-frequency tweezer epilators.

Committee name	Date, time, and place	Type of meeting and contact person
21. Radiological Panel	Feb. 24 and 25, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 24, 9 a.m. to 10 a.m.; open committee discussion Feb. 24, 10 a.m. to 4 p.m., Feb. 25, 9 a.m. to 3 p.m.; Lillian Yin, Ph. D., (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the devices listed below to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 11, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will review classification of the following devices: tube housing; cathode ray tube; image amplifier tube; mammographic tube; orthicon tube; plumbicon tube; vidicon tube; field emission X-ray tube; grid bias X-ray tube; rotating

anode X-ray tube; stationary anode X-ray tube; laminographic stand; ultrasound high voltage pulser; ultrasound signal analysis and display components; ultrasonic signal amplifier; oscilloscope camera; scan converter; gray scale display; oscilloscope; electronic image processor; strip chart recorder; ultrasound systems: echocardiographic system; echoencephalographic system; continuous wave ultrasonic scanner; pulsed ultrasonic scanner; ultrasound transducers: ultrasound coupling apparatus; coupling media; multiple probe; single probe; radiation alarm; dosimeter charger; condenser ionization dosimeter; film badge dosimeter; semiconductor dosimeter; thermoluminescent dosimeter; radiation monitor; thermoluminescent dosimeter reader; gamma survey meter; X-ray survey meter; measurement cassette (Ardan-Crookes); current-measuring equipment; high voltage measuring equipment; timer measuring equipment; step wedge; protective apron; gamma ray control panel barriers; X-ray control panel barriers; positioning block; lead brick; X-ray caliper; X-ray protective curtain; protective glove; examination gown; lead syringe holder; radiographic marker; lead lined panties; isotope safe; positioning sandbag, eye shield; gonadal shield; vial shield; isotope dose calibrator; lead examination cape; sample changer; bone densitometer; isotope generator; source holder; flood/source phantom; neck phantom; source plantom; radiation dose plotter; sealed calibration source; quenched standard; decontamination supplies; focal spot camera; hoods and exhausts; anthropomorphic phantom; radionuclide test pattern; T.V. test pattern; X-ray test pattern; cabinet X-ray unit.

Committee name	Date, time, and place	Type of meeting and contact person
22. Training and Medical Applications Subcommittee of the Medical Radiation Advisory Committee.	Feb. 27, 2 p.m., Room 400, Twinbrook Bldg. 4, 12720 Twinbrook Parkway, Rockville, Md.	Open public hearing Feb. 27, 2 p.m. to 3 p.m.; open committee discussion Feb. 27, 3 p.m. to 6 p.m.; Norman C. Telles, M.D., (HFX-4), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6220.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion on medical radiation recommendations, consumer education activities, radiologic technologist activities, and quality assurance activities.

Committee name	Date, time, and place	Type of meeting and contact person
23. Radioactive Materials and Nuclear Medicine Subcommittee of the Medical Radiation Advisory Committee.	Feb. 27, 1:30 p.m., Room 316, Chapman Bldg., 1901 Chapman Ave., Rockville, Md.	Open public hearing Feb. 27, 1:30 p.m. to 2:30 p.m.; open committee discussion Feb. 27, 2:30 p.m. to 6:30 p.m.; Norman C. Tellers, M.D., (HFX-4), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6220.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion on the report on nuclear medicine and medical radiation, report of task force on short-lived radionuclides, radionuclide dosimetry, and quality control for nuclear medicine instrumentation.

Committee name	Date, time, and place	Type of meeting and contact person
24. Miscellaneous External Drug Products Panel.	Feb. 27 and 28; 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., on Feb. 27; Georgia Room, Holiday Inn, Bethesda, Md., on Feb. 28.	Open public hearing Feb. 28, 9 a.m. to 10 a.m.; open committee discussion Feb. 27, 9 a.m. to 4:30 p.m., Feb. 28, 10 a.m. to 4:30 p.m.; Michael D. Kennedy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
25. Geriatric Neuropsychopharmacology Subcommittee of the Neurologic Drugs Advisory Committee.	Feb. 28, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4:30 p.m.; Stephen C. Groft, (HFD-120), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3800.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of utilization of computerized tomography (CT) scan as basis for exclusion/inclusion in clinical trials of dementia and depression in elderly; guidelines for research in geropsychopharmacology; and discussion of depression in the geriatric and nongeriatric populations.

Committee name	Date, time, and place	Type of meeting and contact person
26. Medical Radiation Advisory Committee.	Feb. 28 and Mar. 1, 9 a.m., Room 400, Twinbrook Bldg. 4, 12720 Twinbrook Parkway, Rockville, Md.	Open public hearing Feb. 28, 9 a.m. to 10 a.m.; open committee discussion Feb. 28, 10 a.m. to 4:30 p.m., Mar. 1, 9 a.m. to 12 m.; Norman C. Telles, M.D., (HFX-4), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6220.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of mamography, computerized tomography, radioactive materials and nuclear medicine, training and medical applications, and radiation therapy.

Committee name	Date, time, and place	Type of meeting and contact person
27. Subcommittee on Development of Guidelines for Evaluation of Hepatotoxicity of the Gastrointestinal Drugs Advisory Committee.	Mar. 7 and 8, 9 a.m., Conference Rooms K and L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Mar. 7, 9 a.m. to 10 a.m.; open committee discussion Mar. 7, 10 a.m. to 5 p.m., Mar. 8, 9 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of histopathology of hepatotoxicity, diagnostic criteria for liver injury, and followup of patients exposed to hepatotoxic drugs.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 2, Subpart D, published in the FEDERAL REGISTER of November 26, 1976 (41 FR 52148).

The Commissioner approves the scheduling of meetings at locations outside of the Washington, D.C., area on the basis of the criteria of § 2.307 (21 CFR 2.307) of FDA's regulations relating to public advisory committees.

Dated: January 11, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-1486 Filed 1-17-77;8:45 am]

EXPERIMENTAL PATHOLOGISTS TRAINING

Meeting

The Food and Drug Administration announces a public meeting to be sponsored by the National Center for Toxicological Research to discuss training of experimental pathologists to meet the needs of the scientific community. Principal speaker will be Dr. Henry C. Pitot, University of Wisconsin Medical School, and incoming president of the Society of Experimental Pathology.

The meeting will be held at the Holiday Inn, North Little Rock, Arkansas, on February 2, 1977, beginning at 9 a.m.

For further information, contact Ruth S. Magee, National Center for Toxicological Research, Jefferson, AR 72079, 501-541-4528.

Dated: January 13, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-1700 Filed 1-17-77;8:45 am]

PUBLIC ADVISORY COMMITTEE

Request for Nomination of Members

The Food and Drug Administration requests nominations for membership on the Science Advisory Board of the National Center for Toxicological Research at Jefferson, AR. Nine vacancies will occur on the Board as of June 30, 1977; nominations must be submitted no later than February 28, 1977.

The function of the Science Advisory Board is to advise the Director, National Center for Toxicological Research in establishing and implementing a research program that will assist the Commissioner of Food and Drugs and the Administrator of the Environmental Protection Agency in fulfilling their regulatory responsibilities. The Board provides the extra-agency review to assure that research programs and methodology development at the National Center for Toxicological Research are scientifically sound and pertinent to environmental problems.

Terms of office are 3 years. Members shall have diversified experience in biomedical research and be recognized experts in at least one discipline directly related to carcinogenesis, mutagenesis, or teratogenesis. Current needs are in pathology, food technology, immunology, biochemistry, pharmacology, teratology, endocrinology, hormones, genetics, chemistry, and biometry.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the Board, and appears to have no conflict of interest that would preclude committee membership.

Nominations should be submitted to the Executive Secretary, Science Advisory Board, National Center for Toxicological Research, Jefferson, AR 72079, no later than February 28, 1977.

Dated: January 11, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-1485 Filed 1-17-77;8:45 am]

Office of Education

EMERGENCY SCHOOL AID ACT

Closing Date for Receipt of Proposals for Educational Television Projects

The Commissioner of Education hereby gives notice that pursuant to sections 711 and 704(b) of the Emergency School Aid Act (20 U.S.C. 1610 and 1603(b)), proposals are being accepted from public and private nonprofit agencies, institutions, and organizations for Educational Television projects.

Proposals for assistance must be received by the U.S. Office of Education Application Control Center on or before April 11, 1977.

A. *Proposals sent by mail.*—A proposal sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.530. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(1) The proposal was sent by registered or certified mail not later than April 6, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The proposal is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered proposals.*—A proposal to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered proposals will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Proposals will not be accepted after 4 p.m. on the closing date.

C. *Program Information.*—(1) Projects will be considered for funding this year in the following categories as listed and described in the Notice of Proposed Rulemaking, (45 CFR Part 185) on October 20, 1976, at 41 FR 46317;

(a) 45 CFR 185.72(a)(1)—Additional programs of a national series (i.e., intended for national distribution) previously assisted under the Act (other than a series described in subparagraph (a)(6) of this section);

(b) 45 CFR 185.72(a)(5)—A national series (i.e., intended for national distribution) other than a series described in subparagraphs (a)(1) and (a)(6) of this section, to foster interracial and interethnic understanding among secondary school age children;

(c) 45 CFR 185.72(a)(6)—A national bilingual series (i.e., intended for national distribution) of cognitive and/or affective education value. A bilingual series is a series consisting of programs which contain no more than 60 percent of its content in one of the two languages it offers;

(d) 45 CFR 185.72(a)(7)—Up to three new "regional" series intended for less than nationwide utilization meeting the special needs of subgroups of minority groups as defined in section 185.02(f) which may be unique to a particular geographic region; or

(e) 45 CFR 185.72(a)(8)—Additional programs from up to two "regional" series previously funded under the Act intended for less than nationwide utilization meeting the special needs of subgroups of minority groups as defined in section 185.02(f) which may be unique to a particular geographic region.

Because of the small number of programs directed specifically at Black Americans which have previously been produced under the Emergency School Aid Act, Educational Television, the Office of Education is particularly desirous of receiving proposals whose primary target audience is Black and non-minority children under the "National Secondary and Interracial, Inter-ethnic" (affective) and the new "regional" categories. However, proposals submitted which address this primary target audience will be evaluated in the same manner and under the same criteria as proposals which address other primary target audiences designated in the Emergency School Aid Act.

(2) The ESAA appropriation for FY 77 sets aside $6,450,000 for support of Educational Television. Additional funds, up to $2,150,000, may be provided from funds appropriated for special projects (section 708(a)) of the statute.

(3) In fiscal 1976:

(a) Four "regional" awards at the then allowable maximum of $250,000 each, were made; and

(b) Three national category awards at an average of $2,488,623 were also made.

D. *Project periods.*—Awards of assistance will be made pursuant to this notice for activities commencing no earlier than May 1, 1977.

E. *Applicable regulation.*—Awards of assistance made pursuant to this notice will be subject to (1) the regulations contained in 45 CFR Part 185, and, (2) upon their becoming effective, the amendments thereto published as a notice of proposed rulemaking on October 20, 1976, at 41 FR 46317, (3) except where inconsistent with Part 185, the Office of Education General Provisions Regulations relating to direct project assistance programs (45 CFR Parts 100 and 100a). Proposers' attention is directed in particular to subpart H, Educational Television, of 45 CFR 185.

(20 U.S.C. 1610 and 1603(b))

(Catalog of Federal Domestic Assistance Number 13.530, Emergency School Aid—Educational Television)

Dated: December 28, 1976.

JOHN W. EVANS,
Acting U.S. Commissioner of Education.

[FR Doc.77-1699 Filed 1-17-77;8:45 am]

RIGHT TO READ READING ACADEMIES PROGRAM

Closing Date for Receipt of Noncompeting Continuation Applications for Fiscal Year 1977

Notice is hereby given that, pursuant to the authority contained in section 723 of Title VII of the Education Amendments of 1974, Pub. L. 93-380, as amended (20 U.S.C. 1963) applications are being accepted for non-competing continuation grants under the Right To Read Reading Academies Program (45 CFR Part 162, Subpart E). It is not expected that funds will be available in FY 1977 for new grants under the Reading Academy Program. Therefore, applications for new projects will not be accepted. Applications should be received by the U.S. Office of Education Application Control Center on or before March 18, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue SW, Washington, D.C. 20202, Attention: 13:533E. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 14, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand Delivered Applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW, Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays.

C. *Program Information.* It is anticipated that $4,800,000 will be available for funding of the Reading Academies Program. This is $800,000 less than the FY 1976 level of funding and will not permit the Commissioner to fund existing projects at their current level for a full twelve-month period.

Grantees may request a project period for a twelve-month cycle; however, it is expected that the award amount will not exceed ⅚ of the current grant award.

In order to absorb this reduction in funds and to maintain the current level of reading assistance and instruction grantees have the alternative option of reducing the project period from a twelve-month cycle to a ten-month cycle. This means that applicants may propose a work statement for a period of ten months from the end of the FY 1976 project period and a supporting budget of only ⅚ of the current grant amount. For the nineteen projects initially funded in FY 1975, that period will be from July 1, 1977 to April 30, 1978. For the sixty-three projects initially funded in FY 1976, that period will be from September 1, 1977 to June 30, 1978.

D. *Authority.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Regulations governing the Reading Academies Program were published in the FEDERAL REGISTER on May 26, 1976 (General Provisions, 45 CFR Part 162, Subpart A, and Reading Academies Program, 45 CFR 162, Subpart E) and will govern the operation of this program.

E. *Application Instructions and Forms.* Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Office of Right to Read, U.S. Office of Education, Room 2108, 400 Maryland Avenue SW., Washington, D.C. 20202.

(20 U.S.C. 1963.)

Dated: January 12, 1977.

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read Elimination of Illiteracy.)

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.77-1573 Filed 1-17-77;8:45 am]

FEDERAL RESERVE SYSTEM

NL INDUSTRIES, INC.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)) ("the Act"), by NL Industries, Inc., New York, New York ("NL"), for a determination that, after the transfer of all its shareholdings in Lake View Trust and Savings Bank, Chicago, Illinois ("Lake View Bank"), to Mr. William N. Lane, NL will cease to be a bank holding company as it is not nor will be in fact capable of controlling Mr. Lane, and, thereby, Lake View Bank, notwithstanding the indebtedness incurred by Mr. Lane to NL in connection with his purchase of NL's shareholdings in Lake View Bank.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than February 2, 1977. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board will subsequently designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, January 13, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1665 Filed 1-17-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-77-677; OILSR No. 0-1380-07-2]

BETHANY WEST

Hearing

In the matter of: Bethany West, A and B, East Coast Resorts, Inc. and Ernest C. Raskauskas, President, 76-345-IS, OILSR No. 0-1038-07-2 (A and B).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that: 1. Bethany West, A and B, East Coast Resorts, Inc. and Ernest C. Raskauskas, President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued November 8, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Bethany West located in Sussex County, Delaware, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 22, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 11, 1977, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 11, 1977.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: December 1, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1494 Filed 1-17-77;8:45 am]

[Docket No. N-77-674; OILSR No. 0-1506-36-32]

BLUE RIDGE MANOR, ASH LAKE SECTION

Hearing

In the matter of: Blue Ridge Manor, Ash Lake Section, Cross State Develop-

ment Company and Richard A. Howard, Vice President, 76-301-IS, OILSR No. 0-1506-38-32.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that: 1. Blue Ridge Manor, Ash Lake Section, Cross State Development Company and Richard A. Howard, Vice President, authorized agents and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 5, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45 (b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Blue Ridge Manor, Ash Lake Section, located in Ashe and Wilkes Counties, North Carolina, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 18, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 4, 1977, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before January 14, 1977.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45 (b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 23, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1496 Filed 1-17-77;8:45 a.m.]

[Docket No. N-77-673; OILSR No. 0-1163-38-15]

BLUE RIDGE MANOR

Hearing

In the matter of: Blue Ridge Manor, Cross State Development Company and Richard A. Howard, Vice President, 76-313-IS OILSR No. 0-1163-38-15.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that: 1. Blue Ridge Manor, Cross State Development Company and Richard A. Howard, Vice President, authorized agents and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 21, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Blue Ridge Manor, located in Ashe County, North Carolina, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 8, 1976; in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 4, 1977 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before January 12, 1976.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 23, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1495 Filed 1-17-77;8:45 am]

[Docket No. N-77-675; OILSR No. 0-1498-38-30]

GRANDFATHER GOLF AND COUNTRY CLUB

Hearing

In the matter of: Grandfather Golf and Country Club, G. F. Company, Hugh M. Morton, President, 76-318-IS, OILSR No. 0-1498-38-30.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that: 1. Grandfather Golf and Country Club, G.F. Company, Hugh M. Morton, President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 21, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Grandfather Golf and Country Club, located in Avery County, North Carolina, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 8, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 10, 1977 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 19, 1977.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 23, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1497 Filed 1-17-77;8:45 am]

[Docket No. N-77-678; OILSR No. 0-0226-09-62]

SUNSET GROVES

Hearing

In the matter of: Sunset Groves, Section Four, Martin County, Florida, Citrus Groves Investment Corporation, Respondent.

Land Sales Enforcement Division No. 76-265.

Notice of Proceedings and Opportunity for Hearing (Pursuant to 15 USC 1706 (d), 24 CFR 1710.45(b)(1) and 24 CFR 1710.125).

Notice is hereby given that: On or about October 15, 1976, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon the Respondent at its last known mailing address, 1450 N.E. 123rd Street, North Miami, Florida, 33161, a Notice of Proceedings and Opportunity for Hearing. Service was not achieved because no agent or officer of Citrus Groves Investment Corporation would be located at said address. Therefore, pursuant to 15 USC 1706(d), 24 CFR 1710.45(b)(1) and 24 CFR 1710.125, this Notice of Proceedings and Opportunity for Hearing is published as follows:

I. The Secretary's public files disclose that:

A. The Respondent, Citrus Groves Investment Corporation, is a corporation organized under the laws of Florida.

B. J. Arthur Elliot is the president of the Respondent corporation.

C. The mailing address of the last known principal place of business of the Respondent is 1405 N.E. 123rd Street, North Miami, Florida.

D. Respondent filed a Statement of Record and a Property Report for Sunset Groves, Section Four, situated in Martin County, Florida, which became effective on June 10, 1969, and which remains in effect.

E. The Statement of Record and Property Report pertaining to the said subdivision include untrue statements of material fact and omit to state material facts required to be stated therein and which are necessary to make the statements therein true and correct.

(1) Respondent has failed to file a revised first page of the Property Report and a revised form of purchase contract conforming to the language as required by Departmental Regulations 24 CFR 1710.110, Part B, 2, 4, 5 and 6; 24 CFR 1710.105, Part VI C 1 or 24 CFR 1710.120, II B, as amended, to conform with the amendments made to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) by subsection 812(c)(1) if the Housing and Community Development Act of 1974 (Pub. L. 93-383), effective October 21, 1974.

(2) Respondent has failed to amend the said Statement of Record and Property Report so as to conform to the Departmental Rules and Regulations which became effective on December 1, 1973, 24 CFR 1710 et seq., as required by the effective date provision thereof.

II. In view of the allegations shown in Part I above, the Secretary will provide an opportunity for a public hearing in order that it can be determined:

A. Whether those allegations are true and, in connection therewith, to afford the Respondent an opportunity to establish adequate defenses to such allegations, and

B. Whether remedial action is appropriate in the public interest and for the protection of purchasers pursuant to the provisions of the Interstate Land Sales Full Disclosure Act.

III. If the Respondent desires a hearing he must file a notice of desire for a hearing accompanied by an answer within 15 days after service of this Notice of Proceedings. Respondent is notified that if it shall fail to file a response pursuant to 24 CFR 1710.140 and 1720.145 within 15 days after service of this Notice of Proceedings, Respondent shall be deemed to be in default, and the proceedings be assumed to be true, and an Order suspending said Statement of Record will be entered. The said Order shall remain in effect until such time as the Statement of Record and the Property Report have been amended in accordance therewith, and thereupon the Order shall cease to be in effect.

IV. Any request for hearing, answer, motion, amendment to pleadings, offer of settlement or correspondence forwarded during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10278, HUD Building, 451 Seventh Street, SW, Washington, D.C. 20410. All such papers shall be clearly identified according to the type of matter and the docket number as set forth in this Notice of Proceedings.

V. Upon timely request of the Respondent a public hearing shall be held for the purpose of taking evidence on the allegations set forth herein, such hearing to be held before Administrative Law Judge James W. Mast, or before such other Administrative Law Judge as might be designated, in Room 7146, HUD Building, 451 Seventh Street SW, Washington, D.C. 20410, at 10 a.m. on the 30th day after receipt of the answer or at such other time as may be fixed by further order.

This Notice of Proceedings shall be served on the Respondent pursuant to 44 USC 1508.

Issued at Washington, D.C., this 29th day of December, 1976.

CONSTANCE NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-1493 Filed 1-17-77;8:45 am]

[Doc. No. N-77-676; OILSR No. 0-2828-44-185]

TIMBER HILL

Hearing

In the matter of: Timber Hill, Timber Hill, Inc. and Joseph R. Mattioli, President, 76-309-IS, OILSR No. 0-2828-44-185 and (A).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that: 1. Timber Hill, Timber Hill, Inc. and Joseph R. Mattioli, President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 18, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Timber Hill, Timber Hill, Inc., located in Canadensis, Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 4, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 14, 1977 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 17, 1977.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.-45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 23, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1498 Filed 1-17-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 34075]

MONTANA

Application

JANUARY 11, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U. S. C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), The Montana Power Company has applied for a natural gas pipeline right-of-way for a 4-inch line across the following lands:

PRINCIPAL MERIDIAN, MONTANA

T. 26 N., R. 20 E.,
Sec. 2, Lots 2 and 3.
T. 27 N., R. 20 E.,
Sec. 35, SW¼SE¼.

This pipeline will convey natural gas across 0.61 miles of national resource lands in Blaine County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Management, Bank Electric Building, Drawer 1160, Lewiston Montana 59457.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-1507 Filed 1-17-77;8:45 am]

[Wyoming 57619]

WYOMING

Application

JANUARY 10, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Marathon Pipe Line Company of Casper, Wyoming, filed an application for a right-of-way to construct four 3 inch pipelines for the purpose of transporting oil across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 47 N., R. 91 W.,
Sec. 29, N½SW¼, SW¼SW¼;
Sec. 30, lots 8, 9, SE¼NW¼.
T. 47 N., R. 92 W.,
Sec. 1, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 12, NE¼NW¼.

The pipelines will transport oil to connect producing leases into existing pipelines in Washakie County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-1506 Filed 1-17-77;8:45 am]

[Wyoming 57861]

WYOMING

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation of Salt Lake City, Utah, filed an application for a right-of-way to construct a cathodic protection station for the protection and safe operation of their natural gas pipeline system across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 114 W.,
sec. 25, S½NE¼.

The cathodic protection station will be used for the protection and safe operation of Northwest Pipeline's existing natural gas pipeline system located in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-1508 Filed 1-17-77;8:45 am]

Geological Survey

KNOWN RECOVERABLE COAL RESOURCE AREA

Knowlton, Montana

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of Montana have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Knowlton (Montana). Known Recoverable Coal Resource Area; March 3, 1975; 20,125 acres.

A diagram showing the boundaries of the area classified has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225.

Dated: January 10, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 77-1461 Filed 1-17-77;8:45 am]

KNOWN RECOVERABLE COAL RESOURCE AREA

Niobe, North Dakota

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Department Manual No. 1, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) NORTH DAKOTA

Niobe (North Dakota) Known Recoverable Coal Resource Area; March 5, 1976; 16,097 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, Central Region, Mail Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: January 10, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 77-1460 Filed 1-17-77;8:45 am]

KNOWN RECOVERABLE COAL RESOURCE AREA

Powder River Basin, Wyoming; Revision

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and section 8A of the

Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94–377, August 4, 1976), Federal lands within the State of Wyoming have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acres involved (including revision) are as follows:

(50) WYOMING

Powder River Basin (Wyoming) Known Recoverable Coal Resource Area; August 1, 1975; 3,437 acres previously within the KRCRA were deleted, and 20,577 acres were added, resulting in a net addition of 17,140 acres. Total area now classified is 3,968,626 acres.

A letter size plat with the revised boundary and acreage, and a map showing the additions and deletions in detail have been filed with the appropriate land office of the Bureau of Land Management. Copies of the plat and map and land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Central Region, Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

W. A. RADLINSKI,
Acting Director.

JANUARY 10, 1977.

[FR Doc.77–1459 Filed 1–17–77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 10, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by January 28, 1977.

JERRY L. ROGERS,
Acting Chief, Office of Archeology and Historic Preservation.

ARIZONA

Maricopa County

Glendale vicinity, *Cave Creek Dam Archeological District*, N of Glendale off I–17.

CALIFORNIA

Tulare County

Three Rivers vicinity, *Cattle Cabin*, NE of Three Rivers on Sequoia National Park.

CONNECTICUT

Fairfield County

Greenwich, *Knapp Tavern*, 243 E. Putnam Ave.

Greenwich, *Lyon, Thomas, House*, W. Putnam Ave. and Byram Rd.

Hartford County

Plantsville, *Smith, H. D., Company Building*, 24 West St.

South Glastonbury, *Welles-Shipman-Ward House*, 972 Main St.

Windsor, *Moore, Deacon John, House*, 37 Elm St.

Litchfield County

Torrington vicinity, *Gillette's Grist Mill*, E of Torrington on Maple Hollow Rd.

New Haven County

Middlebury vicinity, *Richardson, Nathaniel, House*, NE of Middlebury on Kelly Rd.

Milford, *Eells–Stow House*, 34 High St.

DELAWARE

Kent County

Dover vicinity, *Hughes–Willis Site*, E of Dover.

KENTUCKY

Casey County

Liberty, *Casey County Courthouse*, Courthouse Sq.

LOUISIANA

Assumption Parish

Napoleonville, *Christ Episcopal Church and Cemetery*, LA 1 and Courthouse St.

Iberia Parish

New Iberia, *Episcopal Church of the Epiphany*, 303 W. Main St.

Rapides Parish

Cheneyville vicinity, *Loyd Hall Plantation*, NW of Cheneyville on Loyd Bridge Rd.

MINNESOTA

Koochiching County

Island View vicinity, *Gold Mine Sites*, NE of Island View.

Pipestone County

Pipestone, *Pipestone Architectural* District, Main St.

MISSISSIPPI

Warren County

Vicksburg, *Sprague*, Vicksburg Harbor.

NORTH DAKOTA

Richland County

Christine, *Nelson's Grocery*, Main and 3rd Sts.

Traill County

Mayville, *Goose River Heritage Center*, Front St.

OREGON

Clackamas County

Canby vicinity, *Barlow, William, House*, SW of Canby at 24670 U.S. 99E.

Oregon City, *Ermatinger, Francis, House*, 1018 Center St.

Jackson County

Medford vicinity, *Bybee, William, House*, W of Medford at 883 Old Stage Rd.

Lake County

Lakeview, *Post and King Saloon*, N. 2nd and E Sts.

Multnomah County

Portland, *American Freedom Train Locomotive*, Oaks Amusement Park, SE Spokane St.

Portland, *Barber Block*, 532–538 SE Brand Ave.

Portland, *Hamilton Building*, 529 S.W. 3rd Ave.

Portland, *Poulsen, Johan, House*, 3040 SE McLoughlin Blvd.

Portland, *West Hall*, 5000 N. Willamette Blvd.

Washington County

Hillsboro vicinity, *Imbrie Farm*, NE of Hillsboro off U.S. 26.

Yamhill County

Lafayette vicinity, *Mattey, Joseph, House*, W of Lafayette at jct. of Mattey Lane and Rutherford Rd.

PENNSYLVANIA

Delaware County

Glen Mills, *Glen Mills School*, Glenn Mills Rd.

RHODE ISLAND

Providence County

Providence vicinity, Mt. Hygeia (*Solomon Drown House*), W of Providence on RI 94.

Washington County

Exeter vicinity, *Austin Farm Road Agricultural Area*, 6 mi. W of Exeter on I–95.

TEXAS

Panola County

Deadwood vicinity, *Republic of Texas Granite Marker*, SE of Deadwood off SR 31 on Louisiana border.

WISCONSIN

Ashland County

La Pointe vicinity, *Hadland Fishing Camp*, N of La Pointe on Rocky Island.

[FR Doc.77–1226 Filed 1–17–77;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. CIV. 75–334]

UNITED STATES v. GREATER BUFFALO ROOFING & SHEET METAL CONTRACTORS' ASSOCIATION, INC.

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act. 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Western District of New York in *United States of America v. Greater Buffalo Roofing & Sheet Metal Contractors' Association, Inc.*, Civil No. 75–334. The complaint in this case alleges that the defendant conspired to limit the length of guarantee on roofing work performed by its members. The proposed judgment enjoins the defendant from fixing the terms or length of any guarantee, or any price, or any other term or condition of sale, in connection with the installation of roofs. It also requires the defendant to send letters to some 180 architects, general contractors and other interested parties informing them of the settlement of this action and the discontinuance of the association's guarantee program. Public comment is invited on or before March 7, 1977. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Bernard Whermann, Chief, New York Office, Antitrust Divi-

sion, Department of Justice, 26 Federal Plaza, New York, New York 10007.

Dated: January 6, 1977.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

STIPULATION

Filed: January 6, 1977.

UNITED STATES DISTRICT COURT, FOR THE WESTERN DISTRICT OF NEW YORK

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

Dated: January 6, 1977.

For the Plaintiff: Donald I. Baker, *Assistant Attorney General;* John Sirignano, Jr., William E. Swope, Melvin Lubiinski, Richard J. Favretto, Erwin L. Atkins, Charles F.B. McAleer, Rebecca Meikiejohn, Bernard Wehrmann, *Attorneys, Department of Justice.*

For the Defendant: Latona, Worthington, Srebro & Nitterauer, *Attorneys for Greater Buffalo Roofing and Sheet Metal Contractors' Association, Inc.*, by Salvatore M. Latona, *Member of the Firm.*

Filed: January 6, 1977.

FINAL JUDGMENT

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NEW YORK.

Plaintiff, United States of America, having filed its Complaint herein on August 8, 1975; Defendant, Greater Buffalo Roofing and Sheet Metal Contractors' Association, Inc., having appeared and filed its Answer to the Complaint denying the material allegations thereof and raising certain affirmative defenses; and Plaintiff and Defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by either party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by either party with respect to any such issue and upon the consent of the parties, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The Complaint states claims upon which relief may be granted against the Defendant under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. 1), commonly known as the Sherman Act.

II

As used in this Final Judgment: (A) "Person" means any individual, individual proprietorship, partnership, firm, corporation or any other legal entity; and

(B) "Installation of roofs" means the construction of new and replacement roofs and the fabrication of sheet metal in conjunction with such construction, and includes such other related services as waterproofing, dampproofing, repairing of roofs, inspecting of roofs, and estimating the cost of repair or installation of roofs.

III

The provisions of this Final Judgment applicable to the Defendant shall also apply to its successors and assigns; to its directors, officers, agents, and employees; and to all persons, including members, in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

The Defendant is enjoined and restrained from, unilaterally or in concert with any person: (A) Fixing, establishing, stabilizing or maintaining the terms or length of any guarantee, or any price, or any other term or condition of sale, in connection with the installation of roofs;

(B) Urging, recommending, or suggesting that any of its members or any other person adopt or adhere to the terms or length of any guarantee, or any price, in connection with the installation of roofs;

(C) Advertising, publishing or distributing information relating to the terms or length of any guarantee, or any price, in connection with the installation of roofs;

(D) Adopting, publishing, distributing or recommending any printed form of contract or guarantee containing provisions relating to the terms or length of any guarantee, or any price, for use in connection with the installation of roofs, provided, however, that neither Defendant nor any of its members shall be prohibited from recommending any bonds which are sold by national roofing manufacturers in conection with the installation of roofs purchased from them;

(E) Adopting, adhering to, maintaining, enforcing or claiming any rights under any bylaw, rule, regulation, plan or program which restricts or limits the right of any member to give or offer, in accordance with his own business judgment, any terms or length of guarantee, or any price, or any other term or condition of sale, in connection with the installation of roofs; and

(F) Taking any punitive action against any of its members for such member's failure or refusal to adhere to any agreements with any other member or other competitor concerning the terms or length of guarantee, the price, or any other term or condition of sale, in connection with the installation of roofs.

V

The Defendant is ordered and directed within ninety (90) days after the entry of this Final Judgment to eliminate from its charter, constitution and bylaws, code of ethics, rules and regulations, and other documents governing its operations, any provision which is contrary to or inconsistent with any of the provisions of this Final Judgment.

VI

The Defendant is ordered and directed to mail, within ninety (90) days after the date of entry of this Final Judgment, a letter in the form attached hereto as Exhibit A, addressed to each person who was notified of the adoption of Defendant's guarantee program in form letters mailed on or about September 1, 1970 and February 3, 1973.

VII

The Defendant is ordered and directed: (A) To mail, within ninety (90) days after the date of entry of this Final Judgment, a copy of this Final Judgment to each of its members and to each person who was a member at any time from January 1, 1970 to the date of entry of this Final Judgment; and

(B) To furnish a copy of this Final Judgment to each person who becomes a member of Defendant within five years after the date of the entry of this Final Judgment.

VIII

Within one hundred and twenty (120) days from the date of the entry of this Final Judgment, the Defendant is ordered and directed to file with the Clerk of this Court an affidavit setting forth the fact and manner of compliance with Sections V, VI and VII (A) of this Decree.

IX

For a period of ten (10) years from the date of entry of this Final Judgment the Defendant is ordered to file with the Plaintiff, on each anniversary date of such entry, a report setting forth the steps which it has taken during the prior year to advise the Defendant's directors, officers, agents, members, and employees of its and their obligations under this Final Judgment.

X

(A) For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the Defendant made to its principal office, be permitted, subject to any legally recognized privilege, and subject to the right of Defendant, if it so desires, to have counsel present:

1. Access during its office hours to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the Defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of the Defendant, and without restraint or interference from it, to interview directors, officers, agents or employees of the Defendant, which persons if they wish may have counsel of their choosing present, relating to any matters contained in this Final Judgment.

(B) Upon such written request, the Defendant shall submit such reports in writing, under oath if so requested, to the Plaintiff, with respect to any of the matters contained in this Final Judgment as may from time to time be requested. No information obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person, other than a duly authorized representative of the Executive Branch of Plaintiff, except in the course of legal proceedings to which the United States of America is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

XI

Jurisdiction is retained by this Court for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction of any of the provisions hereof, for the enforcement of compliance

therewith, and for the punishment of violations thereof.

XII

Entry of this Final Judgment is in the public interest.
Date:

United States District Judge.

EXHIBIT A

GREATER BUFFALO ROOFING AND SHEET METAL CONTRACTORS' ASSOCIATION, INC.

To: Architects, engineers, general contractors, commercial, industrial and institutional users.

Gentlemen:

On August 8, 1975, the Department of Justice filed a civil antitrust action under Section 7 of the Sherman Act, *United States* v. *Greater Buffalo Roofing & Sheet Metal Contractors Asosciation, Inc.*, alleging that the Association had entered into an agreement to eliminate competition in the offer of guarantees on roofing installations. Prior to the taking of any testimony and without admission by any party in respect to any issue, the Association consented to the entry of a Final Judgment terminating the lawsuit. The Court found that the settlement was in the public interest and entered a Final Judgment on _____ 1976. A copy of that Final Judgment is available for inspection at the offices of the Association.

In accordance with the provisions of the Final Judgment, we are informing all interested parties that any previous announcements made by the undersigned respecting the duration or terms of roofing and sheet metal guarantees are hereby rescinded. Each of our members may give or offer guarantees of whatever length of time or upon such terms as he may wish. He is free to charge, give or offer whatever prices and other terms and conditions of sale for his services he may wish, in accordance with his own business judgment and which may be acceptable to his customers.

(Names of members as of date of Final Judgment who are engaged in roofing installation.)

PROPOSED CONSENT DECREE: COMPETITIVE IMPACT STATEMENT

Filed: January 6, 1977.

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NEW YORK.

Pursuant to Section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16 (b)–(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

NATURE AND PURPOSE OF THE ACTION

On August 8, 1975, the Department of Justice filed a civil antitrust action charging that the Greater Buffalo Roofing & Sheet Metal Contractors' Association, Inc. had combined and conspired to limit the length of guarantees on roofing work performed by members of the association. The suit, brought under Section 1 of the Sherman Act, charged that the association and its members had conspired to fix, stabilize and maintain guarantees on roofing installation at two years; to fix, stabilize and maintain guarantees on sheet metal fabrication in conjunction with roofing installation at one year and to refuse to grant guarantees on waterproofing and dampproofing. It was alleged that, as a result of the conspiracy, guarantees by members of the defendant on roofing installation and sheet metal fabrication had been fixed, stabilized, and maintained at artificial and noncompetitive levels, depriving customers of free and open competition.

The Court was requested to enjoin the defendant from continuing the alleged conspiracy and from entering into any other conspiracy to fix the terms, prices, or conditions of sale for the installation of roofs or for other services offered by its members.

DESCRIPTION OF THE PRACTICES GIVING RISE TO THE ALLEGED VIOLATION

The Greater Buffalo Roofing & Sheet Metal Contractors' Asosciation, Inc. is a trade association of some 30 companies primarily engaged in roofing construction, both original installation and replacement, and sheet metal fabrication in connection therewith. Customers include private homeowners, commercial, industrial and institutional establishments, and government agencies located in Buffalo, New York and in adjacent counties of western New York State. Members of the association normally provide customers a guarantee on both labor and materials as part of the contract for roofing installation.

On April 13, 1970, the Association adopted a resolution stating that:

1. The maximum guarantee on roofing installations for both materials and workmanship would be limited to a period of two years from the date of the completed installation;

2. The maximum guarantee for sheet metal work done in conjunction with roofing would not exceed one year; and

3. No guarantee would be made on waterproofing and dampproofing.

In September 1970, the association sent a form letter to some 180 architects, general contractors, school districts and other interested parties informing them of the adoption of the resolution. A similar letter was sent to some 116 persons and companies in February 1973. The association also adopted, for use by its members, a printed form incorporating the terms of the resolution.

The association's guarantee program was still in effect at the time of the filing of this action.

EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment provides a combination of specific measures to dispel the anticompetitive effects alleged by the Complaint. Defendant is enjoined and restrained from fixing, establishing, stabilizing or maintaining the terms or length of any guarantee, or any price, or any other term or condition of sale, in connection with the installation of roofs. It is prohibited from advertising, publishing or distributing information relating to the terms or length of any guarantee, or any price, in connection with the installation of roofs. Defendant is also barred from adopting, publishing, distributing or recommending any printed form of contract or guarantee containing provisions relating to the terms or length of any guarantee, or any price, for use in connection with the installation of roofs. However, neither Defendant nor any of its members is barred from recommending any manufacturers' or related bonds which are sold by national roofing manufacturers in connection with the installation of roofs purchased from them.

The defendant is ordered to mail, within ninety (90) days after the entry of the proposed consent judgment, a letter (the form of which is attached to the judgment as Exhibit A) addressed to each recipient of the September 1970 and February 1973 form letters. The letter informs each recipient of the institution and settlement of this action and of the discontinuance of the association's guarantee program.

COMPETITIVE EFFECTS OF THE PROPOSED CONSENT JUDGMENT

It is anticipated that by eliminating the conspiracy which restrained competition respecting guarantees, the proposed consent judgment will have the effect of restoring such competition among members of the defendant.

ALTERNATIVE REMEDIES CONSIDERED BY THE DEPARTMENT OF JUSTICE

The proposed consent judgment provides substantially all the relief prayed for in the complaint. No alternative to the judgment has been considered by the Department of Justice.

REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent judgment not entered However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act as amended, (15 U.S.C. 16(a)).

PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment is subject to a stipulation by and between the United States and the defendant, which provides that the United States may withdraw its consent to the proposed consent judgment until the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed judgment provides for retention of jurisdiction of this action in order, among other things, to permit either of the parties to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the Antitrust Procedures and Penalties Act, any persons believing that the proposed judgment should be modified may, for a 60-day period, submit written comments to the United States Department of Justice, Antitrust Division, 26 Federal Plaza, New York, New York 10007, which will file with the Court and publish in the FEDERAL REGISTER such comments and its response to such comments. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

DETERMINATIVE DOCUMENTS

There are no materials or documents which the Department of Justice considered determinative in formulating this proposed consent judgment. Therefore, none are being filed with this Competition Impact Statement.

JOHN SIRIGNANO, JR.,
MELVIN LUBINSKI,
ERWIN L. ATKINS,
REBECCA MEIKLEJOHN,
Department of Justice.
Attorneys,

[FR Doc.77-1465 Filed 1-17-77;8:45 am]

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated October 7, 1976 and November 8, 1976, and published in the FEDERAL REGISTER on October 18, 1976 and November 16, 1976; (41 FR 45855

and 41 FR 50473), Hoffman LaRoche, Inc., Kingland Road and Bloomfield Avenue, Nutley, N.J. 07110, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	*Schedule*
Alphaprodine	II
Levorphanol	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: January 11, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-1601 Filed 1-17-77;8:45 am]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Meeting

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) the January 11, 1977 meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will reconvene at 9:00 a.m. on Friday, February 4, 1977, in the Federal Ballroom North, Quality Inn—Capitol Hill, 415 New Jersey Avenue, NW, Washington, D.C.

The meeting will be open to the public. The purpose of the meeting is to discuss proposed amendments to the Employee Retirement Income Security Act of 1974, in accordance with Council discussion at the meeting held on January 11, 1977.

Any member of the public may file a written statement concerning proposed amendments to the Employee Retirement Income Security Act of 1974 by submitting 30 copies on or before the close of business Thursday, February 3, 1977, to William J. Chadwick, Administrator of Pension and Welfare Benefit Programs, New Department of Labor Building, Third Street and Constitution Avenue, NW, Room N4629, Washington, D.C. 20216.

Persons desiring to attend should notify Mr. Edward F. Lysczek, Executive Secretary of the Advisory Council, New Department of Labor Building, Third Street and Constitution Avenue, NW, Room N4629, Washington, D.C., 20216, or may call Area Code 202-523-8753.

Signed at Washington, D.C., this 14th day of January 1977.

WILLIAM J. CHADWICK,
Administrator of Pension
and Welfare Benefit Programs.

[FR Doc.77-1819 Filed 1-17-77; 8:45 am]

Office of the Secretary

[TA-W-1168]

ABRAHAM ECKHAUS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1168: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 14, 1976 in response to a worker petition received on that date which was filed on behalf of former workers engaged in the production of men's tailored pants, a component of men's suits at Abraham Eckhaus, New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48801). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the New York Clothing Unemployment Fund Agency, the customers of Abraham Eckhaus, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers declined 11 percent in 1975 compared to 1974. All employees of Abraham Eckhaus were separated from employment on or before December 11, 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production ceased in December 1975 when the company went out of business. Sales fell 76 percent in 1974 compared to 1973 and increased 94 percent in 1975 compared to 1974. Sales declined 54 percent in 1975 compared to 1973.

Production decreased 85 percent in 1974 compared to 1973 and rose 150 percent in 1975 compared to 1974. Production fell 63 percent in 1975 compared to 1973.

INCREASED IMPORTS

Imports of men's and boys' tailored suits increased every year from 1971 through 1975, rose 27 percent in 1975 compared to 1974 and increased 7 percent in the first nine months of 1976 compared to the like period of 1975. The ratio of imports to domestic production increased from 12.3 percent in 1974 to 17.4 percent in 1975 and decreased from 19.9 percent in the first half of 1975 to 17.3 percent in the like period of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that one customer accounting for approximately 75 percent of Abraham Eckhaus' sales in 1975, increased its purchases of imported men's suits approximately 100 percent in 1975 compared to 1974. The customer reduced its purchases from Abraham Eckhaus approximately 40 percent in 1975 compared to 1973.

The lower prices of imports influenced the customer to reduce all domestic purchases and substitute imported men's suits.

In terms of sales and production, 1974 was the worst in a series of bad years for Abraham Eckhaus. Although 1975 showed some recovery, it was not enough to offset the previous years of unusually low production and sales.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with articles produced at Abraham Eckhaus, New York, New York contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's tailored pants at Abraham Eckhaus, New York, New York who became totally or partially separated from employment on or after September 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-1521; Filed 1-17-77;8:45 am]

[TA-W-1,533]

ARA SERVICES OF SOUTHERN WISCONSIN

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 9, 1976, which was filed under

Section 221(a) of the Trade Act of 1974 ("The Act") on behalf of the workers and former workers of ARA Services of Southern Wisconsin, Kenosha, Wisconsin, a Division of ARA Food Services Company, Philadelphia, Pennsylvania (TA-W-1,533). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine wether absolute or relative increases of imports of articles like or directly competitive with the providing of vended food services by ARA Services of Southern Wisconsin or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1526 Filed 1-17-77;8:45 am]

[TA-W-1,531]

AIRCO ALLOYS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated November 30, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Theodore, Alabama plant of Airco Alloys, Niagara Falls, New York, a Division of Airco, Inc., Montvale, New Jersey (TA-W-1,531). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ferro, and silicon manganese produced by Airco Alloys or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington. D.C. this 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1522 Filed 1-17-77;8:45 am]

[TA-W-1,514]

ALABAMA BY-PRODUCTS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworks of America on behalf of the workers and former workers of Coke Oven & By-Products Div., Tarrant, Alabama of Alabama By-Products Corp., Birmingham, Alabama (TA-W-1,514). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with furnace coke produced by Alabama By-Products Corp., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U. S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1523 Filed 1-17-77;8:45 am]

[TA-W-1,151]

ALUMINUM CO. OF AMERICA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 76-31729 appearing at page 47616 in the FEDERAL REGISTER of October 29, 1976, the date of the petition, appearing on page 47616 is corrected in

the 2nd column, 1st line, to read "September 1."

Signed at Washington, D.C. this 5th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1524 Filed 1-17-77;8:45 am]

[TA-W-1327]

AMERICAN VALVE MANUFACTURING CORP., COXSACKIE, N.Y.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1327: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers producing steel, alloy, copper, and brass fittings, valves, couplings, flanges, etc. at the Coxsackie, New York plant of American Valve Manufacturing Corporation.

The notice of investigation was published in the Federal Register on December 14, 1976 (41 FR 54553). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the United Steelworkers of America and American Valve Manufacturing Corporation.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof; and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (1) has not been met.

The Coxsackie, New York plant of America Valve Manufacturing Corporation produced bronze and iron valves for industrial and residential uses.

Evidence developed in the Department's investigation reveals that no involuntary separations occurred from November 1, 1975, one year prior to the signature date of the petition, to the present.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employees at the Coxsackie, New York plant of American Valve Manufacturing Corporation have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1525 Filed 1-17-77;8:45 am]

[TA-W-1,544]

ARTVOGUE OF CALIFORNIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 4, 1977 the Department of Labor received a petition dated December 22, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Artvogue of California, San Francisco, California (TA-W-1,544). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sportshirts produced by Artvogue of California or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1527 Filed 1-17-77;8:45 am]

[TA-W-1,497]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Steelton, Pennsylvania plant of Bethlehem Steel Corporation, Bethlehem, Pa. (TA-W-1,497). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with welded pipes, reinforcement bars & other iron and steel products produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1528 Filed 1-17-77;8:45 am]

[TA-W-1,499]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Chesterton, Indiana, Burns Harbor plant of Bethlehem Steel Corp., Bethlehem, Pa. (TA-W-1,499). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sheet, strips, plates and tin products; also other products of steel, iron and chrome produced by Bethlehem Steel Corp. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1589 Filed 1-17-77;8:45 am]

[TA-W-1,500]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Seattle, Washington plant of Bethlehem Steel Corporation, Bethlehem, Pennsylvania (TA-W-1,500). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is determine whether absolute or relative increases of imports of articles like or directly competitive with reinforcement bars, and spikes & industrial fasteners produced by Bethelehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U. S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1530 Filed 1-17-77;8:45 am]

[TA-W-1,501]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Johnstown, Pennsylvania plant of Bethlehem Steel Corporation, Bethlehem, Pa. (TA-W-1,501). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with wire & wire products, axles, wheels & other products of carbon & speciality, steels, iron & brass produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment As-

sistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1531 Filed 1-17-77;8:45 am]

[TA-W-1,534]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Sparrows Point, Maryland plant of Bethlehem Steel Corporation, Bethlehem, Pa. (TA-W-1,534). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel sheets, pins, wires and nails produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1532 Filed 1-17-77;8:45 am]

[TA-W-1,521]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor received a petition dated December 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union on behalf of the workers and former workers of Union City, Tennessee plant of Brown Shoe Company, St. Louis, Missouri (TA-W-1,521). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's and women's shoes produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1533 Filed 1-17-77;8:45 am]

[TA-W-1,535]

BURROUGHS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 7, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Piscataway, New Jersey plant of Burroughs, Inc. Detroit, Michigan (TA-W-1,535). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with memory units for computers produced by Burroughs, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1534 Filed 1-17-77;8:45 am]

[TA-W-1,539]

CANTEEN CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 3, 1977 the Department of Labor received a petition dated December 7, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Edison, New Jersey plant of Canteen Corporation, Chicago, Ill., a wholly owned subsidiary of TWA, New York, New York (TA-W-1,539). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the serving of food provided by Canteen Corp. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of January, 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1535 Filed 1-17-77;8:45 am]

[TA-W-1140]

CENTURY GLOVE INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1140: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 5, 1976 in response to a worker petition received on October 5, 1976 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing textile work gloves used for product protection at the Newark, New Jersey plant of Century Glove Incorporated, Newark, New Jersey.

No notice of investigation was published in the FEDERAL REGISTER. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Century Glove Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales, production, or both, of the firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the third criterion has been met, the first, second and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

In the first three quarters of 1976, employment at the Newark plant rose 13.2 percent compared to the same period in 1975. Employment in the fourth quarter of 1975 and in the first three quarters of 1976 was higher than in respective quarters of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of textile work gloves produced at the Newark plant increased in value by 38.3 percent from the first three quarters of 1975 to the first three quarters of 1976. Plant production increased in volume by 30.1 percent from the first three quarters of 1975 to the first three quarters of 1976. Production levels in the fourth quarter of 1975 and in the first three quarters of 1976 were higher than in the respective quarters of the previous year.

INCREASED IMPORTS

Imports of textile and textile/leather work gloves and mittens increased from 599 thousand dozen pairs in 1971 to 2.6 million dozen pairs in 1974 and declined to 2.5 million dozen pairs in 1975. In the first half of 1976, 2.1 million dozen pairs of textile and textile/leather work gloves were imported compared to 1.2 million dozen pairs in the same period in 1975. The ratio of imports to domestic gloves production increased in each year from 1971 through 1975. The ratio of imports to domestic production increased from 8.4 percent in 1974 to 11.0 percent in 1975 and rose from 10.4 percent in the first half of 1975 to 15.4 percent in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the textile work gloves produced by the Standard Glove Company are designed for product protection rather than for hand protection. Customers who bought textile work gloves from Newark plant did not buy imported textile work gloves that are used for product protection.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the textile work gloves produced at the Newark, New Jersey plant of Century Glove Incorporated did not contribute importantly to the total or partial separations of the workers at that plant.

Signed at Washington, D.C. this 11th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1536 Filed 1-17-77;8:45 am]

[TA-W-1,524]

COCA COLA BOTTLING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor received a petition dated De-

cember 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Tenco Division, Linden, New Jersey of Coca Cola Bottling Company, Atlanta, Ga. (TA-W-1,524). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with instant, decafinated and freeze-dried coffee produced by Coca Cola Bottling Company or an appropriiate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1537 Filed 1-17-77;8:45 am]

[TA-W-1,515]

COPPERWELD STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Copperweld Steel Co., Warren Ohio, a wholly-owned subsidiary of Copperweld Corp., Pittsburgh, Pa. (TA-W-1,515). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon and alloy steel, bars, and billets produced by Copperweld Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1538 Filed 1-17-77;8:45 am]

[TA-W-1,516]

COPPERWELD CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Copperweld Metallic Division, Glassport, Pennsylvania of Copperweld Corporation, Pittsburgh, Pennsylvania (TA-W-1,516). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with wires and cables produced by Copperweld Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1539 Filed 1-17-77;8:45 am]

[TA-W-1,513]

CRANE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers

of America on behalf of the workers and former workers of Crane Company, Pueblo, Colorado, a division of CF & I Steel Corporation, Pueblo, Colorado (TA-W-1,513). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel wire produced by Crane Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1540 Filed 1-17-77;8:45 am]

[TA-W-1272]

DAVAL MANUFACTURING CO.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 15, 1976 in response to a worker petition dated October 20, 1976, which was filed by the International Leather Goods, Plastics and Novelty Workers' Union on behalf of workers and former workers producing sporting goods at Daval Manufacturing Company, Kansas City, Missouri.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53087). No public hearing was requested and none was held.

During the course of the investigation, it was established that all employment at Daval Manufacturing Company was terminated in October 1974. Section 223 (b)(1) of the Trade Act of 1974 states that a certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than twelve months before the date of the filing under Title II, Chapter 2 of the Trade Act of 1974.

The date of the petition in this case is October 20, 1976 and, thus, workers terminated prior to October 20, 1975 are ineligible for program benefits under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1541 Filed 1-17-77;8:45 am]

[TA-W-1,529]

EASTERN PLASTICS OF MAINE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 6, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers of America on behalf of the workers and former workers of Eastern Plastics of Maine, Inc., Sanford, Maine, a Division of Eastern York, Inc., Sanford, Maine (TA-W-1,529). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with component bottoms (heels) for shoes produced by Eastern Plastics of Maine, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1542 Filed 1-17-77;8:45 am]

[TA-W-1,526]

ELECTRO MOTIVE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 28, 1976 the Department of Labor received a petition dated December 2, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Communication Workers of America on behalf of the workers and former workers of Electro Motive Corporation, Florence, S.C., a wholly-owned subsidiary of International Electronics Corporation, Florence, S.C. (TA-W-1,526). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with film capacitors, trimmer capacitors & mica capacitors produced by Electro Motive Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply

for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade, Adjustment Assistance.

[FR Doc.77-1543 Filed 1-17-77;8:45 am]

[TA-W-1,541]

HEAVENLY SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 4, 1976 the Department of Labor received a petition dated December 14, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union on behalf of the workers and former workers of Heavenly Shoe Company, Wilkes-Barre, Pennsylvania, a Division of Mallory Randall, Inc., New York, New York (TA-W-1,541). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's dress and casual shoes produced by Heavenly Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition field in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1544 Filed 1-17-77;8:45 am]

[TA-W-1334]

ITT CORP., HOFFMAN SPECIALTY DIVISION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1334: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers producing steel, alloy, copper, and brass fittings, valves, couplings, flanges, etc. at the Indianapolis, Indiana plant of ITT Corporation, Hoffman Specialty Division.

The notice of investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54559). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the United Steelworkers of America and ITT Corporation, Hoffman Specialty Division.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (1) has not been met.

The Indianapolis, Indiana plant of ITT Corporation, Hoffman Specialty Division produces steam valves and temperature regulators.

Evidence developed in the Department's investigation reveals that no involuntary separations occurred from November 1, 1975, one year prior to the signature date of the petition, to the present.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employees at the Indianapolis, Indiana plant of ITT Corporation, Hoffman Specialty Division have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc.77-1545 Filed 1-17-77;8:45 am]

[TA-W-1543]

JACK SEBASTIAN SHOE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 4, 1977 the Department of Labor received a petition dated December 14, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union on behalf of the workers and former workers of Jack Sebastian Shoe, Inc., Wilkes-Barre, Pennsylvania (TA-W-1543). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's casual shoes produced by Jack Sebastian Shoe, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual

or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of January 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1546 Filed 1-17-77;8:45 am]

[TA-W-1511]

JONES & LAUGHLIN IND.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Aliquippa, Pennsylvania plant of Jones & Laughlin Industries, Pittsburgh, Pennsylvania (TA-W-1511). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with flat rolled products produced by Jones & Laughlin Industries or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1547 Filed 1-17-77;8:45 am]

[TA-W-1512]

JONES & LAUGHLIN IND.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Pittsburgh, Pennsylvania plant of Jones & Laughlin Industries, Pittsburgh, Pennsylvania (TA-W-1512). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with flat rolled products produced by Jones & Laughlin Industries or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1548 Filed 1-17-77;8:45 am]

[TA-W-1532]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Jones and Laughlin Steel Corporation, Pittsburgh, Pa. a wholly-owned subsidiary of LTV Corporation, Dallas, Texas (TA-W-1532). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel strip, galvanized, hot rolled bars and cold finished bars produced by Jones and Laughlin Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial

separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1549 Filed 1-17-77;8:45 am]

[TA-W-1528]

JUDSON STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 28, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Judson Steel Corporation, Emeryville, California (TA-W-1528). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel reinforcing bar (rebar) produced by Judson Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1550 Filed 1-17-77;8:45 am]

[TA-W-1,522]

KENOSHA CARTAGE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor received a petition dated December 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Kenosha Cartage Company, Inc., Kenosha, Wisconsin (TA-W-1,522). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to deetrmine whether absolute or relative increases of imports of articles like or directly competitive with the transportation of materials to American Motors Corporation provided by Kenosha Cartage Company, Inc., or an appropriate subdvision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1551 Filed 1-17-77;8:45 am]

[TA-W-1,538]

LADY SUZANNE FOUNDATIONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workerrs and former workers of Lady Suzanne Foundations, Inc., Brooklyn, New York, a wholly-owned subsidiary of Duplan Corp., New York, New York (TA-W-1,538). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with brassieres produced by Lady Suzanne Foundations, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will

further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1552 Filed 1-17-77;8:45 am]

[TA-W-1,530]

LIGGETT SPRING AND AXLE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 6, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Liggett Spring and Axle Company, East Monongahela, Pennsylvania (TA-W-1,530). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with springs and axles produced by Liggett Spring and Axle Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1553 Filed 1-17-77;8:45 am]

[TA-W-1,537]

LONE STAR STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lone Star Steel Company, Lone Star, Texas (TA-W-1,537). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with oil field pipes produced by Lone Star Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or patrial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1554 Filed 1-17-77;8:45 am]

[TA-W-1186]

MY OWN BLOUSE, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1186: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed by the International Ladies' Garment Workers on behalf of workers and former workers producing ladies' blouses at the Philadelphia, Pennsylania plant of My Own Blouse, Inc.

The Notice of Investigaton was published in the FEDERAL REGISTER (41 FR 48815) on November 5, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained from officials of My Own Blouse, Inc., the international Ladies' Garment Workers' Union, and the Pennsylvania State Employment Security Office.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regrad to whether any of the third criterion has been met, criteria (1), (2) and (4) have not been met.

My Own Blouse, Inc. is a one plant facility in Philadelphia, Pennsylvania. All workers at the plant are engaged in employment related to the production of ladies' blouses.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

During the course of the investigation it was determined that there have been no involuntary total or partial separations at the Philadelphia, Pennsylvania plant of My Own Blouse, Inc., since October 1, 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production, in quantity, increased 11.3 percent in 1975 compared to 1974 and increased 13.4 percent in the first seven months of 1976 compared to the first seven months of 1975.

CONTRIBUTED IMPORTANTLY

The subject firm's only customer increased its purchases of ladies' blouses in 1976 compared to 1975 and in the fourth quarter of 1975 compared to the same period in 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number of employees have not become partially or totally separated from the Philadelphia, Pennsylvania plant of My Own Blouse, Inc. as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning,

[FR Doc.77-1555 Filed 1-17-77;8:45 am]

[TA-W-1,517]

MUENCH-KREUZER CANDLE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 18, 1976 the Department of Labor received a petition dated November 18, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Muench-Kreuzer Candle Corporation, Liverpool, New York, a division of Rustcraft Greeting Cards, Dedham, Mass. (TA-W-1,517). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with candles produced by Muench-Kreuzer Candle Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1556 Filed 1-17-77;8:45 am]

[TA-W-1,518]

MUENCH-KREUZER CANDLE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 18, 1976 the Department of Labor received a petition dated November 18, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Syracuse, New York plants of Muench-Kreuzer Candle Corp., Liverpool, N.Y., a division of Rustcraft Greeting Cards, Dedham, Mass. (TA-W-1,518). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with candles produced by Muench-Kreuzer Candle Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1557 Filed 1-17-77;8:45 am]

[TA-W-1,502]

NATIONAL STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers

of America on behalf of the workers and former workers of Granite City Steel Div., Granite City, Illinois of National Steel Corporation, Pittsburgh, Pennsylvania (TA–W–1,502). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with flat rolled & corrugated sheet carbon, alloy and galvanized produced by National Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77–1558 Filed 1–17–77;8:45 am]

[TA–W–1295, 1296]

NU-CAR CARRIERS, INC. AND CENTRAL JERSEY REPAIR

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1295 and 1296: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigations were initiated on November 22, 1976 in response to worker petitions received on that date which were filed by the Teamsters Union on behalf of workers and former workers providing transportation services at Nu-Car Carriers, Incorporated (TA–W–1295) and Central Jersey Repair (TA–W–1296), Edison, New Jersey.

The notices of investigation were published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53094, 53085). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Nu-Car Carriers and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof and to the decrease in sales and production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied, a negative determination must be made.

Neither Nu-Car Carriers nor Central Jersey Repair produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services is not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA–W–53, 40 FR 54639). The only question presented in this case is whether Ford Motor Company, i.e., a firm which produces an article, namely automobiles, and for whom the service is provided, can be considered the "workers' firm". The Department has also previously determined that an independent firm for which such services are provided cannot be considered the "workers' firm". See Notice of Determination in Nu-Car Driveaway, Inc. (TA–W–393, 41 FR 12749).

Nu-Car Carriers, Incorporated is a transport business licensed and regulated by the Interstate Commerce Commission. Central Jersey Repair is a subdivision of Nu-Car Carriers which provided mechanical maintenance services to Nu-Car at its Edison, New Jersey facility.

Neither Ford Motor Company, on one hand, nor Nu-Car Carriers, on the other, is financially or otherwise involved in the business of the other. Nu-Car Carriers owns the facilities necessary to the operation of its business and owns its trucks and equipment. Central Jersey Repair has no association with the Ford Motor Company assembly plant.

The workers upon whose behalf these petitions were filed were hired and are paid by either Nu-Car Carriers or Central Jersey Repair. They are supervised by and subject to the control of Nu-Car Carriers or Central Jersey Repair personnel only. All employment benefits which they enjoy are provided and maintained by Nu-Car Carriers or Central Jersey Repair.

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Nu-Car Carriers, Incorporated and Central Jersey Repair, Edison, New Jersey, are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974, and that the Ford Motor Company cannot be considered the "workers' firm". The petitions for trade adjustment assistance are therefore denied.

Signed at Washington, D.C., this 11th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management. Administration and Planning.

[FR Doc.77–1559 Filed 1–17–77;8:45 am]

[TA–W–1,525]

OHIO FERRO ALLOYS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 28, 1976 the Department of Labor received a petition dated December 6, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Brilliant, Ohio plant of Ohio Ferro Alloys Corporation, Canton, Ohio (TA–W–1,525). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ferro silicon produced by Ohio Ferro Alloys Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the

determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1560 Filed 1-17-77;8:45 am]

[TA-W-1223]

PERRY MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1223: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 3, 1976 in response to a worker petition received on November 3, 1976 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing ladies' car coats and rain coats at the Perry Manufacturing Corporation, Perryopolis, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51144). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Perry Manufacturing Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers employed at Perry Manufacturing declined 4.2 percent from 1974 to 1975 but increased 48.1 percent in the last quarter of 1975 compared to the last quarter in 1974. Average employment of production workers increased 19.1 percent in the first ten months of 1976 compared to the like period in 1975 and then declined 22.2 percent in November 1976 compared to November 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Production at Perry Manufactuirng declined 15.0 percent in quantity from 1974 to 1975 but increased 43.6 percent in the last quarter of 1975 compared to the last quarter in 1974. Production increased 3.7 percent in the first ten months of 1976 compared to the like period in 1975 and then fell 60.0 percent in November 1976 compared to November 1975. All production ceased in November 1976 when the plant was shut down for an indefinite period due to lack of orders.

INCREASED IMPORTS

U.S. Imports of women's, misses' and children's coats and jackets increased from 1971 to 1973, declined from 1973 to 1974, and increased again from 1974 to 1975. The ratios of imports to productions and imports to consumption decreased from 1971 to 1974 and then increased from 1974 to 1975. Imports increased 51.5 percent in quantity in the first nine months of 1976 compared to the like period in 1975.

U.S. imports of women's, misses' and children's raincoats increased both absolutely and relative to domestic production and consumption from 1971 to 1972, declined from 1972 to 1974 and rose again from 1974 to 1975. Imports increased 28.2 percent in quantity in the first nine months of 1976 compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

Perry Manufacturing, an independent contractor, ceased production in November 1976 for an indefinite period due to lack of orders. One of the firm's two customers, which accounted for about 50 percent of sales, ceased all purchases from Perry and switched primarily to overseas contractors which could produce women's coats at a significantly lower cost than Perry.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's coats and rain coats produced at Perry Manufacturing Corporation, Perryopolis, Pennsylvania, contributed importantly to the total or partial separation of the workers of such firm.

In accordance with the provisions of the Trade Act of 1974, I make the following certification:

"All workers of Perry Manufacturing Corporation, Perryopolis, Pennsylvania, who became or will become totally or partially separated from employment on or after October 25, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 6th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1561 Filed 1-17-77;8:45 am]

[TA-W-1,542]

PRESTIGE SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 4, 1977 the Department of Labor received a petition dated December 14, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union on behalf of the workers and former workers of Prestige Shoe Company, Wilkes-Barre, Pennsylvania, a Division of Frier Industries, Carlstadt, New Jersey (TA-W-1,542). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's casual shoes produced by Prestige Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partical separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under

Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 4th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1562 Filed 1-17-77;8:45 am]

[TA-W-1,540]

REYNOLDSVILLE IND., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 3, 1977 the Department of Labor received a petition dated December 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Reynoldsville Industries, Incorporated, Reynoldsville, Pennsylvania (TA-W-1,540). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with boys' knit shirts produced by Reynoldsville Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1563 Filed 1-17-77;8:45 a.m.]

[TA-W-1,520]

RUBBER CORP. OF ARKANSAS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor received a petition dated December 6, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Rubber Corporation of Arkansas, DeQueen, Arkansas (TA-W-1,520). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with athletic and casual footwear produced by Rubber Corporation of Arkansas or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1564 Filed 1-17-77;8:45 am]

[TA-W-1,519]

STANDARD ALLIANCE IND., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976, the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Boiler Makers, Iron Ship Builders, Blacksmiths, Forgers & Helpers on behalf of the workers and former workers of Transue & Williams Div., Alliance, Ohio of Standard Alliance Industries, Inc., Chicago, Illinois (TA-W-1,519). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rollers, connecting rods and hammers produced by Standard Alliance Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1565 Filed 1-17-77;8:45 am]

[TA-W-1,523]

STANDEE MANUFACTURING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor receiver a petition dated November 23, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Standee Manufacturing Corp., Perth Amboy, New Jersey (TA-W-1,523). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with girls' dresses produced by Standee Manufacturing Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1566 Filed 1-17-77;8:45 am]

[TA-W-1,148]

TRUE TEMPER CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 76-31769 appearing at page 47632 in the FEDERAL REGISTER of October 29, 1976, the date of the petition, appearing on page 47632 is corrected in 1st column, 3rd line, to read "September 26."

Signed at Washington, D.C. this 6th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1567 Filed 1-17-77;8:45 am]

[TA-W-1343]

U-BRAND CORP.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 1, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of former workers distributing iron pipe fittings at the Vernon, California warehouse of U-Brand.

Notice of the investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55609). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of U-Brand's Ashland, Ohio plant (Machine Division) and Shelby, Ohio warehouse were previously certified eligible to apply for adjustment assistance on October 18, 1976 (See TA-W-918).

It was the intent of the existing certification to cover all employees of U-Brand engaged in employment related to the production of iron pipe fittings. The employees at the Vernon, California warehouse perform the same distribution functions for iron pipe fittings as employees in the Shelby, Ohio warehouse and are covered by the existing certification. The current investigation has therefore been terminated.

Signed at Washington, D.C. this 6th day of January, 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1568 Filed 1-17-77;8:45 am]

[TA-W-1,450]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Youngstown, Ohio plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,450). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the

Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1569 Filed 1-17-77;8:45 a.m.]

[TA-W-1,527]

WELLINGTON LEATHER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 28, 1976 the Department of Labor received a petition dated December 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Wellington Leather, Inc., Peabody, Mass., a wholly-owned subsidiary of Sirois Leather, Inc., Peabody, Mass. (TA-W-1,527). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather outer garments produced by Wellington Leather, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1570 Filed 1-17-77;8:45 am]

[TA-W-1,536]

WILTON CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Winchester, Tennessee plant of Wilton Corporation, Des Plaines, Illinois (TA-W-1,536). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with consumer and workbench vises produced by Wilton Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1571 Filed 1-17-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR MINORITY PROGRAMS IN SCIENCE EDUCATION

Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of the Advisory Committee for Minority Programs in Science Education is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Group:* Advisory Committee for Minority Programs in Science Education.

2. *Purpose:* Section 7 of the Joint Explanatory Statement of the Committee of Conference of the House and Senate on H.R. 12566 strongly urges the appointment of an advisory committee, including minority scientists, to participate in the evaluation and assessment of activities related to the Minority Centers for Graduate Education Program. The Committee will also provide advice on other Foundation programs specifically designed to promote increased participation by disadvantaged ethnic minorities in science and engineering careers.

3. *Effective Date of Establishment and Duration:* The establishment of the Advisory Committee for Minority Programs in Science Education is effective upon filing the charter with the Director, NSF, and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Advisory Committee for Minority Programs in Science Education will continue for two years from the effective date.

4. *Membership:* Membership of the Advisory Committee for Minority Programs in Science Education will consist of 12 members, not less than 7 of whom are representative of minority scientists, institutions with substantial minority enrollment and groups which serve important functions within the minority community. Not less than 3 of the 12 members are to be nonscientists. There will be no discrimination on the basis of race, color, national origin, religion or sex in the appointment of committee members.

5. *Advisory Group Operation:* The Advisory Committee for Minority Programs in Science Education will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions in implementation of the Act.

RICHARD C. ATKINSON,
Acting Director.

[FR Doc.77-1576 Filed 1-17-77;8:45 am]

TASK GROUP NO. 14, ADVISORY COMMITTEE FOR RESEARCH

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group No. 14 of the Advisory Committee for Research.
Place: Room 421, National Science Foundation, 1800 G Street NW, Washington, D.C. 20550.
Date: February 3-4, 1977.
Time: 9 a.m. each day.
Type of meeting: Open.
Contact person: Mr. Leonard F. Gardner, Executive Secretary, Advisory Committee for Research, National Science Foundation, Room 307, Washington, D.C. 20550 Telephone: 202-632-4278.
Purpose of the task group: The purpose of the Task Group, composed of members of the Advisory Committee for Research, is to provide the full Committee with a mechanism to consider numerous issues of interest to the Committee that have been assigned by the National Science Foundation.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, D.C. 20550.
Tentative agenda: February 3-4. To review draft material for the revised NSF Grant Policy Manual.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-1575 Filed 1-17-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13152; File Nos. SR-MCC-76-4 and SR-MSTC-76-13]

MIDWEST CLEARING CORP. AND MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organizations; Proposed Rule Changes

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 December 22, 1976, the above-mentioned self-regulatory organizations filed with the Securities Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Institutional Pledge Account, a central depository service for book entry pledge of securities underlying option writing programs, allows Institutional Participants to pledge deposited securities to the benefit of Options Clearing Corporation (OCC) to collateralize short option positions.

Previously, Institutional Participants wishing to collateralize a short position usually issued an Escrow Receipt which was delivered to the OCC member in lieu of the securities and satisfied the collateral requirements of both the broker/dealer and OCC. An Escrow Receipt, however, may only be issued by a bank with a minimum of $20 million in stockholders' equity and an institution may only issue escrow receipts for securities having a market value not exceeding 10% of the bank's stockholders' equity. In addition, Escrow Receipts necessitate extensive bookkeeping and create timing and coordination difficulties.

Through the Institutional Pledge Account, the Institutional Participant submits a Pledge of Collateral Form which initiates a book entry movement of the security position from the Depository Free Positon of the Institution's Regular Account to the Depository Free Positon of the Institution's Pledge Account. The book entry movement can be processed either versus free or "for payment". If "for payment" a cash adjustment is made within the system debiting the OCC member's (broker's) account and crediting the Institution's Pledge Account with the corresponding net premium monies. Release of Collateral, either upon expiration, closing purchase transaction, or assignment of the option, is also within the system after approval by OCC and the OCC member. If the transaction is "for payment", net exercise value funds move from the OCC member to the Institution's Pledge Account.

SCHEDULE OF CHARGES
MIDWEST INSTITUTIONAL PLEDGE ACCOUNTS

Account charges

Pledge Account—symbol maintenance fee (in addition to monthly charges for regular MSTC/MCC Account): $50 per month.

Activity charges

(a) Pledge of Collateral movement from participant's regular account to participant's pledge account: $.65 per position to both accounts.

Premium monies credited to participant's pledge account from OCC member's account: No charge.

(b) Release of Collateral movement from participant's pledge account to participant's regular account (expiration) or from participant's pledge account to OCC member's account (assignment) or from participant's pledge account to participant's regular account (closing purchase transaction): $.65 per position to both accounts.

Exercise monies (assignment) credited to participant's pledge account and debited from OCC member's account: No charge.

Premium monies (closing purchase transaction) credited to OCC member's account and debited from participant's pledge account: No charge.

Safekeeping charges

The new Pledge account will establish positions separate from the regular MSTC/MCC Account.

Safekeeping (maximum charge $3,000/month: $.45/position/month; $.015/1,000 shares month.

Dividend credit: $.25 per position credited.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

The purpose of the proposed rule changes is to establish an Institutional Pledge Account, a central depository service for book entry pledge of securities underlying option writing programs, which allows institutional participants to pledge deposited securities to the benefit of Options Clearing Corporation (OCC) to collateralize short option positions. The proposed rules also provide for attendant fees.

The proposed rule changes remove impediments to the prefection of a national market system by allowing such institutional participation, and represent an equitable allocation of reasonable fees among participants.

Comments have not been received.

The Midwest Clearing Corporation and the Midwest Securities Trust Company believe that no burden has been placed on competition. On or before February 22, 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 organizations consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing rule changes. 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 filings 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, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers referenced in the caption above and should be submitted on or before February 8, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 11, 1977.

[FR Doc.77-1604 Filed 1-17-77;8:45 am]

[Release No. 34-13154; File No. SR-MSTC-76-15]

MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commisison a proposed rule change as follows:

Brackets indicate deletions and *italics* indicate new material

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE, RULE 3, SECTION 6, MIDWEST SECURITIES TRUST COMPANY

PLEDGEE POSITION REPORT

Sec. 6 [Each business day] There shall be made available to each Pledgee Participant a Pledgee Position Report *as frequently as the Corporation from time to time may determine* for each pledgee account of such Participant, showing, among other things, in respect of each security credited to such account:

(1) The quantity of such security credited to such account as the close of business on the business day preceding the date of the report.

(2) The identity of the Participant or Participants credited with corresponding pledged positions.

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 allow the Midwest Securities Trust Company the discretion to determine how often Pledge Position Reports are generated, while requiring that such reports reflect the account as of the close of business preceding the date of the report. Such discretion is required to provide flexibility based on activity, so that an unnecessary and costly amount of reports are not generated.

The proposed rule change promotes the prompt and accurate settlement of securities transactions as a result of eliminating unnecessary generation of reports and unnecessary and time-consuming review by participants.

Comments have neither been solicited nor received.

The Midwest Securities Trust Company believes that no burden has been placed on competition.

On or before February 22, 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 February 8, 1977.

For the Commission by the Division of Market Regulation; pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 12, 1977.

[FR Doc. 77-1602 Filed 1-17-77;8:45 am]

[(SR-1) (SR-NASD-75-8)]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Order Approving Proposed Rule Change Relating to Reporting of Transactions in Eligible Securities and Certain Anti-Manipulative Rules

The National Association of Securities Dealers, Inc. (the "NASD"), 1735 K Street, N.W., Washington, D.C. 20006, submitted on March 21, 1975, proposed Article XVIII of the By-Laws of the NASD, and Schedule G thereunder (the "NASD Rule Changes"), governing: (i) The reporting of transactions in eligible securities in the consolidated transaction reporting system (the "consolidated system") contemplated by Rule 17a-15 under the Secuirties Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975 (the "Act"); (ii) charges to cover the costs of compliance with such reporting requirements; and (iii) anti-manipulative rules relating to over-the-counter trading in such securities.

The provisions of Schedule G were amended by the NASD and refiled with the Commission on June 4, 1975. The NASD Rule Changes were deemed by the Commission to have been filed under new section 19(b) of the Act. In view of the need to implement the NASD Rule Changes immediately to permit the scheduled commencement of the consolidated system on June 16, 1975, the Commission ordered the NASD Rule Changes into effect summarily pursuant to section 19(b)(3)(B) of the Act on June 11, 1975. Notice of that action was provided by Securities Exchange Act Release No. 11461 (June 11, 1975), published in the FEDERAL REGISTER on June 18, 1975 (40 FR 25730). That release also solicited public comment on the NASD Rule Changes.[1]

On December 15, 1975, the NASD submitted, pursuant to Rule 19b-4 under the Act, a proposed modification to the NASD Rule Changes to provide that principal transactions effected by NASD members be reported in the consolidated system at the price recorded on the trade ticket without taking into account any commission, commission equivalent, or differential imposed in connection with the transaction. The proposed modification would eliminate the present disparity between the reporting of principal transactions effected by NASD members and the reporting of identical transactions effected by exchange members.[2] Notice of the proposed modification was provided in Securities Exchange Act Release No. 11951 (December 24, 1975) published in the FEDERAL REGISTER on January 5, 1976 (41 FR 836).

With respect to Article XVIII of the NASD By-Laws and Sections 1, 2 and 3 of Schedule G thereunder, which provide for reporting procedures for transactions in eligible securities effected by NASD members and establish certain anti-manipulative rules relating to over-the-counter trading in such securities, the Commission finds that the proposed additions, as proposed to be modified on December 15, 1975, are consistent with the requirements of the Act, and the rules and regulations thereunder applicable to national securities associations, and in particular the requirements of section 15A of the Act and the rules and regulations thereunder.[3]

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[1] The deadline for submission of written comments pursuant to Securities Exchange Act Release No. 11461 (June 30, 1975) was June 30, 1975; the time for such comment was extended until July 18, 1975, in Securities Exchange Act Release No. 11508 (June 30, 1975). See also Securities Exchange Act Release Nos. 11546 (July 23, 1975), 11653 (September 18, 1975), 11816 (November 10, 1975), and 11951 (December 24, 1975).

[2] Under the NASD Rule Changes as originally filed and ordered effective summarily, principal transactions effected by NASD members were required to be reported in the consolidated system inclusive of any commission, commission equivalent, or differential charge (i.e., after addition or subtraction of such charges). Principal transactions effected by exchange members, on the other hand, are reported in the consolidated system exclusive of such charges.

[3] With respect to section 4 of Schedule G, which establishes the fees and charges applicable to those members required to report their transactions in eligible securities to the NASD, the Commission has determined to take no formal action at this time. On May 6, 1976, the Commission received the consent of the NASD to a further extension of the time within which the Commission is required to act on section 4 of Schedule G, to July 14, 1976. The Commission acknowledges the consent of the NASD to extension of the deadline until July 14, 1976. In so doing, the Commission notes that it understands that the reason the NASD has consented to this further extension is in order to permit an opportunity for internal resolution of certain issues relating to the proposed fees contained in Section 4 of Schedules G. Although the Commission finds that the NASD reporting rules, as modified on December 15, 1975, are consistent with the requirements of the Act, the Commission intends to continue studying questions related to the reporting of transactions in eligible securities, particularly the method of reporting principal transactions confirmed by a dealer plus or minus a commission, commission equivalent or differential.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed additions to the NASD Rules contained in Article XVIII of the NASD By-Laws and Sections 1, 2 and 3 of Schedule G thereunder, as modified on December 15, 1975, be, and hereby are, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-1606 Filed 1-17-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/16]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 1 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on February 15, 1977 in the Forum Room, Office of Telecommunications, U.S. Department of Commerce, 1325 G Street, NW., Washington, D.C., at 9:30 a.m.

Study Group 1 deals with: matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The agenda for the meeting will include the following:

1. Review status of work under way.
2. Review of documents ready for U.S. Study Group 1 consideration and approval.
3. Discussion and recommendations for Study Group 1 working arrangements.
4. Future meeting schedule.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Admittance of public members will be limited to the seating available.

Dated: January 7, 1977.

JOHN J. O'NEILL, Jr.,
Director, Office of International Communications Policy.

[FR Doc.77-1463 Filed 1-17-77;8:45 am]

DEPARTMENT OF THE TREASURY

[Treasury Department Order No. 246]

INSPECTOR GENERAL FOR INTERNATIONAL FINANCE, ET AL.

Authority Delegation Implementing of Executive Order 11905

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950 and pursuant to Executive Order 1195, it is ordered as follows:

1. *The Inspector General for International Finance* (hereinafter the Inspector General) shall assume for the Treasury Department the duties and responsibilities established under Executive Order 11905 (hereinafter Executive Order) for Inspectors General within the Intelligence Community.

2. *The General Counsel* shall assume for the Treasury Department the duties and responsibilities established under the Executive Order for General Counsels within the Intelligence Community.

3. *The Inspector General* shall inform in writing all employees in the Office of the Assistant Secretary for International Affairs (OASIA) and in the Office for National Security (ONS) of the restrictions on intelligence activities contained in Section 5 of the Executive Order and obtain a written acknowledgment from each such employee that he has read the materials provided by the Inspector General. Heads of inspection services of Treasury Department Bureaus shall provide a copy of Section 5 of the Executive Order to each employee within their bureau.

4. *Treasury Department employees* shall report in confidence to the Inspector General, the General Counsel, or the head of the inspection service of their bureau any matters which they feel raise questions of propriety or legality under the Executive Order.

5. *The Inspector General* shall review at appropriate intervals intelligence activities of OASIA and ONS to determine whether any such activities raise questions of propriety under the Executive Order. Any questions arising from this review as to the legality of such activities shall be referred by the Inspector General to the General Counsel. In connection with the activities of the OASIA representatives stationed overseas, the Inspector General shall seek to make appropriate arrangements with the State Department to provide for adequate inspection while avoiding duplication of inspection activities by the State and Treasury Departments.

6. *The inspection service within a bureau* shall review at appropriate intervals the activities of the bureau in its relations with U.S. foreign intelligence agencies to determine whether such activities raise questions of legality or propriety. Any questions of legality or propriety arising from this review shall be referred to the General Counsel. The procedures established by Treasury Department Order No. 24, which provides for coordination and review of support arrangements between the Treasury Department and U.S. foreign intelligence agencies, shall remain in full force and effect.

7. *Treasury Department employees* shall cooperate with the Inspector General, the General Counsel, and the inspection service within their bureau and shall make available all necessary data to allow those officials to perform their duties and responsibilities under this Order.

Dated: January 10, 1977.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.77-1488 Filed 1-17-77;8:45 am]

Office of the Secretary

TREASURY NOTES OF JANUARY 31, 1979 Series L-1979

[Public Debt Series, No. 1-77]

JANUARY 13, 1977.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for $2,500,000,000, or thereabouts, of securities of the United States, designated Treasury Notes of January 31, 1979, Series L-1979 (CUSIP No. 912827 GJ 5). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined as set forth below. Additional amounts of these securities may be issued to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated February 3, 1977, and will bear interest from that date, payable on a semiannual basis on July 31, 1977, and each 6 months thereafter on January 31 and July 31 until the principal amount becomes payable. They will mature January 31, 1979, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The securities will be subject to the general regulations of the Department of the Treasury governing United

States securities, now or hereafter prescribed.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, January 19, 1977. Noncompetitive tenders, as defined below, will be considered timely if postmarked no later than Tuesday, January 18, 1977.

3.2. Each tender must state the face amount of securities bid for, which must be $5,000 or a multiple thereof. Competitive tenders must show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers, provided the names of the customers and the amount for each customer are furnished. Others will not be permitted to submit tenders except for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States and political subdivisions or instrumentalities thereof; public pension and retirement and other public funds; international organizations in which the United States holds membership, foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.5. Immediatly after the closing hour, tenders will be opened, following which public announcement will be made of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the average price of accepted competitive tenders.

3.6. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. Those submitting noncompetitive tenders will not be notified except when the tender is not accepted in full or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of aplicants when he deems it to be in the public interest, and the Secretary's action in any such respect shall be final.

5. PAYMENT AND DELIVERY

5.1. Settlement for securities allotted hereunder must be made or completed on or before Thursday, February 3, 1977, at the Federal Reserve Bank or Branch, or the Bureau of the Public Debt, Wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, January 31, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, January 28, 1977, if the check is drawn on a bank in another Federal Reserve District. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be deemed to have been completed where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for securities allotted hereunder are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered herein) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered herein) to be delivered to (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for the securities offered herein, when such securities are available, at any Federal Reserve Bank or Branch, or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive ten-

ders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.77-1648 Filed 1-17-77; 10:35 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 306]

ASSIGNMENT OF HEARINGS

JANUARY 13, 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 13250 (Sub-132), J. H. Rose Truck Line, Inc., now assigned February 23, 1977 at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 124154 (Sub-57), Wingate Trucking Company, Inc., Extension—Agricultural Chemicals; MC 124154 (Sub-59), Wingate Trucking Co., Extension—Georgia Ground Clay; MC 124154 (Sub-63), Wingate Trucking Company, Inc., Extension—Dale County, Alabama and

MC 124154 (Sub-68), Wingate Trucking Company, Inc., now assigned February 24, 1977 at Atlanta, Ga., will be held in Room 305 1252 West Peachtree St. NW.

MC 59150 (Sub-90), Ploof Truck Lines, Inc., now assigned February 28, 1977 at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 119641 (Sub-134), Ringle Express, Inc., now assigned March 2, 1977 at Atlanta, Ga., will be held in Room 305 1252 West Peachtree St. NW.

No. MC 142107 (Sub-No. 1), H & M Trucking Co., now assigned January 25, 1977, at Chicago, Ill. will be held in Room 1119, Everett McKinley Dirksen Bldg., 219 South Dearborn St., instead of Room 1944C.

No. MC 82841 (Sub-No. 170), Hunt Transportation, Inc., now assigned January 27, 1977, at Chicago, Ill. will be held in Room 1119, Everett McKinley Dirksen Building, 219 South Dearborn St., instead of Room 1944C.

MC 140829 (Sub-No. 10), Cargo Contract Carrier, Corp., now assigned January 28, 1977, at Omaha, Neb. is canceled and application dismissed.

MC 141956 (Sub-No. 1), Area Container Service, Inc., now assigned January 17, 1977, at Chicago, Ill. is canceled and application dismissed.

No. MC-F-12884, O'Boyle Tank Lines, Inc., Control and Merger—Shipley Transfer, Inc., et. al., now assigned February 22, 1977, at Washington, D.C., is postponed to March 1, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 28322, Chicago, South Shore and South Bend Railroad Discontinuance of All Passenger Train Service now being assigned January 24, 1977, for continued hearing and will be held in Room 1903, Everett Mckinley Dirksen Building, 219 South Dearborn St.

MC 142246, Van Wyk, Inc., now assigned February 23, 1977, at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 124211 (Sub-274), Hilt Truck Line, Inc., now assigned February 24, 1977 at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 135007 (Sub-57), American Transport, Inc., now assigned February 28, 1977 at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 1263 (Sub-21), McCarty Truck Line, Inc., now assigned March 1, 1977 at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 138328 (Sub-30), Clarence L. Werner, d/b/a Werner Enterprises, now assigned March 3, 1977 at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 119726 Sub 74, N.A.B. Trucking Co., Inc., now being assigned April 12, 1977 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC 95540 (Sub-949), Watkins Motor Lines, Inc., now being assigned April 13, 1977 (3 days), at New Orleans, La., in a hearing room to be later designated.

MC 136315 (Sub-13), Olen Burrage Trucking, Inc., now being assigned April 20, 1977 (3 days), at New Orleans, La., in a hearing room to be later designated.

MC 113267 Sub 336, Central & Southern Truck Lines, Inc.; MC 118142 Sub 130, M. Bruenger & Co., Inc., and MC 127042 Sub 173, Hagen, Inc., now being assigned April 18, 1977 (2 days), at New Orleans, La., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1588 Filed 1-17-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 13, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before February 2, 1977.

FSA No. 43299—*Joint Rail-Water Container Rates—Great Lakes and European Lines, Inc.* Filed by Great Lakes and European Lines, Inc., (No. 1), for itself and interested rail carriers. Rates on general commodities, between rail and water carrier terminals on the U.S. Pacific Coast Seaboard, and ports and terminals in Europe.

Grounds for relief—Water competition.

Tariffs—Great Lakes and European Lines, Inc., tariffs I.C.C. No. 3, F.M.C. No. 5 (Westbound), and I.C.C. No. 4, F.M.C. No. 6 (Eastbound). Rates are published to become effective on February 10, 1977.

FSA No. 43300—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc., (No. 91), for itself and interested rail carriers. Rates on household goods, personal effects, and unaccompanied baggage, between ports in Japan, Korea, Hong Kong, Taiwan, Philippines, Singapore and Thailand, and rail carriers terminals at U.S. Atlantic and Gulf Seaport cities.

Grounds for relief—Water competition.

Tariff—Sea-land Service, Inc., tariff No. 266, I.C.C. No. 109, F.M.C. No. 147. Rates are published to become effective on February 10, 1977.

FSA No. 43301—*Beet or Cane Sugar from Points in California and Serape, Arizona.* Filed by Trans-Continental Freight Bureau, Agent, (No. 513), for interested rail carirers. Rates on sugar, beet or cane, other than liquid, in carloads, as described in the application, from specified points in California and Serape, Arizona, to specified points in Illinois, Indiana, Iowa, Kentucky, Missouri, and Wisconsin.

Grounds for relief—Rate relationship and returned shipments.

Tariff—Supplement 43 to Trans-Continental Freight Bureau, Agent, tariff 2-N, I.C.C. No. 1935. Rates are published to become effective on February 10, 1977.

FSA No. 43302—*Returned Shipments of Petroleum Residual Fuel Oil from Points in Southwestern Territory to Points in Official Territory.* Filed by Southwestern Freight Bureau Agent, (No. B-650), for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, as described in the application, from points in southerwestern territory, including Kansas and Missouri, to points in official territory; also returned shipments in the reverse direction.

Grounds for relief—Rate relationship, returned shipments.

Tariff—Supplement 84 to Southwestern Freight Bureau, Agent, tariff SW/E-133-K, I.C.C. No. 5106. Rates are published to become effective on February 17, 1977.

By the Commission,

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1589 Filed 1-17-77;8:45 am]

[Ex Parte No. 55 (Sub-No. 8A)]

GATEWAY ELIMINATION PROJECT

Investigation of Fuel, Time, and Cost Savings

JANUARY 12, 1977.

At a General Session of the Interstate Commerce Commission, held at its office

in Washington, D.C., on the 27th day of December, 1976.

It appearing, That this Commission's gateway elimination regulation (49 CFR 1065), as promulgated in *Gateway Elimination,* 119 M.C.C. 530 (1974), was adopted for the purpose of eliminating wasteful fuel practices in a manner consistent with the National Transportation Policy declared by the Congress; that by order of February 23, 1976, the Commission, acting pursuant to the provisions of section 204 of the Interstate Commerce Act, instituted an investigation in this proceeding for the purpose of assessing the fuel, cost, and time savings engendered by the Gateway Elimination Project; that the Commission's Bureau of Economics was authorized to undertake the investigation with the specific objective of determining annual savings respecting costs, manhours, mileage, and fuel; and that by the order of February 23, 1976 (referred to above), and by supplemental order of June 14, 1976, a total of 144 motor common carriers, each of which had received authority pursuant to the regulation, were authorized to comply with informational requests of the Bureau of Economics thereby enabling the Bureau to effectuate its task;

It further appearing, That the Bureau of Economics has issued a report containing findings on the issues noted in the preceding paragraph; that a copy of the report, entitled "Report of Gateway Elimination Savings Ex Parte No. 55 (Sub-No. 8A)" is annexed to this order; [1] and that a synopsis of the report's contents appears in the next paragraph below;

If further appearing, That the initial portion of the Bureau's report is devoted to a brief, general discussion of the history and nature of the Gateway Elimination Project, followed by a concise statement of the Bureau's objective in making this study; that the report then indicates the results of the Bureau's study and the method utilized in reaching these results; that inasmuch as its findings are based on information acquired from a sampling of all motor carriers affected by the regulation in 49 CFR 1065, the Bureau acknowledges that "there is a standard error associated with each," but that "one can state with a 90 percent confidence that the true savings lie between the lower and upper limits" delineated; that, specifically, the Bureau found that savings (for the year July 1, 1975 to June 30, 1976), were as follows: (1) *vehicle miles:* 63,270,006 (lower limit being 40,471,466 and upper limit being 86,068,546), (2) *gallons of fuel:* 13,936,396 (lower limit being 8,669,838 and upper limit being 19,202,954), (3) *dollars:* 37,156,044 (lower limit being 24,398,496 and upper limit being 49,913,595, and (4) *manhours:* 1,729,957 (lower limit being 1,085,256 and upper limit being 2,374,658); that the Bureau also indicated that actual annual savings would probably be somewhat higher upon final disposition of presently pending "gateway elimination" applications; that the Bureau estimates total annual savings will be as follows: (1) *vehicle miles:* 96,977,000 (lower limit being 74,179,000 and upper limit 119,776,000), (2) *gallons of fuel:* 21,329,000 (lower limit being 14,147,000 and upper limit being 28,510,000), (3) *dollars:* 58,506,000 (lower limit being 41,109,000 and upper limit being 75,902,000), and (4) *manhours:* 2,690,000 (lower limit being 1,811,000 and upper limit being 3,569,000); that, moreover, the Bureau has expressed its belief that these savings may increase in time as carriers take greater advantage of their newly acquired operating authorities; that the Bureau also made a general finding that the Gateway Elimination Project was beneficial to motor carriers in other areas including ecology, conservation, highway safety, and increased service availability; and that, the Bureau having completed its authorized task, this proceeding should be discontinued; and good cause appearing therefor:

It is ordered, That the above-entitled proceeding be, and it is hereby, discontinued.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1430 Filed 1-17-77;8:45 am]

[1] Filed as part of the original document.

[Notice No. 4]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 7, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2098 (Sub-No. 5 TA), filed December 30, 1976. Applicant: MERLIN D. BRAMMER AND GALEN R. BRAMMER, doing business as BRAMMER TRUCK LINE, 308 N. 9th St., Sabetha, Kans. 66534. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dust pollution control equipment,* from the plant facilities of MAC Equipment, Inc., at or near Sabetha, Kans., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MAC Equipment, Inc., P.O. Box 184, Sabetha, Kans. 66534. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 26396 (Sub-No. 138 TA), filed December 29, 1976. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: David Waggoner (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except in bulk), from Des Moines, Iowa, to points in California, Colorado, Idaho, Montana, Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard E. Schrick, Agricultural Transportation Supervisor, Monsanto Company, 800 North-Lindbergh Blvd., St. Louis, Mo. 63166. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 53965 (Sub-No. 124 TA), filed December 29, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 S. Ohio, P.O. Box 1387, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facility utilized by Geo. A. Hormel & Co., at or near Fremont, Nebr., to points in Kansas and Missouri, restricted to product originating at named origin and destined to named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Company, Box 800, Austin, Minn. 55912.

Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 56244 (Sub-No. 51 TA), filed December 30, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 N. Third St., P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen commodities and commodities in bulk), from the facilities utilized by California Canners and Growers, at Chambersburg, Pa., and points in Adams County, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, for 180 days. Supporting shipper: California Canners and Growers, 3100 Ferry Blvd., San Francisco, Calif. 94106. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 106497 (Sub-No. 138TA), filed December 30, 1976. Applicant: PARK-HILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic building materials, tile, flooring and mouldings*, from the plantsite of A & E Doron Plastics, at Union, Mo., to points in Arizona, California, Florida, Massachusetts, Michigan, New Jersey, New York, Ohio and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A & E Doron Plastics, Union Industrial Court, Union, Mo. 63084. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 107295 (Sub-No. 841TA), filed December 29, 1976. Applicant: PRE-FAB TRANSIT CO., 100 S. Main St., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic building materials, tile, flooring and moldings*, from the plantsite of A & E Doron Plastics, at Union, Mo., to points in Arizona, California, Florida, Massachusetts, Michigan, New Jersey, New York, Ohio and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dennis Allemann, Traffic Manager, A & E Doron Plastics, Union Industrial Court, Union, Mo. 63084. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 110525 (Sub-No. 1178TA), filed December 30, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boron trifluoride gas*, in manifold tube trailers, from Marcus Hook, Pa., to Port St. Joe, Fla., and Quapaw, Okla., for 180 days. Supporting shipper: Allied Chemical Corporation, P.O. Box 1087R, Morristown, N.J. 07960. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111274 (Sub-No. 16TA), filed December 29, 1976. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Benjamin G. Schmidgall, Rt. 98, Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and components* used in the manufacturing of grain elevators. Restriction: All materials will have subsequent movement; (1) from Parsipanny, N.J.; Scottsdale, Ga.; Maysville, Ky.; Hazel Park, Mich.; Houston, Dallas and Ft. Worth, Tex.; Valley, Nebr.; St. Louis, Mo.; Waterloo and Muscatine, Iowa, to the facilities of Hunter Mfg., at or near Blair, Nebr., and Mackinaw, Ill.; and (2) between the facilities of Hunter Mfg., at or near Blair, Nebr., and Mackinaw, Ill., under a continuing contract with Hunter Mfg., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hunter Mfg., Inc., William E. Hunter, President, Box 707, 201 N. Main, Mackinaw, Ill. 61755. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 113678 (Sub-No. 646TA), filed December 30, 1976. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, carpets, rugs, and related articles and equipment* used in the installation of carpeting, from Winchester, Tenn., to points in Nevada, Idaho, Montana, Wyoming, Colorado, New Mexico, Kansas, Washington, Oregon, California, Texas and points in Nebraska on and west of U.S. Highway 81, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E & B Carpet Mills, Inc., 901 Showalter Ave., Dalton, Ga. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 721 19th St., Denver, Colo. 80202.

No. MC 117940 (Sub-No. 205TA), filed December 22, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Bruce A. Bullock, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from Savannah, Ga., to the facilities of S.S. Kresge Company, in Illinois, Iowa, Minnesota, Missouri and Wisconsin, restricted to traffic originating at the named origin point and destined to the named facilities, for 180 days. Supporting shipper: S. S. Kresge Company, 3100 W. Big Beaver, Troy, Mich. 48084. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U. S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118159 (Sub-No. 193TA), filed December 30, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Picture frames, plastic products, and related advertising materials and supplies*, from Worcester, Mass., to points in Alabama, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin and the District of Columbia, for 180 days. Supporting shipper: Frem Corporation, P.O. Box 4, Webster Square Station, Worcester, Mass. 01603. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 118202 (Sub-No. 66TA), filed December 29, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, Minn. 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses (except commodities in bulk, in tank vehicles, and hides), from the plant site and storage facilities of Royal Packing Company, Inc., located at or near National Stockyards, National City, Ill., to Danbury and Stamford, Conn.; Boston and Springfield, Mass.; Hawthorne and Patterson, N.J.; New York and Utica, N.Y.; and Philadelphia, Pa., for 180 days. Supporting shipper: Royal Packing Company, Inc., P.O. Box 156, St. Claire Ave., and Iceplant Road, National Stockyards, Ill. 62071. Send protests to:

Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119726 (Sub-No. 78TA), filed December 27, 1976. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road., Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, and corrugated cartons*, from the plantsite of Owens-Illinois, located at Alton, Ill., and its warehouses, located within 40 miles of Alton, Ill., in the states of Missouri and Illinois, to Fort Smith, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666. Send protests to: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 123819 (Sub-No. 40 TA), filed December 29, 1976. Applicant: ACE FREIGHT LINE, INC., 3359 Cazassa Road, P.O. Box 16589, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from Memphis, Tenn., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, New Mexico, Ohio, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McDowell Industries, Inc., P.O. Box 2087, 711 Linden Ave., Memphis, Tenn. 38101. Send protests to: Allan D. McConnell, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 100 N. Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 123872 (Sub-No. 62TA), filed December 28, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles* distributed by meat packinghouses (except hides and commodities in bulk), from the plantsites and storage facilities of Swift & Company, at Des Moines, Glenwood, Marshalltown, Sioux City, Iowa and Omaha, Nebr.; to points in Virginia, North Carolina, South Carolina, Tennessee (except Memphis) and points in Georgia on and north of U.S. Highway 80, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, Mart Office Bldg., 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 124328 (Sub-No. 110TA), filed December 30, 1976. Applicant: BRINK'S INCORPORATED, Suite 710, One Crossroads of Commerce, Algonquin Rd. and Route 53, Rolling Meadows, Ill. 60008. Applicant's representative: Richard H. Streeter, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, securities, and other rare or valuable documents or items*, from Gorham, N.H., to Lewiston, Maine, under a continuing contract with White Mountain Trust Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: White Mountain Trust Co., Barbara Brynes, Treasurer, 10 Exchange St., Gorham, N.H. 03581. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 128685 (Sub-No. 23TA), filed December 30, 1976. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 N. 31st St., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed animal feeds*, in bulk and in bags, from Morrill and Gering, Nebr., to points in Montana and Wyoming and that part of the state of South Dakota lying west of the Missouri River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John R. Jirdon Industries, Inc., Morrill, Nebr. 69358. Send protests to: Paul A. Naughton, District Supervisor, Room 105 Federal Bldg., and U.S. Courthouse, 111 S. Wolcott St., Casper, Wyo. 82601.

No. MC 129613 (Sub-No. 23TA), filed January 3, 1977. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Paducah, Ky., and its commercial zone, to points in Virginia, North Carolina, and South Carolina, under a continuing contract with Cramer Veneers, Inc., for 180 days. Supporting shipper: Cramer Veneers, Inc., Box 1363, High Point, N.C. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 133095 (Sub-No. 126TA), filed December 29, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2800 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Kim G. Meyer, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dated, printed publications*, from the warehouse and storage facilities of Magazine Shipper Association, Inc., at or near Bridgeport, Conn., to points in Louisiana, Missouri, Illinois, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Texas, Colorado, Utah, New Mexico, Arizona, California, Oregon, Washington, Indiana, Kentucky, Tennessee, and Michigan, for 180 days. Supporting shipper: Magazine Shippers Association, Inc., 955 Union Ave., Bridgeport, Conn. 06607. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133689 (Sub-No. 96TA), filed December 29, 1976. Applicant: OVERLAND EXPRESS, INC., 717 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet parts, wooden*, from the plantsite and storage facilities of Atlanta Southern Corporation, located at or near Loganville, Ga., to Fremont, Nebr.; Austin, Minn.; and Fort Dodge and Ottumwa, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Atlanta Southern Corporation, 7200 Washington St., Covington, Ga. 30209. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133689 (Sub-No. 97TA), filed December 27, 1976. Applicant: OVERLAND EXPRESS, INC., 717 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat* packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodites in bulk), from the plantsite and storage facilities of Landy of Wisconsin, Inc., located at or near Eau Claire, Wis., to Raleigh, Durham, and Charlotte, N.C.; Columbia, S.C.; Atlanta and Tucket, Ga.; Detroit and Livonia, Mich.; North Baltimore and Cleveland, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Landy of Wisconsin, Inc., Eau Claire, Wis. 54701. Send Protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commis-

sion, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 131TA), filed December 29, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010,, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouses products* (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson Foods Corporation, located at or near Albert Lea, Minn., to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilson Foods Corporation, P.O. Box 26724, Oklahoma City, Okla. 73126. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 132TA), filed December 29, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mandota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat* packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Landy of Wisconsin, Inc., at or near Eau Claire, Wis., to points in Connecticut, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Landy of Wisconsin, Inc., Eau Claire, Wis. 54701. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135874 (Sub-No. 64TA), filed December 29, 1976. Applicant: LTL PERISHABLES, INC., 550 E. 5th St., South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen egg products*, from the facilities of Heying Foods, Inc., at West Union, Iowa, to points in Kansas, Missouri, Minnesota, Nebraska, North Dakota, and South Dakota, restricted to shipments originating at the named origins and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunnytime Foods, Inc., 8405 Prairie Ave., Des Moines, Iowa 50322. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 136212 (Sub.No. 19TA), filed December 27, 1976. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, Nebr. 69138. Applicant's Reptresentative: Frederick J. Coffman, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from a point at or near Darr, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Ohio, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Darold E. Mapes, Traffic Manager, Midwestern Beef, Inc., Platte Valley Division, P.O. Box 166, Cozad, Nebr. 69130. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Bldg., and U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 136228 (Sub-No. 26TA), filed December 27, 1976. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Highway No. 1, Milton-Freewater, Oreg. 97862. Applicant's representative: Philip Skofstad, P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hanging beef carcasses, fresh, frozen meat, from* Wallula, Wash., to Portland, Clackamas, Sublimity, Eugene, and Medford, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 138144 (Sub-No. 15TA), filed December 29, 1976. Applicant: FRED OLSON CO., INC., 6022 W. State St., Wilwaukee, Wis. 53213. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle St., Chicago, Ill., 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, lumber mill products, poles, posts and pilings* (except commodities in bulk), from Beardstown, Ill., to Milwaukee and Green Bay, Wis., for 180 days. Supporting shipper: Casswood Treated Products Company, R.R. 1, P.O. Box 193B, Beardstown, Ill. 62618. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 139193 (Sub-No. 51TA), filed December 28, 1976. Applicant: ROBERTS & OAKE, INC., 527 E. 52d St., North, P.O. Box 1356, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, Suite 300, 2033 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen sausage*, from Sioux Falls, S. Dak., to points in Iowa, Minnesota, Nebraska, North Dakota, Oregon and Washington, under a continuing contract with John Morrell & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 140010 (Sub-No. 8TA), filed December 27, 1976. Applicant: JOSEPH MOVING & STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, Ga. 30309. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-cellular plastic sheeting*, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to Selma, Ala., under a continuing contract with E. I. du Pont de Nemours and Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. I. du Pont de Nemours and Company, Transportation & Distribution Department, 1007 Market St., Wilmington, Del. 19898. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 140484 (Sub-No. 21TA), filed December 28, 1976. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Ave., Fort Myers, Fla. 33901. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric gear motors, power transmission equipment and machinery and controllers or controller parts and parts and accessories therefor;* from Lawrenceburg, Ky., to points in Arizona,

California, Colorado, Nebraska, New Mexico, Oregon, Utah, Washington, Oklahoma, Louisiana and Texas, for 180 days. Supporting shipper: Reliance Electric Company, 24701 Euclid Ave., Cleveland, Ohio 44117. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53d Terrace, Miami, Fla. 33166.

No. MC 140743 (Sub-No. 14TA), filed December 20, 1976. Applicant: GORSKI BULK TRANSPORT, INC., 21635 E. Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada, located in Michigan and New York, to Bardstown, Ky., restricted to traffic originating at the plant of Gilbey's Canada Limited in Toronto, Ontario, and destined to the plantsite of Barton Brands, Inc., in Bardstown, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gilbey's Canada Limited Assistant Warehousing Manager, Anthony Dias, 400 Kipling Ave., Toronto, Ontario, Canada M8V 3L2. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 140829 (Sub-No. 37TA), filed December 27, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite or storage facilities utilized by Meilman Food Industries, at or near Sioux Falls, S. Dak., to points in Massachusetts, New York and Pennsylvania. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the named origin and destined to points in the above-named destination States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lester Pucik, Traffic Manager, Meilman Food Industries, P.O. Box 1465, Sioux Falls, S. Dak. 57101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 140875 (Sub-No. 2TA), filed December 30, 1976. Applicant: LONGVIEW HAULING, INC., 2401 Cavitt, P.O. Box 3955, Bryan, Tex. 77801. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers grain, liquid brewers yeast, liquid brewers grain concentrates and brewers grain mixtures*, in bulk, from Longview, Tex., to Olive Branch, Miss., under a continuing contract with Murphy Products Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Murphy Products Co., Inc., 124 Dodge St., Burlington, Wis. Send protests to: John F. Mensing, District Supervisor, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 142303 (Sub-No. 1TA), filed December 29, 1976. Applicant: CUTLER & LEE, INC., Route 73 & Regent Ave., Maple Shade, N.J. 08052. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles for salvage*, from points in New York, Connecticut, Pennsylvania, Delaware and Maryland, to South Plainfield, N.J., under a continuing contract with Fireman's Fund Insurance, dba Falcon Customer Service Center, Fireman's Fund Customer Service Center, South Plainfield, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fireman's Fund Insurance Co., 110 Sylvania Place, South Plainfield, N.J. 07080. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 142320 (Sub-No. 1TA), filed December 30, 1976. Applicant: FLEMING TRANSPORT COMPANY, Box 337, Long Lake, Minn. 55356. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and parts and accessories*, from Long Lake, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, West Virginia and Wisconsin; and (2) *Parts, materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in Colorado, Connecticut, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Washington and Wisconsin, to Long Lake, Minn., both (1) and (2) above are under a continuing contract with Fleming Manufacturing Co., Inc., for 180 days. Supporting shipper: Fleming Manufacturing Co., Inc., Box 337, Long Lake, Minn. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 142669 (Sub-No. 3TA), filed December 28, 1976. Applicant: GENE WALTERS AND CLARK WURTELE, doing business as, M & M TRUCKING, Buchanan, N. Dak. 58420. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in hopper bottom trailers, from Minneapolis, St. Paul, Savage and Pine Bend, Minn., to points in Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agro Supply, Box 20256, Billings, Mont. 59104. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142678TA, filed December 23, 1976. Applicant: BREWER'S CITY DOCK, INC., 24 Pine Ave., Box 901A, Holland, Mich. 49423. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from the facilities of the Nugent Sand Company, at Muskegon, Mich., and its commercial zone, to Defiance, Ohio, for 180 days. Supporting shipper: Central Foundry Division, GMC, 77 W. Center St., P.O. Box 1629, Saginaw, Mich. 48605. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 142717 (Sub-No. 1 TA), filed December 30, 1976. Applicant: DAVID LUCAS AND ARTEMAS A. IRVIN, doing business as, I. L. C. TRUCKING, P.O. Box 286, Milesburg, Pa. 16853. Applicant's representative: John M. Musselman, 410 North Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Bald Eagle and Beech Creek Townships, Clinton County, Pa., to the facilities of New York Gas and Electric Power Company, at Johnson City, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: I. L. Confer, P.O. Box 8, Milesburg, Pa. 16853. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 142761TA, filed December 20, 1976. Applicant: GERTRUDZ RODRIGUEZ, doing business as RODRIGUEZ DELIVERY, 19110 N.W. 42nd Ave., Miami, Fla. Applicant's representative:

John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except the transportation of said commodities in bulk, Classes A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and cement), between points in Dade County, lying east of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean; all shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: Torino, 8075 W. 20th Ave., Hialeah, Fla. 33014. Dolphin Freight Forwarders, Inc., 7372 N.W. 65th St., Miami, Fla. 33166. Ame International Co., 9925 S.W. 56th St., Miami, Fla. 33165. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 142769TA, filed December 27, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, Tenn. 37922. Applicant's representative: David C. Venable, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by wholesalers and retailers of fabrics and serving supply stores, between Amarillo, Tex., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado and New Mexico, under a continuing contract with Cloth World, Inc., for 180 days. Supporting shipper: Cloth World, Inc., 206 S. Western Ave., Amarillo, Tex. 79106. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142770 (Sub-No. 1TA), filed December 29, 1976. Applicant: ARTHUR L. KINDT & JOHN Y. KINDT, doing business as, KINDT'S MOVING & STORAGE, P.O. Box 1058, Vernal, Utah 84078. Applicant's representative: Arthur L. Kindt, 1144 S. Highway 40, Vernal, Utah 84078. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *New finished or unfinished furniture and components thereof;* (B) *Materials, equipment and supplies* used in the manufacture of furniture; (A) from Fort Duchesne, Utah, to points in the United States west of the Mississippi River (except Alaska and Hawaii); and (B) from points in the United States west of the Mississippi River, to Fort Duchesne, Utah, under a continuing contract with Ute Indian Tribe, dba Ute Fab, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ute Indian Tribe, dba, Ute Fab, Ltd., Fort Duchesne, Utah 84026. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 142772 (Sub-No. 1TA), filed December 29, 1976. Applicant: HRDLICKA ENTERPRISES, INC., Route #7, Box 59, Chippewa Falls, Wis. 54729. Applicant's representative: Roderick A. Cameron, 101 N. Broadway, Stanley, Wis. 54768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing slabs, tile and panels and related materials, parts, supplies and accessories*, from Cornell, Wis., to points in Colorado, Kansas, Nebraska, North Dakota and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cornell Corporation, 808 S. Third St., Cornell, Wis. 54732. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

PASSENGER APPLICATION

No. MC 142744 (Sub-No. 1TA), filed December 27, 1976. Applicant: PACIFIC BUILDING, 520 S.W. Yamhill St., Portland, Oreg. 97204. Applicant's representative: Robert R. Hillis, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their hand baggage*, in commuter service between points in Multnomah, Wash., and Clackamas Counties, Oreg., and Clark County, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: City of Vancouver, Vancouver City Hall, 210 E. 13th St., Vancouver, Wash. 98660. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. Yamhill St., Portland, Oreg. 97204.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–1590 Filed 1–17–77;8:45 am]