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# federal register

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FRIDAY, JANUARY 7, 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.)

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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 |
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| | HEW/FDA | | | HEW/FDA |

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

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

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

federal register

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

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# Title 3—The President

**Executive Order 11950** • **January 6, 1977**

## Conforming the Central Intelligence Agency and Civil Service Retirement and Disability Systems With Respect To Cost of Living Adjustments

By virtue of the authority vested in me by section 801(c) of the Department of Defense Appropriation Authorization Act, 1977 (90 Stat. 929; 10 U.S.C. 1401a note), section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (90 Stat. 2472; 50 U.S.C. 403 note), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of Central Intelligence shall:

(a) on January 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for December of the preceding year over the price index published for June of the preceding year, and

(b) on July 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for June of such year over the price index published for December of the preceding year.

SEC. 2. If in any year the percent change determined under either section 1(a) or 1(b) indicates a rise in the price index, then:

(a) effective March 1 of such year, in the case of an increase under section 1(a), each annuity payable from the Central Intelligence Agency Retirement and Disability Fund having a commencing date not later than such March 1 shall be increased by the percent change computed under such paragraph, adjusted to the nearest $\frac{1}{10}$ of 1 percent, or

(b) effective September 1 of such year, in the case of an increase under section 1(b), each annuity payable from the Central Intelligence Agency Retirement and Disability Fund having a commencing date not later than such September 1 shall be increased by the percent change computed under such paragraph, adjusted to the nearest $\frac{1}{10}$ of 1 percent.

SEC. 3. The changes made by sections 1 and 2 of this order shall apply to any increase in annuities after October 1, 1976, except that with respect to the first date after October 1, 1976 on which the Director is to determine a percent change, such percent change shall be determined by computing the change in the price index published for the month immediately preceding such first date over the price index for the last month immediately prior to October 1, 1976 for which the price index showed a percent rise forming the basis of a cost of living annuity increase under section 291(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as in effect immediately prior to October 1, 1976.

Gerald R. Ford

THE WHITE HOUSE,
*January 6, 1977.*

[FR Doc.77-839 Filed 1-6-77;10:47 am]

Executive Order 11951 • January 6, 1977

## Relating to the Arrangement Regarding International Trade in Textiles

By virtue of the authority vested in me by the Constitution and statutes of the United States of America and as President of the United States of America, Section 1(c) of Executive Order No. 11651 of March 3, 1972, is amended by deleting "Articles 3 and 6 of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, as extended," and substituting "Articles 3 and 8 of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973,".

Gerald R. Ford

THE WHITE HOUSE,
*January 6, 1977.*

[FR Doc.77-840 Filed 1-6-77;10:48 am]

# rules and regulations



## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE

#### Department of the Air Force

Section 213.3109 is amended to show that professional, technical, managerial and administrative positions supporting space activities in the Department of the Air Force are excepted under Schedule A.

*Effective:* January 7, 1977, § 213.3109 (b) (1) is added as set out below:

§ 213.3109 Department of the Air Force.

* * * * *

(b) *General.*

(1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

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

[FR Doc.77–617 Filed 1–6–77;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of Labor

Section 213.3115(b) is amended to show that up to 500 part-time and intermittent employees with salaries equivalent to GS–6 and below may be employed up to 1,440 hours a year in field survey, enumeration work in the Bureau of Labor Statistics. This amendment raises the grade level limit from GS–5 to GS–6, removes restrictions on the number of employees who can serve at the GS–5 level, removes differences in the amount of service allowed at each grade level, and restates the service limit in terms of hours rather than days.

*Effective:* January 7, 1977, § 213.3115 (b) (1) is amended as set out below:

§ 213.3115 Department of Labor.

* * * * *

(b) *Bureau of Labor Statistics*

(1) Not to exceed 500 positions involving part-time and intermittent employment for field survey enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–6 and below. Employment under this authority may not exceed 1,440 work hours in a service year. No new appointment may be made under this authority after December 31, 1978.

(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.77–616 Filed 1–6–77;8:45 am]

## Title 9—Animals and Animal Products

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

#### SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

#### Overtime, Night and Holiday Inspection or Quarantine at Airports

● *Purpose.* The purpose of this document is to amend 9 CFR 97.1 relating to charges for overtime work performed at airports outside of the regularly established hours of service. ●

Veterinary Services inspectors of the U.S. Department of Agriculture are charged with rendering inspection and quarantine services relating to imports and exports at border ports, ocean ports, and air ports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following amendment to § 97.1 changes the overtime rate to be charged owners and operators of aircraft for work performed outside of the regularly established hours of service to comply with the 1976 Amendments of the Airport and Airways Development Act of 1970 (49 U.S.C. 1741). This amendment provides that any required quarantine or inspection service for operation of aircraft at airports performed by an employee of Veterinary Services during regularly established hours of service on Sundays or holidays will be performed without reimbursement from the owners or operators of aircraft to the same extent as if service had been performed during regularly established hours of service during weekdays. Further administrative overhead costs associated with such services at airports shall not be assessed against the owners or operators of the aircraft.

Accordingly, Part 97, Title 9, Code of Federal Regulations, is amended in the following respect:

In § 97.1, the first sentence of paragraph (a) is amended, paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and air ports.[1]

(a) Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period, except as provided in paragraph (b) of this section, shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $21.32 per man hour per employee on a Sunday and at a rate of $14.60 per man hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, except as provided in paragraph (b) of this section for inspection or quarantine services requested by an owner or operator of an aircraft at an airport on a Sunday or holiday which are performed within regularly established hours of service, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

(b) Any owner or operator of an aircraft requesting inspection services or quarantine services at an airport during regularly established hours of service on a Sunday or holiday shall be provided service without reimbursement as if such service had been performed during regularly established hours of service on weekdays. When services are performed outside of the regularly established hours of service on a Sunday or holiday or any other day, the rate to be charged owners or operators of aircraft shall be $17.52 per hour on a Sunday and $10.84 per hour on a holiday or any other day.

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

which charges exclude administrative overhead costs.

* * * * *

(64 Stat. 561 (7 U.S.C. 2260); Sec. 15 of Pub. L. 94-353, 90 Stat. 882) (49 U.S.C. 1741)).

Effective date: The foregoing amendment shall become effective January 1, 1977.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, 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 3rd 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.

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

[FR Doc.77-619 Filed 1-6-77;8:45 am]

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SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

## PART 113—STANDARD REQUIREMENTS

### Miscellaneous Amendments

• *Purpose:* To correct the number of samples required for testing. •

*Statement of considerations.* The number of samples of a product submitted by each licensee for testing by Veterinary Services is prescribed in § 113.3. The number is based on the requirements of tests which may be conducted on each class of product by Veterinary Services personnel.

Subsequent to preparing the current list of samples, some products have been reclassified by definition from a bacterin to a bacterin-toxoid. The number of samples prescribed in § 113.3 for these products was not adjusted accordingly. These changes will provide the necessary number of samples for proper testing.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158) Part 113, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by making the following administrative changes:

Section 113.3 is amended by revising paragraphs (b) (2) and (b) (5) to read:

§ 113.3 Sampling of biological products.

* * * * *

(b) * * *

(2) *Bacterins and Bacterin-Toxoids:*

(i) Twelve samples of single-fraction bacterins and bacterin-toxoids.

(ii) Thirteen samples of double-fraction bacterins and bacterin-toxoids.

(iii) Fourteen samples of triple-fraction bacterins and bacterin-toxoids.

(iv) Fifteen samples of bacterins and bacterin-toxoids containing more than three fractions.

* * * * *

(5) *Toxoids:* Sixteen single-dose samples or thirteen multiple-dose samples of tetanus toxoid or twelve samples of all other toxoids.

* * * * *

(21 U.S.C. 151 and 154; 37 FR 28477; 38 FR 19141.)

These amendments provide administrative changes in the biologics control program administered in accordance with the Virus-Serum-Toxin Act. In order to be of maximum benefit, they must be made effective immediately.

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

The foregoing amendments shall become effective December 28, 1976.

Done at Washington, D.C., this 23rd day of December, 1976.

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. M. HEJL,
*Deputy Administrator, Veterinary Services.*

[FR Doc.76-38229 Filed 12-28-76;8:45 am]

(NOTE.—This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

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## Title 10—Energy

## CHAPTER II—FEDERAL ENERGY ADMINISTRATION

## PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

### Crude Oil Prices; Further Extension of Current Domestic Crude Oil Ceiling Price Freeze and Corrective Adjustments to Upper Tier Ceiling Price Levels for January-March, 1977, To Comply With Statutory Composite Price Limitations

#### A. SUMMARY

FEA is today amending the domestic crude oil price regulations to provide for a continuation of the current freeze on crude oil ceiling prices and to adjust downward the upper tier ceiling price by 20 cents per barrel for the months of January through March, 1977. This action corrects for the amount by which the actual weighted average upper tier price was higher than intended when upper tier ceiling prices were first imposed in February, 1976, and is being taken to achieve compliance with the limitations on domestic crude oil prices of section 8 of the Emergency Petroleum Allocation Act of 1973 ("EPAA"). Upper tier crude oil accounts for about 35 percent of domestic crude oil production and 20 percent of all crude oil processed in United States refineries.

Section 8(f) of the EPAA provides an opportunity during March, 1977, for a full review by Congress of the operation of the crude oil pricing limitations which are required under section 8, including their impact on domestic production. Accordingly, today's action extends only through March, when that review will take place. However, in the event that there were to be no changes in the current statutory limitations on crude oil prices as a result of that review, an extention of the price levels specified in today's notice would serve to achieve full compliance with those limitations by July 31, 1977, based on current data and projections.

It should be noted that the 20 cents per barrel reduction in the upper tier ceiling price approximates the amount by which actual weighted average first sale prices of crude oil subject to the upper tier ceiling price exceeded the projected level in February, 1976, when the upper tier ceiling price was first implemented. At that time, no actual first sale data was available, and the attempt to achieve an actual weighted average upper tier price of $11.28 per barrel resulted instead in an actual weighted average upper tier price for February of $11.48 per barrel.

Today's action will have the effect of reducing the actual weighted average first sale price of domestic crude oil from December, 1976, levels by an average of four cents per barrel during the months of January and February, 1977. The actual composite price for March, 1977, should approximately equal the actual composite price of domestic crude oil for December, 1976.

#### B. BACKGROUND.

On November 16, 1976, the Federal Energy Administration ("FEA") issued a notice of proposed rulemaking and public hearing (41 FR 50960, November 18, 1976) in order to consider what steps FEA should take to comply with the requirement in section 8(c) of the EPAA, to make adjustments in crude oil price levels to compensate for actual weighted average first sale prices of domestic crude oil which have exceeded the statutory maximum weighted average first sale price limitations. In its notice of proposed rulemaking, FEA noted that the amounts in excess of the

statutory limits appeared to have increased significantly in recent months, due primarily to recent statutory and regulatory amendments relating to qualification for stripper well status and the definition of "property," even though upper and lower tier crude oil price ceilings had remained since July 1, 1976, at the maximum levels permissible for June, 1976.

Alternative proposals upon which comments were requested were: (1) A rollback of upper tier price levels by an estimated $1.40 to $1.60 per barrel during December, 1976, and January, 1977, in order to compensate fully by January 31, 1977, for cumulative pricing overages since February which, as of September (preliminary data), totalled nearly $200 million; (2) A continuation of the limitation on crude oil ceiling prices at their June, 1976, levels through December, 1976, in order to obtain more complete data, followed by appropriate compensatory action extending over a seven-month period (January to July, 1977) in order to compensate fully by July 31, 1977, for cumulative pricing overages through December, 1976, while also minimizing disruptive effects on domestic production which might result from option (1); and (3) depending upon the results of data for December, 1976, under alternative (2), further continue the price freeze pending consideration by Congress of an energy action to be submitted by FEA pursuant to section 8(e) of the EPAA, under which a one-time increase in the statutory composite price for January, 1977, sufficient to compensate for total cumulative receipts projected to exist at that time, would be proposed.

FEA noted that, if preliminary results for September, 1976, were confirmed by available data in December, 1976, a continuation of the present freeze on crude oil price ceilings until July 31, 1977, would be sufficient to correct fully for all crude oil pricing overages which have occurred or which shall have occurred since February, 1976. FEA also stated, however, that later data might indicate that this course of action would not be sufficient, and in such event FEA would, under the proposed regulation amendments, be able to reduce upper tier ceiling price levels to the extent necessary to reduce cumulative excess revenues to zero by July 31, 1977.

Following receipt of written comment and public hearings on these matters, FEA on November 30, 1976, issued regulation amendments which (1) Extended the ceiling price freeze until December 31, 1976, in order to obtain more complete data before taking further corrective action to compensate for pricing overages, and (2) Provided FEA with authority to require price reductions should such action become necessary (41 FR 53333, December 6, 1976). In addition, the rulemaking proceedings were expressly continued with respect to a final decision on the appropriate action to be taken with respect to crude oil ceiling prices during the period January 1977–July 1977 to achieve compliance with the composite price constraints.

Based on preliminary data for October, 1976, and other information indicating a further decline in the percentage of lower tier crude oil (which automatically increases the actual composite price for crude oil), FEA has, as noted above, determined that, consistent with statutory composite price limitations, the following actions should be taken with respect to domestic crude oil produced and sold during the months of January through March, 1977: (1) Reduction of upper tier price ceilings by 20 cents per barrel, and (2) Continuation of the current freeze with respect to lower tier ceiling price levels. These actions are reflected in Price Schedule No. 5, issued today, effective January 1, 1977.

### C. Basis for Today's Action

In its notice of proposed rulemaking in this matter, FEA presented the following table (Table V) indicating the extent to which actual composite prices had exceeded the statutory composite price based on preliminary data for September, 1976;

| Month | Lower tier percent | Lower tier price | Upper tier price | Statutory composite price | Actual composite price | Cumulative excess receipts (millions) |
|---|---|---|---|---|---|---|
| February | 56.12 | $5.05 | $11.48 | $7.66 | $7.87 | $49 |
| March | 56.93 | 5.07 | 11.39 | 7.72 | 7.79 | 67 |
| April | 56.69 | 5.07 | 11.52 | 7.78 | 7.86 | 86 |
| May | 57.04 | 5.13 | 11.55 | 7.84 | 7.89 | 97 |
| June | 55.92 | 5.15 | 11.60 | 7.88 | 7.99 | 123 |
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| August [2] | 55.68 | 5.18 | 11.62 | [1] 7.96 | 8.03 | 164 |
| September [2] | 53.40 | 5.16 | 11.65 | [1] 8.04 | [3] 8.18 | 197 |

[1] Reduced from original projected figures (see table I) of $7.91 for June, $7.97 for July, $8.03 for August, and $8.09 for September, due to reduction in annual rate of increase from 9.8 pct to 6.5 pct (reflecting decline in rate of inflation from 6.8 pct to 3.5 pct) applicable to June, July, and Aug. 1–13. Pursuant to secs. 122 and 124 of the ECPA, a full 10-pct annual rate of increase is used for Aug. 14–31 and the month of September. The average rate of increase for August is 8.52 pct.

[2] Preliminary.

[3] Includes prices for stripper well crude oil production at an imputed value of $11.63 per barrel in accordance with sec. 121 of the ECPA.

In commenting on Table V, FEA indicated that the decline of about 2.28 percentage points in the percentage of lower tier crude oil between August and September, 1976, contributed to a 15 cents per barrel increase in the actual composite price between August and September and a $33 million increase in excess revenues for September. FEA attributed this decline in the percentage of lower tier crude oil to the following factors in the proportions indicated:

| | |
|---|---|
| Change in definition of "stripper well property". | 0.5 to 1.0. |
| Normal decline in lower tier production. | 0.2. |
| Change in definition of "property". | 1.0 to 1.5. |

Based on preliminary data now available for October, 1976, the decline in the percentage of lower tier crude oil appears to have increased from 2.28 percentage points between August and September (preliminary) to about 3.2 percentage points between August and October. The further increase in this decline appears to be largely attributable to the change in the definition of "property" effective September 1, 1976, which, due apparently to the complexity of calculations relating to this subject, was not fully reflected in actual price data for September. An FEA survey of major crude oil producers indicates that the amendment to the "property" definition should be fully reflected by a further shift of 0.5 percentage points, which is expected in November, 1976.

If final data confirm this anticipated shift, excess receipts are projected to total about $270 million by the end of December, 1976, compared with about $200 million of excess receipts by the end of September, 1976.

Based on the data now available and on FEA projections concerning cumulative excess receipts, FEA has therefore decided to continue the current freeze on crude oil ceiling prices and to reduce the upper tier ceiling price by 20 cents per barrel. Consequently, within the framework of the second option originally proposed (noted in Section B, above), FEA in today's action has provided for a reduction in upper tier ceiling prices of 20 cents per barrel applicable to crude oil produced and sold in the months of January through March, 1977, while maintaining the current freeze on lower tier price ceilings until March 31, 1977. These actions are reflected in Price Schedule No. 5, issued today pursuant to § 212.77 as an appendix to 10 CFR Part 212, Subpart D.

As also noted above, this corrective action is taken with respect to the first three months of 1977 only, since section 8(f) of the EPAA affords an opportunity for full Congressional review of the operation of the crude oil pricing policy of section 8 of the EPAA and its effect on domestic production. In the event, however, that no change in that policy were to result from that review, an extension of the ceiling price levels provided for in today's action would, based on current projections, serve to eliminate all cumulative excess receipts by July 31, 1977.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–385; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective January 1, 1977.

Issued in Washington, D.C., December 31, 1976.

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

1. Subpart D of Part 212 is amended to add an Appendix to read as follows:

APPENDIX.—*Schedule No. 5 of monthly price adjustments, Effective Jan. 1, 1977*

| Month | Lower tier May 15, 1973, posted price [1] (plus) | Upper tier Sept. 30, 1975, posted price [2] (less) |
|---|---|---|
| February 1976 | 1.35 | 1.32 |
| March | 1.38 | 1.25 |
| April | 1.41 | 1.18 |
| May | 1.45 | 1.11 |
| June | 1.48 | 1.05 |
| July | 1.48 | 1.05 |
| August | 1.48 | 1.05 |
| September | 1.48 | 1.05 |
| October | 1.48 | 1.05 |
| November | 1.48 | 1.05 |
| December | 1.48 | 1.05 |
| January 1977 | 1.48 | 1.25 |
| February | 1.48 | 1.25 |
| March | 1.48 | 1.25 |

[1] The price referred to in 10 CFR 212.73(b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4).
[2] The price referred to in 10 CFR 212.74(b)(1).

This schedule of monthly price adjustments was issued by the Federal Energy Administration on December 31, 1976, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February through December, 1976, as determined under 10 CFR 212.73, 212.74, and 212.77, and holds the lower tier price ceilings applicable to crude oil to be produced and sold in the months of January through March, 1977, at the ceiling price level for the months of June–December, 1976, consistent with statutory composite price requirements. As the schedule indicates, consistent with statutory composite price limitations, a temporary reduction is also made in upper tier ceiling prices below the level of June–December, 1976.

This schedule is effective only through March 31, 1977. Price ceilings for subsequent months will be provided by Schedule No. 6, to be issued no later than March 31, 1977. This schedule may, however, be superseded prior to March, 1977, by early issuance of Schedule No. 6 to reflect further ceiling price adjustments based on unanticipated trends in actual composite price levels.

NOTE.—The footnote reference to the lower tier ceiling price rule has been corrected to include a reference to the rule for Alaska and California, which was inadvertently not included when that rule was adopted, effective October 1, 1976.

[FR Doc.77-408 Filed 1-3-77;10:26 am]

## Title 12—Banks and Banking

## CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

## PART 704—CORPORATE CENTRAL FEDERAL CREDIT UNIONS

### Establishment of Part

On pages 41725 and 41726 of the September 23, 1976, edition of the FEDERAL REGISTER (41 FR 41725 and 41726), there was published a proposal to establish 12 CFR Part 704.

The proposed regulation recognized that a central Federal credit union that is operated for the primary purpose of serving corporate accounts should be classified as a corporate central Federal credit union (CCFCU), as that term is defined in the regulation, and that the reserving requirements for a CCFCU should be modified to more accurately reflect the lower risk involved in granting loans to corporate accounts, i.e., loans to credit unions. The proposed regulation established a reserving requirement for a CCFCU which differed from that delineated in § 702.2 (12 CFR 700.1), and by creating a "corporate central reserve" (CCR). A CCFCU will be required to transfer to the regular reserve amounts as set forth in § 702.2 (12 CFR 702.2), except that in computing the amount that must be maintained in the regular reserve pursuant to § 702.2 (12 CFR 702.2), loans made to credit unions by a CCFCU under authority of sections 107(5) and 107(8)(A) of the Act (12 U.S.C. 1757 (5) and (8)(A)) will now be classified in the same category as loans presently made to other credit unions under authority of section 107 (8)(C) of the Act (12 U.S.C. 1757 (8)(C)), that is, as nonrisk assets. To cover any potential loss on loans to corporate accounts, a CCFCU would be required to establish and maintain a CCR as set forth below.

Interested persons were given until November 16, 1976, to submit written comments, suggestions, or objections regarding the proposed regulation.

After consideration of all such relevant matter presented by interested persons, proposed Part 704 is adopted as set forth below, effective immediately.

C. AUSTIN MONTGOMERY,
*Administrator.*

JANUARY 3, 1977.

Sec.
704.0 Scope.
704.1 Definitions.
704.2 Corporate Central Reserve.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

### § 704.0 Scope.

Part 702 of this chapter sets forth the reserving requirements for Federal credit unions. As concerns corporate central Federal credit unions, this Part modifies the existing regular reserve structure by eliminating from outstanding loans and risk assets, when computing the amount that must be maintained in the regular reserve, loans to member credit unions (loans to other credit unions are presently excepted from risk assets by § 700.1(j)(4)), and by creating a corporate central reserve.

### § 704.1 Definitions.

(a) "Corporate central Federal credit union" means a Federal credit union operated for the primary purpose of serving corporate accounts. A Federal credit union will be deemed to be a corporate central Federal credit union when its total dollar amount of outstanding corporate loans plus corporate shareholdings is equal to or in excess of 75 per centum of its total outstanding loans plus shareholdings.

(b) Risk assets of a corporate central Federal credit union shall be as defined in § 700.1 of this chapter, except, however, loans made under authority of sections 107(5) and 107(8)(A) of the Act by a CCFCU to credit unions shall not be considered risk assets.

### § 704.2 Corporate Central Reserve.

(a) In addition to the Regular Reserve required by § 702.2 of this chapter, a corporate central Federal credit union shall establish and maintain a Corporate Central Reserve as described in this section.

(b) Immediately before the payment of each dividend, the treasurer shall determine the gross earnings, as defined in § 702.2 of this chapter, of the corporate central Federal credit union. From this amount there shall be transferred to a reserve to be known as the Corporate Central Reserve, as of the end of each dividend period, 2 per centum of gross earnings until the Corporate Central Reserve shall equal 1½ per centum of the corporate central Federal credit union's total assets.

(c) Whenever the Corporate Central Reserve falls below 1½ per centum of total assets it shall be replenished by regular transfers of 2 per centum of gross earnings or by contributions in such amounts as may be needed to maintain the Corporate Central Reserve at 1½ per centum of total assets, whichever is less.

(d) Charges may be made against the Corporate Central Reserve to the same extent and in the same manner as those permitted to be made against the Regular Reserve pursuant to § 702.2 of this chapter. No other charges shall be made against the Corporate Central Reserve except as may be authorized in writing by the Administrator or his designee.

[FR Doc.77-556 Filed 1-6-77;8:45 am]

## Title 20—Employees' Benefits

### CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

### PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

### New Schedule of Remuneration

On December 3, 1976, a document was published in the FEDERAL REGISTER (41 FR 53048), proposing to amend 20 CFR 614.19, which prescribes the schedule used in computing Federal wages of ex-servicemen and ex-servicewomen covered under the program of Unemployment Compensation for Ex-servicemen (UCX program) established by Subchapter II of Chapter 85 of Title 5, United States Code (5 U.S.C. 8521–8525). Effective as of October 1, 1976, rates of monthly basic pay for members of the uniformed services were adjusted upward by Executive Order 11941 (41 FR 43889). The proposal published on December 3, 1976, would make corresponding adjustments in the schedule in 20 CFR 614.19.

A 30-day comment period was included in the proposal. No comments were received.

The new schedule of remuneration is hereby made applicable to all first claims under the UCX program which are filed after December 31, 1976. The purpose is to regularize the effective dates of new schedules of remuneration, which are issued annually to implement pay raises for members of the uniformed services. By making the new schedule effective at the beginning of the year, administration of the UCX program will be stabilized and the result will be fairer to claimants. While this necessitates making the new schedule effective this time in less than 30 days after it is published in the FEDERAL REGISTER, the reasons given for making the new schedule effective at the beginning of 1977 are believed to be overriding.

Accordingly, for the above reasons, I find that there is good cause for making this change effective January 1, 1977. Therefore, the amendments to 20 CFR 614.19 are published without change from the form proposed, except for a correction in the FEDERAL REGISTER citation in 20 CFR 614.19(b).

Effective date: January 1, 1977.

Signed at Washington, D.C., on January 4, 1977.

WILLIAM H. KOLBERG,
*Assistant Secretary for Employment and Training.*

Section 614.19 of Chapter V of Title 20, Code of Federal Regulations, is amended to read as follows:

**§ 614.19 Schedule of remuneration.**

(a) The following schedule of remuneration is issued pursuant to 5 U.S.C. 8521(a)(2), and shall apply to first claims which are filed after December 31, 1976:

| Pay grade: | *Monthly rate* |
|---|---|
| (1) Commissioned officers: | |
| O–10 | $4,088 |
| O–9 | 4,086 |
| O–8 | 4,072 |
| O–7 | 3,587 |
| O–6 | 2,982 |
| O–5 | 2,454 |
| O–4 | 2,021 |
| O–3 | 1,693 |
| O–2 | 1,354 |
| O–1 | 997 |
| (2) Warrant officers: | |
| W–4 | 1,936 |
| W–3 | 1,616 |
| W–2 | 1,316 |
| W–1 | 1,173 |
| (3) Enlisted personnel: | |
| E–9 | 1,658 |
| E–8 | 1,410 |
| E–7 | 1,224 |
| E–6 | 1,049 |
| E–5 | 885 |
| E–4 | 749 |
| E–3 | 669 |
| E–2 | 622 |
| E–1 | 572 |

(b) The deletion from paragraph (a) of this section of the schedule of remuneration published at 41 FR 16987, which was applicable prior to the effective date of the new schedule of remuneration set forth in paragraph (a) of this section, does not revoke the prior schedule or any preceding schedule or change the periods of time they were in effect.

(5 U.S.C. 8508, 8521(a)(2); Secretary's Order No. 4–75 (40 FR 18515).)

[FR Doc.77–656 Filed 1–6–77;8:45 am]

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## Title 21—Food and Drugs

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

### SUBCHAPTER A—GENERAL

[Docket No. 76N–0414]

### PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

### Subpart D—Public Hearing Before A Public Advisory Committee

ESTABLISHMENT OF PROCEDURES

*Correction*

In FR Doc. 76–34666 appearing at page 52148 in the issue of Friday, November 26, 1976 the following corrections should be made:

1. On page 52156, third column, the bold face section designated "§ 2.30" should read "§ 2.308".

2. On page 52163, third column, in § 2.340(c)(13)(ii) between the first and second line from the bottom insert the words "available data concerning safety and ef-".

3. On page 52167, middle column, in § 2.371(f), the ninth to twelfth lines should read "provisions of Part 4 of this chapter and the regulations referenced therein. The provisions of §§ 314.14, 431.71, and 601.51 of this chapter shall determine whether,".

[Docket No. 76N–0365]

### PART 8—COLOR ADDITIVES

### Provisional Regulations

POSTPONEMENT OF CLOSING DATES

The Commissioner of Food and Drugs, on his own initiative, is postponing the closing date for the use of 52 provisionally listed color additives until January 31, 1977. This order is effective December 30, 1976.

Under Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Pub. L. 86–618, 74 Stat. 404 (21 U.S.C. 376 note)) and under authority delegated to him (21 CFR 5.1), the Commissioner is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Section 203(d)(1) of Title II requires promulgation, insofar as practical, of a current listing of color additives and the particular uses thereof deemed provisionally listed.

The current closing date, December 31, 1976, established by a regulation published in the FEDERAL REGISTER of September 23, 1976 (41 FR 41856), was based upon the Commissioner's conclusion that postponement until December 31, 1976, was consistent with the objective of carrying to completion, in good faith and as soon as reasonably practicable, the scientific investigations necessary for making a determination as to listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

In the FEDERAL REGISTER of September 23, 1976 (41 FR 41860), the Commissioner proposed to postpone further the closing date for the use of 52 provisionally listed color additives. In the preamble to that proposal, the Commissioner set forth his tentative conclusions with respect to listing or provisional listing for each of those color additives and a precise timetable for accomplishing the various actions described. The postponement of the closing date until January 31, 1977, accomplished by this order, is necessary to provide a brief additional period of time to complete scientific and legal review of the comments received on the September 23, 1976 proposal.

Because of the shortness of time until the December 31, 1976, closing date, the Commissioner concludes that notice and public procedure on this regulation are impracticable and contrary to the public interest and that good cause exists for issuing this postponement as a final order. The regulation, to be effective on December 30, 1976 will permit the uninterrupted use of the affected color

additives. Therefore, in accordance with 5 U.S.C. 553(b)(B), and (d)(1) and (3), this postponement is issued as a final regulation and is being made effective on December 30, 1976.

Nothing in this action affects the Commissioner's authority under the transitional proivsions of the Color Additive Amendments of 1960 to terminate a closing date, terminate a listing, or impose restrictions with respect to a specific color additive on the provisional list.

(Sec. 203(a)(2), (d)(1), Title II, Pub. L. 86-618; 74 Stat. 404-405 (21 U.S.C. 376 note)) 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 8 is amended as follows:

**§ 8.501 [Amended]**

In § 8.501 *Provisional lists of color additives,* the closing dates for the color additives listed in paragraphs (a), (b), (c), (f), and (g) are changed to read "January 31, 1977."

*Effective date.* This order shall become effective on December 30, 1976.

(Sec. 203(a)(2), (d)(1), Title II Pub. L. 86-618; 74 Stat. 404-405 (21 U.S.C. 376 note).)

Dated: December 29, 1976.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.76-38490 Filed 12-30-76;11:27 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0362]

## PART 121—FOOD ADDITIVES

### Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ACRYLONITRILE/STYRENE COPOLYMER

The Food and Drug Administration is amending the food additive regulations to provide for the use of a new acrylonitrile/styrene copolymer in contact with food, except for use as a bottle for alcoholic beverages and carbonated beverages; effective January 7, 1977; objections by February 7, 1977.

A notice published in the FEDERAL REGISTER of January 19, 1976 (41 FR 2663) announced that a petition (FAP 6B3121) had been filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640, proposing that § 121.2629 *Acrylonitrile/styrene copolymer* (21 CFR 121.2629) be amended to provide for the safe use of an additional acrylonitrile/styrene copolymer produced by polymerization of 45–65 parts by weight of acrylonitrile and intended to contact all foods. The petitioner subsequently amended the petition to delete the coverage requested for use as a bottle for alcoholic and carbonated beverages.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.2629 should be amended as set forth below.

(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 in § 121.2629 by adding a new acrylonitrile/styrene copolymer and revising the section to read as follows:

**§ 121.2629 Acrylonitrile/styrene copolymer.**

Acrylonitrile/styrene copolymers identified in this section may be safely used as a component of packaging materials subject to the provisions of this section.

(a) *Identity.* For the purposes of this section acrylonitrile/styrene copolymers are basic copolymers meeting the specifications prescribed in paragraph (c) of this section.

(b) *Adjuvants.* (1) The copolymers identified in paragraph (c) of this section may contain adjuvant substances required in their production, with the exception that they shall not contain mercaptans or other substances which form reversible complexes with acrylonitrile monomer. Permissible adjuvants may include substances generally recognized as safe in food, substances used in accordance with prior sanction, substances permitted under applicable regulations in this part, and those authorized in paragraph (b)(2) of this section.

(2) The optional adjuvants for the acrylonitrile/styrene copolymer identified in paragraph (c)(1) of this section are as follows:

| *Substances* | *Limitation* |
|---|---|
| Condensation polymer of toluene sulfonamide and formaldeyhde. | 0.15 pct. maximum. |

(c) Specifications.

| Acrylonitrile/styrene copolymers | Maximum residual acrylonitrile monomer content of finished article | Nitrogen content of copolymer | Maximum extractable fractions at specified temperatures and times | Conformance with certain specifications |
|---|---|---|---|---|
| 1. Acrylonitrile/styrene copolymer consisting of the copolymer produced by polymerization of 66–72 parts by weight of acrylonitrile and 23–34 parts by weight of styrene; for use with food of type VI–B identified in table 1 of sec. 121.2526(c) under conditions of use C, D, E, F, G described in table 2 of sec. 121.2526(c). | 80 parts per million*.. | 17.4 to 19 pct.. | Total nonvolatile extractives not to exceed 0.01 milligram per square inch surface area of the food contact article when exposed to distilled water and 3 pct acetic acid for 10 d at 150° F.<br>The extracted copolymer shall not exceed 0.001 mg/in² surface area of the food contact article when exposed to distilled water and 3 pct acetic acid for 10 d at 150° F.* | Minimum number average molecular weight is 30,000.* |
| 2. Acrylonitrile/styrene copolymer consisting of the copolymer produced by polymerization of 45–65 parts by weight of acrylonitrile and 35–55 parts by weight of styrene; for use with food of types I, II, III, IV, V, VI (except bottles), VII, VIII, and IX identified in table 1 of sec. 121.2526(c) under conditions B (not to exceed 200° F), C, D, E, F, G described in table 2 of sec. 121.2526(c). | 50 parts per million* | 12.2 to 17.2 pct. | Extracted copolymer not to exceed 2.0 parts per million in aqueous extract or *n*-heptane extract obtained when 100-gram sample of the basic copolymer in the form of particles of a size that will pass through a U.S. Standard Sieve No. 6 and that will be held on a U.S. Standard Sieve No. 10 is extracted with 250 milliliters of deionized water or reagent grade *n*-heptane at reflux temperature for 2 hours.* | Minimum 10 pct solution viscosity at 25° C is 10 cP.* |

*Method available from: Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HEFF-330), 200 C St. SW., Washington, D.C. 20204

(d) *Interim listing.* Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 7, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, 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. Six 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 during working hours, Monday through Friday.

Effective date: This regulation shall become effective January 7, 1977.

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

Dated: December 29, 1976.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.77-327 Filed 1-6-77;8:45 am]

[Docket No. 76N-0499]

## PART 121—FOOD ADDITIVES

### Food Additives Permitted in Food for Human Consumption or in Contact With Food on an Interim Basis Pending Additional Study

SACCHARIN AND ITS SALTS

The Food and Drug Administration (FDA) is extending the effective date of the interim food additive regulation for saccharin and its salts to authorize continued limited use of the food additives until ongoing studies are completed and evaluated. This order is effective January 7, 1977.

Saccharin and its salts (saccharin) were removed from the list of substances generally recognized as safe (GRAS) in § 121.101 (21 CFR 121.101) by an order published in the FEDERAL REGISTER of February 1, 1972 (37 FR 2437). That order also established in § 121.4001 (21 CFR 4001) an interim food additive regulation for saccharin that places limits on the use of saccharin as a sweetener in food used to reduce significantly the calorie value of certain foods. Those actions were taken because preliminary results from chronic feeding studies then being conducted by FDA and other groups suggested that saccharin might cause adverse effects. Continued limited use of saccharin was permitted based upon the conclusion of the Commissioner of Food and Drugs that such use would not involve any significant increased risk to the public health. The authority for the use of saccharin was initially due to expire on June 30, 1973.

In June 1972, FDA signed a contract with the National Academy of Sciences/National Research Council (NAS/NRC) to review the results of all experiments on the possible carcinogenicity of saccharin. A number of experiments involving saccharin were underway when FDA signed the contract with NAS/NRC in June 1972 and, as is frequently true with chronic feeding studies, no specific completion date could then be established for them. It therefore became necessary to extend the effective date of the interim food additive regulation beyond June 30, 1973 to provide time for NAS/NRC to complete its evaluation and report to FDA. The authority for the continued limited use of saccharin was extended, therefore, in § 121.4001(c), by order published in the FEDERAL REGISTER of May 25, 1973 (38 FR 13733), until such time that FDA "receives a final report and recommendations from the National Academy of Sciences Committee on Saccharin and publishes an order" based on that report. In extending the authority for limited use of saccharin, the Commissioner again concluded that continued limited use of saccharin would not involve any significant increased risk to the public health.

The NAS/NRC report was received by FDA in December 1974.[1] The report's primary conclusion was that the data then available had "not established conclusively whether saccharin is or is not carcinogenic when administered orally to test animals." The NAS/NRC recommended that several additional studies be undertaken to generate data that would permit a reasonably conclusive scientific judgment on the question of whether saccharin is a carcinogen and recommended further that the question be reconsidered when a substantial portion of the additional data became available. Specifically, NAS/NRC recommended that the following additional research on saccharin be conducted to determine whether it is carcinogenic or whether its use presents a significant increased risk to the public health:

1. Carcinogenesis study of purified contaminants of commercial saccharin, especially ortho-toluenesulfonamide (OTS);
2. Carcinogenesis study of pure saccharin;
3. Carcinogenesis study of mixtures of known amounts of saccharin and OTS;
4. Study of interaction of stones or parasites in bladder and saccharin in the diet;
5. Study of urine composition as affected by high saccharin and OTS intake in the diet;
6. Study of the significance of parenteral and in utero exposure in carcinogenesis studies;
7. Epidemiologic studies relating the incidence of cancer with long-term consumption of saccharin.

After the completion of the NAS/NRC report, and during FDA review of the report, several studies on saccharin were undertaken by the Health Protection Branch of the Department of Health and Welfare of Canada. These studies are expected to provide data that will enable FDA to make a final determination regarding the use of saccharin in food. The status of the Canadian studies is as follows:

1. Ortho-toluenesulfonamide was administered by gavage to female rats from the 1st day of pregnancy to the 21st day after parturition. After weaning, the pups were placed on diets that provided up to 250 milligrams per kilogram (mg/kg) per day of OTS, the same doses that had been administered to the dams. Histopathologic examination of the bladder and kidneys after 105 days revealed a higher incidence of bladder stones in all test groups (male and female) than the controls. On the other hand, hyperplasia was observed in only one male rat that received 100 mg/kg per day of OTS. These findings suggest that high doses of OTS may cause an increased incidence of bladder stones and possibly hyperplasia. These findings raise the question whether the adverse effects seen in test animals in earlier studies on saccharin may have been caused by OTS rather than saccharin itself. A second study, similar to the one described above, is underway in Canada to attempt to corroborate the findings of the first study.

2. A lifetime feeding study in the rat to assess the carcinogenicity and chronic toxicity of OTS and OTS-free saccharin was begun in early to mid-1974. In this study, the rats of the $f_0$ and $f_1$ generation are being exposed to OTS and OTS-free saccharin. The study is designed principally to determine the significance of in utero exposure of the test animals to OTS and OTS-free saccharin in relation to the possible induction of tumors by either substance. The test feeding for the $f_0$ generations was completed in September 1976; the test feeding for the $f_1$ generation is expected to be completed in January 1977. The Canadians estimate that 1 year will be required to compile and evaluate the data and to prepare a final report. The final report is thus expected shortly after January 1978.

The Commissioner is confident that a final determination based upon complete and up-to-date data on the safety of saccharin will be possible shortly after the final reports on the Canadian study are received by FDA. Food and Drug Administration scientists have, as the interim food additive regulation requires, maintained close contact with those persons who are conducting studies on saccharin and OTS, and they are fully informed about all developments relating to the safety of saccharin. The availability of final results from the Canadian studies, expected in a little over 1 year, will enable the agency's scientists to render a judgment on the safety of saccharian that will be legally sound and scientifically supportable.

In the Commissioner's view, allowing continued limited use of saccharin in the interim is appropriate because such use will not significantly increase the risk to the public health. Should new data become available that suggest an increased risk or make it impossible to conclude with reasonable certainty that the limited use of saccharin is safe, the Commissioner will not hesitate to take prompt action, including terminating the authority under the interim regulation for the limited use of saccharin. The Food and Drug Administration will continue to monitor closely the progress of the ongoing Canadian studies and will therefore be in a position to act expeditiously if circumstances warrant.

From time to time, FDA receives inquiries concerning the circumstances in which it is appropriate to use saccharin in food. The Commissioner therefore believes that it would be useful to reiterate the limited circumstances in which saccharin may be used in accordance with the interim food additive regulation.

The purposes of the interim regulation are to discourage general use of saccharin by consumers and to prevent an increase in saccharin usage by those persons who already consume saccharin-containing products. Under the regulation, saccharin may be used only as a substitute for nutritive sweeteners in accordance with current special dietary food regulations and policies, or for the technological purposes authorized by § 121.4001(e).

The only special dietary purpose for which sacharin may be used under § 121.4001(d) is for calorie reduction. To be used validly for calorie reduction, the food with the saccharin substitute must be significantly lower in calories than the comparable nutritionally sweetened food.

Saccharin may be combined with nutritive sweeteners to sweeten a food offered for calorie reduction only if the combination is authorized by an FDA

[1] Available from the National Technical Information Service, 5285 Fort Royal Rd., Springfield, VA 22151. Order number PB-238-137.

regulation or statement of policy or interpretation such as in § 3.72 (21 CFR 3.72). If sweeteners (saccharin and nutritive) could be combined freely, the taste variations attainable in food would increase significantly and could result in increased use of saccharin in food, contrary to the purpose of the interim regulation. Moreover, the use of a nutritive sweetener in combination with saccharin increases the calories in a food over the amount that would be present if only saccharin were used. Because the food does not then achieve the maximum possible calorie reduction, special scrutiny is required to ensure that the food serves a need for those in calorie reduction programs.

Manufacturers who seek to use saccharin in combination with nutritive sweeteners in circumstances in which the use is not already permitted may petition FDA to issue a regulation or a statement of policy or interpretation to provide for the use of the combination. Such petitions should include information to establish (1) that it is not feasible to produce an acceptable calorie-reduced food by using saccharin alone, and (2) that the production and sale of the product containing the combination of sweeteners will not result in increased saccharin consumption by consumers.

This order merely extends the interim food additive regulation for saccharin (21 CFR 121.4001). Accordingly, inflation and environmental impact assessments are not required.

(Sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262))

Section 121.4001 is amended by revising paragraph (c) to read as follows:

**§ 121.4001 Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin.**

* * * * *

(c) Authority for such use shall expire when the Commissioner receives the final reports on the ongoing studies in Canada and publishes an order on the safety of saccharin and its salts based on those reports and other available data.

Effective date. This order shall become effective on January 7, 1977.

(Sec. 409(d), 72 Stat. 1781 (21 U.S.C. 348 (d)).)

Dated: December 28, 1976.

SHERWIN GARDNER,
*Acting Commissioner of Food and Drugs.*

[FR Doc.77-424 Filed 1-6-77;8:45 am]

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## SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

## PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

### Acetyl Sulfamethoxypyridazine Oral Suspension

The Food and Drug Administration is revoking the regulation providing for use of acetyl sulfamethoxypyridazine oral suspension; effective January 7, 1977.

Elsewhere in this issue of the FEDERAL REGISTER, the Director of the Bureau of Veterinary Medicine is withdrawing approval of new animal drug application (NADA) 12-824V filed by Parke, Davis & Co., Detroit, MI 48232 for the use of acetyl sulfamethoxypyridazine oral suspension in the treatment of dogs and cats for sudfa-susceptible bacterial infections. Because approval of NADA 12-824V is being withdrawn, the corresponding regulation (21 CFR 520.2301) upon which the approval relied is hereby revoked.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262))

**§ 520.2301 [Revoked]**

Section 520.2301, *Acetyl sulfamethoxypyridazine oral suspension*, is hereby revoked.

*Effective date.* This order shall be effective January 7, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 28, 1976.

FRED J. KINGMA,
*Acting Director, Bureau of Veterinary Medicine.*

[FR Doc.77-326 Filed 1-6-77;8:45 am]

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## PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

### Intramammary Dosage Forms

### STERILE BENZATHINE CLOXACILLIN FOR INTRAMAMMARY INFUSION

The Food and Drug Administration (FDA) approves a supplemental new animal drug application (NADA 55-069V) filed by Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, proposing the safe and effective use of a sterile benzathine cloxacillin for intramammary infusion for prevention and treatment of mastitis in nonlactating cows, in lieu of a previously approved nonsterile product. The approval is effective January 7, 1977.

The Commissioner of Food and Drugs is amending §§ 540.814 and 540.814a (21 CFR 540.814 and 540.814a) to reflect this approval.

Approval of the NADA has not required a reevaluation or confirmation of the safety and effectiveness data underlying the original approval because approval will not increase potential risk of human exposure to drug residues. Therefore, this approval does not constitute a reaffirmation of the drug's safety and effectiveness.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) 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 540 is amended as follows:

1. In § 540.814 by deleting paragraph (c)(2)(ii) and (3)(ii) and designating them "reserved."

**§ 540.814 Benzathine cloxacillin for intramammary infusion.**

* * * * * *

(c) * * *
(2) * * *
(ii) [Reserved].
(3) * * *
(ii) [Reserved].

2. In § 540.814a by revising paragraph (c) to read as follows:

**§ 540.814a Sterile benzathine cloxacillin for intramammary infusion.**

* * * * *

(c) *Conditions of marketing*—(1)(i) *Specifications.* The drug contains benzathine cloxacillin equivalent to 500 milligrams cloxacillin in each 6 milliliters of peanut oil vehicle, and conforms to the certification requirements of paragraph (a) of this section.

(ii) *Sponsor.* See No. 000003 in § 510.600(c) of this chapter.

(iii) *Conditions of use.* (*a*) The drug is used for treatment of mastitus caused by *Staphylococcus aureus* and *Streptococcus agalactiae* in dairy cows at the time of drying-off of the cow.

(*b*) It is administered aseptically at the rate of 6 milliliters per infected quarter immediately after last milking at the time of drying-off of the cow.

(*c*) For use in dry cows only.

(*d*) Not to be used within 30 days of calving.

(*e*) Milk taken from treated cows prior to 72 hours (6 milkings) after calving must not be used for human food.

(*f*) Animals infused with this product must not be slaughtered for food from the time of infusion until 72 hours after calving.

(*g*) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2)(i) *Specifications.* The drug contains benzathine cloxacillin equivalent to 500 milligrams cloxacillin in each dose, and conforms to the certification requirements of paragraph (a) of this section.

(ii) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(iii) *Conditions of use.* (*a*) The drug is used for treatment and prophylaxis of bovine mastitis in nonlactating cows due to *Streptococcus agalactiae* and *Staphylococcus aureus.*

(*b*) It is administered at one dose per infected quarter immediately after last milking.

(*c*) For use in dry cows only.

(*d*) Not to be used within 4 weeks (28 days) of calving.

(*e*) Animals infused with this product must not be slaughtered for food use for 4 weeks (28 days) after the latest infusion.

(*f*) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date.* These amendments shall be effective January 7, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 306b(i)).)

Dated: December 28, 1976.

FRED J. KINGMAN,
*Acting Director,*
*Bureau of Veterinary Medicine.*

[FR Doc.77-324 Filed 1-6-77;8:45 am]

## PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

### Coumaphos

The Food and Drug Administration is amending the new animal drug regulation for coumaphos to clarify it; effective January 7, 1977.

The regulation for coumaphos is currently under § 558.185 (21 CFR 558.185). Before recodification, published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802), as amended in the FEDERAL REGISTER of March 3, 1976 (41 FR 9149), the section was designated under § 135e.-39 (21 CFR 135e.39). The former § 135e.-39(f) contained an incorrect number in the amount column of the table, and when the section was recodified, an incorrect reference was introduced into paragraph (b)(2). This document corrects the incorrect references.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)),

§ 558.185 [Amended]

Section 558.185, *Coumaphos,* is amended in paragraph (b)(2) by deleting the phrase "item 2 of the table" and by inserting in its place the phrase "paragraph (f)(1)(ii) of this section" and in paragraph (f)(1)(ii) by deleting the number "0.002" and by inserting in its place the number "0.0002."

Effective date: This amendment shall be effective on January 7, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 30, 1976.

C. D. VAN HOUWELING,
*Director, Bureau of Veterinary Medicine.*

[FR Doc.77-567 Filed 1-6-77;8:45 am]

## Title 26—Internal Revenue

## CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

### SUBCHAPTER A—INCOME TAX

[T.D. 7458]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Qualified Joint and Survivor Annuities

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for October 3, 1975 (40 FR 45828), amendments to the Income Tax Regulations (26 CFR Part 1) under section 401(a)(11) of the Internal Revenue Code of 1954, as added by section 1021(a)(1) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 935) were proposed in order to provide rules relating to qualified joint and survivor annuities.

A public hearing regarding the proposed regulations was held on February 26, 1976, and, after consideration of comments made orally at this hearing and those submitted in writing, the text of the proposed regulations has been revised in several respects.

In addition to several substantive changes described below, the organization of §1.401(a)-11 has been substantially revised with a view to making it more readable.

In general, section 401(a)(11) of the Code requires as a condition for qualification of a trust under section 401 that, if a plan of which such trust is a part provides for the payment of benefits in the form of an annuity, the plan must provide for the payment of such benefits in the form of a qualified joint and survivor annuity in accordance with the provisions of such section 401(a)(11).

The final regulations, like the proposed regulations, take the position that statutory joint and survivor requirements are applicable not only to defined benefit plans, but also to defined contribution (e.g., profit-sharing) plans which provide an optional life annuity form for payment of benefits. However, the final regulations specifically provide in § 1.401(a)-11(c)(2)(i)(G)(2) that defined contribution plans need not make available an election to receive an "early survivor annuity" if the plan provides a survivor benefit at least equal in value to the vested portion of the participant's account balance.

Section 1.401(a)-11(a) sets forth this general rule with respect to any form of life annuity. The proposed regulations described a "life annuity" as an annuity that provides retirement or disability payments and requires the survival of the participant or his spouse as one of the conditions for any payment or possible payment under the annuity. The final regulations (§-1.401(a)-11(b)(1)) further define the term "life annuity" to exclude ancillary benefits which are not treated as normal retirement benefits for vesting purposes under section 411(a)(9).

The general rule contained in § 1.401(a)-11(a)(1) has been substantially revised from that of the proposed regulations. It describes three plan provisions some or all of which are necessary for qualification. First, in accordance with section 401(a)(11)(A) and (B), the plan must provide that any participant is entitled to receive any benefits available to him in a form having the effect of a qualified joint and survivor annuity (as defined in § 1.401(a)-11(b)(2) and Code section 401(a)(11)(G)(iii)) if he: (1) Begins to receive payments under a plan on or after normal retirement age, (2) dies on or after the normal retirement age while still working for the employer, (3) begins to receive payments under a plan which provides for payment of benefits before the normal retirement age on or after the qualified early retirement age (as defined in § 1.401(a)-11(b)(4)), or (4) separates from service on or after the date the normal retirement age (or the qualified early retirement age) is attained without having made an election (as described in paragraph (c)(1) of this section) not to receive such benefits in the form of a qualified joint and survivor annuity, and after satisfaction of eligibility requirements for the payment of benefits under the plan (except for any plan requirement that there be filed a claim for benefits) and thereafter dies before beginning to receive such benefits.

In response to a question presented by several comments on the proposed regulations, § 1.401(a)-11(a)(2) makes it clear that a plan will not fail to satisfy the joint and survivor annuity requirements merely because it provides that, if the present value of the entire nonforfeitable benefit of a participant derived from employer contributions at the time of his separation from service does not exceed $1,750 (or such smaller amount as the plan may specify), the benefit will be paid to him in a lump sum. This provision solves a possible conflict between the joint and survivor annuity requirements and section 411(a)(7)(B)(i) of the Code (relating to minimum vesting requirements).

The term "qualified early retirement age" is defined by § 1.401(a)-11(b)(4) to mean the latest of (1) the earliest date, under the plan, on which the participant could elect to receive retirement benefits, (2) the first day of the 120th month beginning before the participant reaches normal retirement age, or (3) the date on which the participant begins participation. "Normal retirement age" has the meaning set forth in section 411(a)(8).

With respect to a plan which provides for payment of benefits before the normal retirement age, the requirement in the proposed regulations to provide a qualified joint and survivor annuity was significantly broader in the case of a participant who begins to receive benefits under the plan prior to the qualified early retirement age. Such a participant was entitled to receive the benefits in the form of a qualified joint and survivor annuity when he attained (or would have attained) the early retirement age. The absence of this requirement in the final regulations is expected to facilitate the administration of plans.

Secondly, in accordance with section 401(a)(11)(E), the plan must allow a participant to elect not to receive benefits in the form of a qualified joint and survivor annuity. Third, in accordance with section 401(a)(11)(C), plans that provide for the payment of benefits before the normal retirement age must also provide that participants may elect payment of an early survivor annuity (as defined in § 1.401(a)-11(b)(3)) should they die while in the active service of an employer after attaining the qualified early retirement age.

Section 1.401(a)–11(c)(1)(ii)(B) has a rule concerning the making of elections by participants who retired after the joint and survivor annuity requirements became effective but before regulations were issued.

Section 1.401(a)–11(c)(1) describes the election which all plans must offer, the election not to take benefits in the form of a qualified joint and survivor annuity. Section 1.401(a)–11(c)(2) describes the election which those plans which provide for the payment of benefits before normal retirement age must offer, the election to have an early survivor annuity.

Section 1.401(a)–11(c)(4) requires the plan to allow a participant to revoke any election made and make another election during the specified election period. Section 1.401(a)–11(c)(5) allows a plan to permit a surviving spouse to elect to have benefits paid in a form other than a survivor annuity. If a plan contains such an option, the plan administrator must furnish to the spouse upon his or her written request a written explanation in non-technical language of the survivor annuity and any other form of payment which may be elected.

Additional permissible plan provisions are set forth in § 1.401(a)–11(d). Among other things, a plan may provide that, as a condition precedent to the payment of benefits, a participant must express in writing to the plan administrator the form in which he prefers benefits to be paid and provide all information reasonably necessary for the payment of benefits. This paragraph also clarifies the rules relating to permissible marriage requirements.

Section 1.401(a)–11(e) explains the treatment by the plan of the costs of providing qualified joint and survivor annuity or early survivor annuity benefits. In response to questions presented in comments on the proposed regulations, the final regulations provide that a plan may take into account in any equitable manner consistent with generally accepted actuarial principles applied on a consistent basis any increased costs resulting from providing such benefits. A plan may give a participant the option of paying premiums only if it provides another option under which an out-of-pocket expense by the participant is not required.

These regulations supersede temporary regulations § 11.401(a)–11, published in the FEDERAL REGISTER for October 3, 1975 (40 FR 45810).

### ADOPTION OF AMENDMENTS TO THE REGULATIONS

On October 3, 1975, notice of proposed rulemaking with respect to amendments of the Income Tax Regulations (26 CFR Part 1) under section 401(a)(11) of the Internal Revenue Code of 1954, as added by section 1021(a)(1) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406, 88 Stat. 935), was published in the FEDERAL REGISTER (40 FR 45828). A public hearing regarding this notice of proposed rulemaking was held on February 26, 1976, and, after consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, certain revisions in § 1.401(a)–11 as proposed have been made. Section 1.401(a)–11 of these regulations supersedes § 11.401(a)–11 of the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 11). Section 1.401(a) (adopted without change) and § 1.401(a)–11, revised as set forth below, are adopted and inserted immediately after § 401–14.

**§ 1.401(a) Statutory provisions; requirements for qualification.**

SEC. 401. *Qualified pension, profit-sharing, and stock bonus plans*—(a) *Requirements for qualification.* A trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall constitute a qualified trust under this section—

(1) If contributions are made to the trust by such employer, or employees, or both, or by another employer who is entitled to deduct his contributions under section 404(a)(3)(B) (relating to deduction for contributions to profit-sharing and stock bonus plans), for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(2) If under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(3) If the plan of which such trust is a part satisfies the requirements of section 410 (relating to minimum participation standards); and

(4) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are—

(A) Officers,

(B) Shareholders, or

(C) Highly compensated.

For purposes of this paragraph, there shall be excluded from consideration employees described in section 410(b)(2)(A) and (C).

(5) A classification shall not be considered discriminatory within the meaning of paragraph (4) or section 410(b) (without regard to paragraph (1)(A) thereof) merely because it excludes employees the whole of whose remuneration constitutes "wages" under section 3121(a)(1) (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by section 3121(a)(1) differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law. For purposes of this paragraph and paragraph (10), the total compensation of an individual who is an employee within the meaning of subsection (c)(1) means such individual's earned income (as defined in subsection (c)(2)), and the basic or regular rate of compensation of such an individual shall be determined, under regulations prescribed by the Secretary or his delegate, with respect to that portion of his earned income which bears the same ratio to his earned income as the basic or regular compensation of the employees under the plan bears to the total compensation of such employees. For purposes of determining whether two or more plans of an employer satisfy the requirements of paragraph (4) when considered as a single plan, if the amount of contributions on behalf of the employees allowed as a deduction under section 404 for the taxable year with respect to such plans, taken together, bears a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, the plans shall not be considered discriminatory merely because the rights of employees to, or derived from, the employer contributions under the separate plans do not become nonforfeitable at the same rate. For the purposes of determining whether two or more plans of an employer satisfy the requirements of paragraph (4) when considered as a single plan, if the employees' rights to benefits under the separate plans do not become nonforfeitable at the same rate, but the levels of benefits provided by the separate plans satisfy the requirements of regulations prescribed by the Secretary or his delegate to take account of the differences in such rates, the plans shall not be considered discriminatory merely because of the differences in such rates.

(6) A plan shall be considered as meeting the requirements of paragraph (3) during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

(7) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part satisfies the requirements of section 411 (relating to minimum vesting standards).

(8) A trust forming part of a pension plan shall not constitute a qualified trust under this section unless the plan provides that forfeitures must not be applied to increase the benefits any employee would otherwise receive under the plan.

(9) In the case of a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of subsection (c)(1), a trust forming part of such plan shall not constitute a qualified trust under this section unless, under the plan, the entire interest of each employee—

(A) Either will be distributed to him not later than his taxable year in which he attains the age of 70½ years, or, in the case of an employee other than an owner-employee (as defined in subsection (c)(3)), in which he retires, whichever is the later, or

(B) Will be distributed, commencing not later than such taxable year, (i) in accordance with regulations prescribed by the Secretary or his delegate, over the life of such employee or over the lives of such employee and his spouse, or (ii) in accordance with such regulations, over a period not extending beyond the life expectancy of such employee or the life expectancy of such employee and his spouse.

A trust shall not be disqualified under this paragraph by reason of distributions under a designation, prior to the date of the enactment of this paragraph, by any employee under the plan of which such trust is a part, of a method of distribution which does not meet the terms of the preceding sentence.

(10) In the case of a plan which provides contributions or benefits for employees some

or all of whom are owner-employees (as defined in subsection (c)(3))—

(A) Paragraph (3), the first and second sentences of paragraph (5), and section 410 shall not apply, but—

(i) Such plan shall not be considered discriminatory within the meaning of paragraph (4) merely because the contributions or benefits of or on behalf of employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, and

(ii) Such plan shall not be considered discriminatory within the meaning of paragraph (4) solely because under the plan contributions described in subsection (e) which are in excess of the amounts which may be deducted under section 404 for the taxable year may be made on behalf of any owner-employee; and

(B) A trust forming a part of such plan shall constitute a qualified trust under this section only if the requirements in subsection (d) are also met.

(11)(A) A trust shall not constitute a qualified trust under this section if the plan of which such trust is a part provides for the payment of benefits in the form of an annuity unless such plan provides for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity.

(B) Notwithstanding the provisions of subparagraph (A), in the case of a plan which provides for the payment of benefits before the normal retirement age (as defined in section 411(a)(8)), the plan is not required to provide for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity during the period beginning on the date on which the employee enters into the plan as a participant and ending on the later of—

(i) The date the employee reaches the earliest retirement age under the plan, or

(ii) The first day of the 120th month beginning before the date on which the employee reaches normal retirement age.

(C) A plan described in subparagraph (B) does not meet the requirements of subparagraph (A) unless, under the plan, a participant has a reasonable period during which he may elect the qualified joint and survivor annuity form with respect to the period beginning on the date on which the period described in subparagraph (B) ends and ending on the date on which he reaches normal retirement age (as defined in section 411(a)(8)) if he continues his employment during that period. A plan does not meet the requirements of this subparagraph unless, in the case of such an election, the payments under the survivor annuity are not less than the payments which would have been made under the joint annuity to which the participant would have been entitled if he made an election described in this subparagraph immediately prior to his retirement and if his retirement had occurred on the day before his death and within the period within which an election can be made.

(D) A plan shall not be treated as not satisfying the requirements of this paragraph solely because the spouse of the participant is not entitled to receive a survivor annuity (whether or not an election described in subparagraph (C) has been made under subparagraph (C)) unless the participant and his spouse have been married throughout the 1-year period ending on the date of such participant's death.

(E) A plan shall not be treated as satisfying the requirements of this paragraph unless, under the plan, each participant has a reasonable period (as described by the Secretary or his delegate by regulations) before the annuity starting date during which he may elect in writing (after having received a written explanation of the terms and conditions of the joint and survivor annuity and the effect of an election under this subparagraph) not to take such joint and survivor annuity.

(F) A plan shall not be treated as not satisfying the requirements of this paragraph solely because under the plan there is a provision that any election described in subparagraph (C) or (E), and any revocation of any such election, does not become effective (or ceases to be effective) if the participant dies within a period (not in excess of 2 years) beginning on the date of such election or revocation, as the case may be. The preceding sentence does not apply unless the plan provision described in the preceding sentence also provides that such an election or revocation will be given effect in any case in which—

(i) The participant dies from accidental causes,

(ii) A failure to give effect to the election or revocation would deprive the participant's survivor of a survivor annuity, and

(iii) Such election or revocation is made before such accident occurred.

(G) For purposes of this paragraph—

(i) The term "annuity starting date" means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or by reason of disability),

(ii) The term "earliest retirement age" means the earliest date on which, under the plan, the participant could elect to receive retirement benefits, and

(iii) The term "qualified joint and survivor annuity" means an annuity for the life of the participant with a survivor annuity for the life of his spouse which is not less than one-half of, or greater than, the amount of the annuity payable during the joint lives of the participant and his spouse and which is the actuarial equivalent of a single life annuity for the life of the participant.

For purposes of this paragraph, a plan may take into account in any equitable manner (as determined by the Secretary or his delegate) any increased costs resulting from providing joint and survivor annuity benefits.

(H) This paragraph shall apply only if—

(i) The annuity starting date did not occur before the effective date of this paragraph, and

(ii) The participant was an active participant in the plan on or after such effective date.

(12) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that in the case of any merger or consolidation with, or transfer of assets or liabilities to, any other plan after the date of the enactment of the Employee Retirement Income Security Act of 1974, each participant in the plan would (if the plan then terminated) receive a benefit immediately after the merger, consolidation, or transfer which is equal to or greater than the benefit he would have been entitled to receive immediately before the merger, consolidation, or transfer (if the plan had then terminated). This paragraph shall apply in the case of a multiemployer plan only to the extent determined by the Pension Benefit Guaranty Corporation.

(13) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that benefits provided under the plan may not be assigned or alienated. For purposes of the preceding sentence, there shall not be taken into account any voluntary and revocable assignment of not to exceed 10 percent of any benefit payment made by any participant who is receiving benefits under the plan unless the assignment or alienation is made for purposes of defraying plan administration costs. For purposes of this paragraph a loan made to a participant or beneficiary shall not be treated as an assignment or alienation if such loan is secured by the participant's accrued nonforfeitable benefit and is exempt from the tax imposed by section 4975 (relating to tax on prohibited transactions) by reason of section 4975(d)(1). This paragraph shall take effect on January 1, 1976 and shall not apply to assignments which were irrevocable on the date of the enactment of the Employee Retirement Income Security Act of 1974.

(14) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that, unless the participant otherwise elects, the payment of benefits under the plan to the participant will begin not later than the 60th day after the latest of the close of the plan year in which—

(A) The date on which the participant attains the earlier of age 65 or the normal retirement age specified under the plan,

(B) Occurs the 10th anniversary of the year in which the participant commenced participation in the plan, or

(C) The participant terminates his service with the employer.

In the case of a plan which provides for the payment of an early retirement benefit, a trust forming a part of such plan shall not constitute a qualified trust under this section unless a participant who satisfied the service requirements for such early retirement benefit, but separated from the service (with any nonforfeitable right to an accrued benefit) before satisfying the age requirement for such early retirement benefit, is entitled upon satisfaction of such age requirement to receive a benefit not less than the benefit to which he would be entitled at the normal retirement age, actuarially, reduced under regulations prescribed by the Secretary or his delegate.

(15) A trust shall not constitute a qualified trust under this section unless under the plan of which such trust is a part—

(A) In the case of a participant or beneficiary who is receiving benefits under such plan, or

(B) In the case of a participant who is separated from the service and who has nonforfeitable rights to benefits,

such benefits are not decreased by reason of any increase in the benefit levels payable under title II of the Social Security Act or any increase in the wage base under such title II, if such increase takes place after the date of the enactment of the Employee Retirement Income Security Act of 1974 or (if later) the earlier of the date of first receipt of such benefits or the date of such separation, as the case may be.

(16) A trust shall not constitute a qualified trust under this section if the plan of which such trust is a part provides for benefits or contributions which exceed the limitations of section 415.

(17) In the case of a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of subsection (c)(1) or are shareholder-employees within the meaning of section 1379(d), only if the annual compensation of each employee taken into account under the plan does not exceed the first $100,000 of such compensation.

(18) In the case of a trust which is part of a plan providing a defined benefit for employees some or all of whom are employees within the meaning of subsection (c)(1), or are shareholder-employees within the

meaning of section 1379(d), only if such plan satisfies the requirements of subsection (j).

(19) A trust shall not constitute a qualified trust under this section if under the plan of which such trust is a part any part of a participant's accrued benefit derived from employer contributions (whether or not otherwise nonforfeitable), is forfeitable solely because of withdrawal by such participant of any amount attributable to the benefit derived from contributions made by such participant. The preceding sentence shall not apply to the accrued benefit of any participant unless, at the time of such withdrawal, such participant has a nonforfeitable right to at least 50 percent of such accrued benefit (as determined under section 411). The first sentence of this paragraph shall not apply to the extent that an accrued benefit is permitted to be forfeited in accordance with section 411(a)(3)(D)(iii) (relating to proportional forfeitures of benefits accrued before enactment of the Employee Retirement Income Security Act of 1974, in the event of withdrawal of certain mandatory contributions).

Paragraphs (11), (12), (13), (14), (15), and (19) shall apply only in the case of a plan to which section 411 (relating to minimum vesting standards) applies without regard to subsection (e)(2) of such section.

[Sec. 401(a) as amended by sec. 2, Self-Employed Individuals Tax Retirement Act, 1962 (76 Stat. 809); sec. 204(b)(1)(A), Act of Nov. 13, 1966 (Pub. L. 89-809, 80 Stat. 1577); by secs. 1012(b), 1016(a)(2), 1021, 1022(a), (b)(1), 2001(c), (d)(1), 2001(e)(4), 2004(a)(1), Employee Retirement Income Security Act, 1974 (88 Stat. 913, 929, 935, 938, 939, 952, 953, 955, 979)]

**§ 1.401(a)-11 Qualified joint and survivor annuities.**

(a) *General rule*—(1) *Required provisions.* A trust, to which section 411 (relating to minimum vesting standards) applies without regard to section 411(e)(2), which is a part of a plan providing for the payment of benefits in any form of a life annuity (as defined in paragraph (b)(1) of this section), shall not constitute a qualified trust under section 401(a)(11) and this section unless such plan provides that:

(i) Unless the election provided in paragraph (c)(1) of this section has been made, such benefits will be paid in a form having the effect of a qualified joint and survivor annuity (as defined in paragraph (b)(2) of this section) with respect to any participant who—

(A) Begins to receive payments under such plan on or after the date the normal retirement age is attained, or

(B) Dies (on or after the date the normal retirement age is attained) while in active service of the employer maintaining the plan, or

(C) In the case of a plan which provides for the payment of benefits before the normal retirement age, begins to receive payments under such plan on or after the date the qualified early retirement age (as defined in paragraph (b)(4) of this section) is attained, or

(D) Separates from service on or after the date the normal retirement age (or the qualified early retirement age) is attained and after satisfaction of eligibility requirements for the payment of benefits under the plan (except for any plan requirement that there be filed a claim for benefits) and thereafter dies before beginning to receive such benefits;

(ii) Any participant may elect, as provided in paragraph (c)(1) of this section, not to receive such benefits in the form of a qualified joint and survivor annuity; and

(iii) If the plan provides for the payment of benefits before the normal retirement age, any participant may elect, as provided in paragraph (c)(2) of this section, that such benefits be payable as an early survivor annuity (as defined in paragraph (b)(3) of this section) upon his death in the event that he—

(A) Attains the qualified early retirement age (as defined in paragraph (b)(4) of this section), and

(B) Dies on or before the day normal retirement age is attained while employed by an employer maintaining the plan.

(2) *Certain cash-outs.* A plan will not fail to satisfy the requirements of section 401(a)(11) and this section merely because it provides that if the present value of the entire nonforfeitable benefit derived from employer contributions of a participant at the time of his separation from service does not exceed $1,750 (or such smaller amount as the plan may specify), such benefit will be paid to him in a lump sum.

(3) *Illustrations.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

*Example (1).* The X Corporation Defined Contribution Plan was established in 1960. As in effect on January 1, 1974, the plan provided that, upon his retirement, a participant could elect to receive the balance of his individual account in the form of (1) a lump-sum cash payment, (2) a lump-sum distribution consisting of X Corporation stock, (3) five equal annual cash payments, (4) a life annuity, or (5) a combination of options (1) through (4). The plan also provided that, if a participant did not elect another form of distribution, the balance of his individual account would be distributed to him in the form of a lump-sum cash payment upon his retirement. Assume that section 401(a)(11) and this section became applicable to the plan as of its plan year beginning January 1, 1976, with respect to persons who were active participants in the plan as of such date (see paragraph (f) of this section). Unless the X Corporation Defined Contribution Plan either discontinues the life annuity payment option or is amended to provide that the balance of a participant's individual account will be paid to him in a form having the effect of a qualified joint and survivor annuity except to the extent that the participant elects another form of benefit payment, the trust established under the plan will fail to qualify under section 401(a).

*Example (2).* The Y Corporation Retirement Plan provides that plan benefits are payable only in the form of a life annuity and also provides that a participant may retire before the normal retirement age of 65 and receive a benefit if he has completed 30 years of service. Under this plan, an employee who begins employment at the age of 18 will be eligible to receive retirement benefits at the age of 46 if he then has 30 years of service. This plan must allow a participant to elect in the time and manner prescribed in paragraph (c)(2) of this section an early survivor annuity (defined in paragraph (b)(3) of this section) to be payable on the death of the participant if death occurs while the participant is in active service for the employer maintaining the plan and on or after the date the participant reaches the qualified early retirement age of 55 (the later of the date the participant reaches the earliest retirement age (age 48) or 10 years before normal retirement age (age 55)) but before the day after the day the participant reaches normal retirement age (age 65).

*Example (3).* Assume the same facts as in Example (2). A, B, and C began employment with Y Corporation when they each attained age 18. A retires and begins to receive benefit payments at age 48 after completing 30 years of service. The plan is not required to pay a qualified joint and survivor annuity to A and his spouse at any time. B does not elect an early survivor annuity at age 55, but retires at age 57 after completing 39 years of service. Unless B makes an election under subparagraph (1)(ii) of this paragraph, the plan is required to pay a qualified joint and survivor annuity to B and his spouse. C makes no elections described in subparagraph (1) of this paragraph, and dies while in active service at age 66 after completing 48 years of service. The plan is required to pay a qualified survivor annuity to C's spouse.

(b) *Definitions.* As used in this section—(1) *Life annuity.* (i) The term "life annuity" means an annuity that provides retirement payments and requires the survival of the participant or his spouse as one of the conditions for any payment or possible payment under the annuity. For example, annuities that make payments for 10 years or until death, whichever occurs first or whichever occurs last, are life annuities.

(ii) However, the term "life annuity" does not include an annuity, or that portion of an annuity, that provides those benefits which, under section 411(a)(9), would not be taken into account in the determination of the normal retirement benefit or early retirement benefit. For example, "social security supplements" described in the third sentence of section 411(a)(9) are not considered to be life annuities for the purposes of this section, whether or not an early retirement benefit is provided under the plan.

(2) *Qualified joint and survivor annuity.* The term "qualified joint and survivor annuity" means an annuity for the life of the participant with a survivor annuity for the life of his spouse which is neither (i) less than one-half of, nor (ii) greater than, the amount of the annuity payable during the joint lives of the participant and his spouse. For purposes of the preceding sentence, amounts described in § 1.401(a)-11(b)(1)(ii) may be disregarded. A qualified joint and survivor annuity must be at least the actuarial equivalent of the normal form of life annuity or, if greater, of any optional form of life annuity offered under the plan. Equivalence may be determined, on the basis of consistently applied reasonable actuarial factors, for each participant or for all participants or reasonable groupings of participants, if such determination does not result in discrimination in favor of employees who are officers, shareholders, or highly compensated. An annuity is not a qualified

joint and survivor annuity if payments to the spouse of a deceased participant are terminated, or reduced, because of such spouse's remarriage.

(3) *Early survivor annuity.* The term "early survivor annuity" means an annuity for the life of the participant's spouse the payments under which must not be less than the payments which would have been made to the spouse under the joint and survivor annuity if the participant had made the election described in paragraph (c)(2) of this section immediately prior to his retirement and if his retirement had occurred on the day before his death and within the period during which an election can be made under such paragraph (c)(2). For example, if a participant would be entitled to a single life annuity of $100 per month or a reduced amount under a qualified joint and survivor annuity of $80 per month, his spouse is entitled to a payment of at least $40 per month. However, the payments may be reduced to reflect the number of months of coverage under the survivor annuity pursuant to paragraph (e) of this section.

(4) *Qualified early retirement age.* The term "qualified early retirement age" means the latest of—

(i) The earliest date, under the plan, on which the participant could elect (without regard to any requirement that approval of early retirement be obtained) to receive retirement benefits (other than disability benefits),

(ii) The first day of the 120th month beginning before the participant reaches normal retirement age, or

(iii) The date on which the participant begins participation.

(5) *Normal retirement age.* The term "normal retirement age" has the meaning set forth in section 411(a)(8).

(6) *Annuity starting date.* The term "annuity starting date" means the first day of the first period with respect to which an amount is received as a life annuity, whether by reason of retirement or by reason of disability.

(7) *Day.* The term "day" means a calendar day.

(c) *Elections*—(1) *Election not to take joint and survivor annuity form*—(i) *In general.* (A) A plan shall not be treated as satisfying the requirements of this section unless it provides that each participant may elect, during the election period described in subdivision (ii) of this subparagraph, not to receive a qualified joint and survivor annuity. However, if a plan provides that a qualified joint and survivor annuity is the only form of benefit payable under the plan with respect to a married participant, no election need be provided.

(B) The election shall be in writing and clearly indicate that the participant is electing to receive all or, if permitted by the plan, part of his benefits under the plan in a form other than that of a qualified joint and survivor annuity. A plan will not fail to meet the requirements of this section merely because the plan requires the participant to obtain the written approval of his spouse in order for the participant to make this election or if the plan provides that such approval is not required.

(ii) *Election period.* (A) For purposes of the election described in paragraph (c)(1)(i) of this section, the plan shall provide an election period which shall include a period of at least 90 days following the furnishing of all of the applicable information required by subparagraph (3)(i) of this paragraph and ending prior to commencement of benefits. In no event may the election period end earlier than the 90th day before the commencement of benefits. Thus, for example, the commencement of benefits may be delayed until the end of such election period because the amount of payments to be made to a participant cannot be ascertained before the end of such period; see § 1.401(a)-14(d).

If a participant makes a request for additional information as provided in subparagraph (3)(iii) of this paragraph on or before the last day of the election period, the election period shall be extended to the extent necessary to include at least the 90 calendar days immediately following the day the requested additional information is personally delivered or mailed to the participant. Notwithstanding the immediately preceding sentence, a plan may provide in cases in which the participant has been furnished by mail or personal delivery all of the applicable information required by subparagraph (3)(i) of this paragraph, that a request for such additional information must be made on or before a date which is not less than 60 days from the date of such mailing or delivery; and if the plan does so provide, the election period shall be extended to the extent necessary to include at least the 60 calendar days following the day the requested additional information is personally delivered or mailed to the participant.

(B) In the case of a participant in a plan to which this subparagraph applies who separated from service after section 401(a)(11) and this section became applicable to such plan with respect to such participant, and to whom an election required by this subparagraph has not been previously made available (and will not become available in normal course), the plan must provide an election to receive the balance of his benefits (properly adjusted, if applicable, for payments received, prior to the exercise of such election, in the form of a qualified joint and survivor annuity) in a form other than that of a qualified joint and survivor annuity. The provisions of paragraph (c)(1)(ii)(A) shall apply except that in no event shall the election period end before the 90th day after the date on which notice of the availability of such election and the applicable information required by subparagraph (3)(i) of this paragraph is given directly to the participant. If such notice and information is given by mail, it shall be treated as given on the date of mailing. If such participant has died, such election shall be made available to such participant's personal representative.

(2) *Election of early survivor annuity*—(i) *In general.* (A) A plan described in paragraph (a)(1)(iii) of this section shall not be treated as satisfying the requirements of this section unless it provides that each participant may elect, during the period described in subdivision (ii) of this subparagraph, an early survivor annuity as described in paragraph (a)(1)(iii) of this section. Breaks in service after the participant has attained the qualified early retirement age neither invalidate a previous election or revocation nor prevent an election from being made or revoked during the election period.

(B) The election shall be in writing and clearly indicate that the participant is electing the early survivor annuity form.

(C) A plan is not required to provide an election under this paragraph if—

(*1*) The plan provides that an early survivor annuity is the only form of benefit payable under the plan with respect to a married participant who dies while employed by an employer maintaining the plan, or

(*2*) In the case of a defined contribution plan, the plan provides a survivor benefit at least equal in value to the vested portion of the participant's account balance, with respect to a participant who dies while in active service with an employer maintaining the plan.

(ii) *Election period.* (A) For purposes of the election described in paragraph (c)(2)(i) of this section the plan shall provide an election period which, except as provided in the following sentence, shall begin not later than the later of either the 90th day before a participant attains the qualified early retirement age or the date on which his participation begins, and shall end on the date the participant terminates his employment. If such a plan contains a provision that any election made under this subparagraph does not become effective or ceases to be effective if the participant dies within a certain period beginning on the date of such election, the election period prescribed in this subdivision (ii) shall begin not later than the later of (*1*) a date which is 90 days plus such certain period before the participant attains the qualified early retirement age or (*2*) the date on which his participation begins. For example, if a plan provides that an election made under this paragraph does not become effective if the participant dies less than 2 years after the date of such election, the period for making an election under this paragraph must begin not later than the later of (*1*) 2 years and 90 days before the participant attains the qualified early retirement age, or (*2*) the date on which his participation begins. However, the election period for an individual who was an active participant on the date this section became effective with regard to the plan need not begin earlier than such effective date.

(B) In the case of a participant in a plan to which this subparagraph applies who dies after section 401(a)(11) and this section became applicable to such plan with respect to such participant and to whom an election required by this subparagraph has not been previously made available, the plan must give the participant's surviving spouse or, if dead, such spouse's personal representative the option of electing an early survivor annuity. The plan may reduce the surviving spouse's annuity to take into account any benefits already received. The period for making such election shall not end before the 90th day after the date on which written notice of the availability of such election and applicable information required by subparagraph (3)(i) of this paragraph is given directly to such surviving spouse or personal representative. If such notice and information is given by mail, it shall be treated as given on the date of mailing.

(3) *Information to be provided by plan administrator.* (i) A plan which is required to provide either or both of the elections described in paragraph (c)(1) or (2) of this section must provide to the participants, at the time and in the manner specified in subdivision (ii) of this subparagraph, the following information, as applicable to the plan, in written nontechnical language:

(A) In the case of the election described in paragraph (c)(1) of this section, a general description or explanation of the qualified joint and survivor annuity, the circumstances in which it will be provided unless the participant has elected not to have benefits provided in that form, and the availability of such election;

(B) In the case of the election described in paragraph (c)(2) of this section, a general description of the early survivor annuity, the circumstances under which it will be paid if elected, and the availability of such election; and

(C) A general explanation of the relative financial effect on a participant's annuity of either or both elections, as the case may be.

Various methods may be used to explain such relative financial effect. With regard to a qualified joint and survivor annuity, they include: information as to the benefits the participant would receive under the qualified joint and survivor annuity stated as an arithmetic or percentage reduction from a single life annuity; a table showing the difference between a straight life annuity and a qualified joint and survivor annuity in terms of a reduction in dollar amounts; a table showing a percentage reduction from the straight life annuity or, in the case of a profit-sharing plan, an approximate dollar amount reduction. The notice and explanation required by this subdivision (i) must also inform the participants of the availability of the additional information specified in subdivision (iii) of this subparagraph and how they may obtain such information.

(ii) The method or methods used to provide the information described in subdivision (i) of this subparagraph may vary. See § 1.7476–2(c)(1) for examples of methods which can be used. One or more methods may be used to provide the required information provided that all of the required information is provided by one method or a combination of methods by or within the time period specified in this subdivision (ii). If mail or personal delivery is used, then, whether or not the information has been previously provided, there must be a mailing or personal delivery of the information by such time as to reasonably assure that it will be received on or about: (*1*) in the case of a plan which does not provide for the payment of benefits before the normal retirement age, the date which is 9 months before the participant attains normal retirement age; (2) in the case of a plan which provides for the payment of benefits before the normal retirement age and which is required to provide the election described in paragraph (c)(2) of this section (whether or not it is also required to provide the election described in paragraph (c)(1) of this section), the date which is 90 days before the latest date prescribed by paragraph (c)(2)(ii)(A) for the beginning of the election period for the early survivor annuity; or (3) in the case of a plan which provides for the payment of benefits before the normal retirement age and which is required to provide only the election described in paragraph (c)(1) of this section, the date which is nine months before the participant attains the qualified early retirement age; except that in the case of a plan described in (2) or (3), if the qualified early retirement age is the date the participant begins participation in the plan, the information may be provided on or about such date. If a method other than mail or personal delivery is used to provide participants with some or all of such information, it must be a method which is reasonably calculated to reach the attention of a participant on or about the date prescribed in the immediately preceding sentence and to continue to reach the attention of such participant during the election period applicable to him for which the information is being provided (as, for example, by permanent posting, repeated publication, etc.).

(iii) The plan administrator must furnish to a particular participant, upon a timely written request, a written explanation in nontechnical language of the terms and conditions of the qualified joint and survivor annuity and the financial effect upon the particular participant's annuity of making any election under this paragraph. Such financial effect shall be given in terms of dollars per annuity payment; and in the case of a defined contribution plan, the projected annuity for a particular participant may be based on his account balance as of the most recent valuation date. The plan administrator need not comply with more than one such request made by a particular participant. This explanation must be personally delivered or mailed (first class mail, postage prepaid) to the participant within 30 days from the date of the participant's written request.

(4) *Election is revocable.* A plan to which this section applies must provide that any election made under this paragraph may be revoked in writing during the specified election period, and that after such election has been revoked, another election under this paragraph may be made during the specified election period.

(5) *Election by surviving spouse.* A plan will not fail to meet the requirements of section 401(a)(11) and this section merely because it provides that the spouse of a deceased participant may elect to have benefits paid in a form other than a survivor annuity. If the plan provides that such a spouse may make such an election, the plan administrator must furnish to this spouse, within a reasonable amount of time after a written request has been made by this spouse, a written explanation in nontechnical language of the survivor annuity and any other form of payment which may be selected. This explanation must state the financial effect (in terms of dollars) of each form of payment. A plan need not respond to more than one such request.

(d) *Permissible additional plan provisions*—(1) *In general.* A plan will not fail to meet the requirements of section 401(a)(11) and this section merely because it contains one or more of the provisions described in paragraph (d)(2) through (4) of this section.

(2) *Claim for benefits.* A plan may provide that as a condition precedent to the payment of benefits, a participant must express in writing to the plan administrator the form in which he prefers benefits to be paid and provide all the information reasonably necessary for the payment of such benefits. However, if a participant files a claim for benefits with the plan administrator and provides the plan administrator with all the information necessary for the payment of benefits but does not indicate a preference as to the form for the payment of benefits, benefits must be paid in the form of a qualified joint and survivor annuity if the participant has attained the qualified early retirement age unless such participant has made an effective election not to receive benefits in such form. For rules relating to provisions in a plan to the effect that a claim for benefits must be filed before the payment of benefits will commence, see § 1.401(a)–14.

(3) *Marriage requirements.* A plan may provide that a joint and survivor annuity will be paid only if—

(i) The participant and his spouse have been married to each other throughout a period (not exceeding one year) ending on the annuity starting date.

(ii) The spouse of the participant is not entitled to receive a survivor annuity (whether or not the election described in paragraph (c)(2) of this section has been made) unless the participant and his spouse have been married

to each other throughout a period (not exceeding one year) ending on the date of such participant's death.

(iii) The same spouse must satisfy the requirements of subdivisions (i) and (ii) of this subparagraph.

(iv) The participant must notify the plan administrator (as defined by section 414(g)) of his marital status within any reasonable time period specified in the plan.

(4) *Effect of participant's death on an election or revocation of an election under paragraph* (c). A plan may provide that any election described in paragraph (c) of this section or any revocation of any such election does not become effective or ceases to be effective if the participant dies within a period, not in excess of 2 years, beginning on the date of such election or revocation. However, a plan containing a provision described in the preceding sentence shall not satisfy the requirements of this section unless it also provides that any such election or any revocation of any such election will be given effect in any case in which—

(i) The participant dies from accidental causes,

(ii) A failure to give effect to the election or revocation would deprive the participant's survivor of a survivor annuity, and

(iii) Such election or revocation is made before such accident occurred.

(e) *Costs of providing qualified joint and survivor annuity form or early survivor annuity form.* A plan may take into account in any equitable manner consistent with generally accepted actuarial principles applied on a consistent basis any increased costs resulting from providing qualified joint and survivor annuity and early survivor annuity benefits. A plan may give a participant the option of paying premiums only if it provides another option under which an out-of-pocket expense by the participant is not required.

(f) *Application and effective date.* Section 401(a)(11) and this section shall apply to a plan only with respect to plan years beginning after December 31, 1975, and shall apply only if—

(1) The participant's annuity starting date did not fall within a plan year beginning before January 1, 1976, and

(2) The participant was an active participant in the plan on or after the first day of the first plan year beginning after December 31, 1975.

For purposes of this paragraph, the term "active participant" means a participant for whom benefits are being accrued under the plan on his behalf (in the case of a defined benefit plan), the employer is obligated to contribute to or under the plan on his behalf (in the case of a defined contribution plan other than a profit-sharing plan), or the employer either is obligated to contribute to or under the plan on his behalf or would have been obligated to contribute to or under the plan on his behalf if any contribution were made to or under the plan (in the case of a profit-sharing plan).

If benefits under a plan are provided by the distribution to the participants of individual annuity contracts, the annuity starting date will be considered for purposes of this paragraph to fall within a plan year beginning before January 1, 1976, with respect to any such individual contract that was distributed to the participant during a plant year beginning before January 1, 1976, if no premiums are paid with respect to such contract during a plan year beginning after December 31, 1975. In the case of individual annuity contracts that are distributed to participants before July 1, 1977, and which contain an option to provide a qualified joint and survivor annuity, the requirements of this section will be considered to have been satisfied if, not later than July 1, 1977, holders of individual annuity contracts who are participants described in the first sentence of this paragraph are given an opportunity to have such contracts amended, so as to provide for a qualified joint and survivor annuity in the absence of a contrary election, within a period of not less than one year from the date such opportunity was offered. In no event, however, shall the preceding sentence apply with respect to benefits attributable to premiums paid after June 30, 1977.

(Secs. 401(a)(11), 7805 Internal Revenue Code of 1954, (88 Stat. 935, 68A Stat. 917; (26 U.S.C. 401(a)(11), 7805)))

DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

Approved: January 3, 1977.

CHARLES M. WALKER,
*Assistant Secretary of the Treasury.*

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[T.D. 7459]

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

### Various Elections

This document contains temporary income tax regulations (26 CFR Part 7) under various sections of the Internal Revenue Code of 1954 and the Tax Reform Act of 1976, to provide the manner and time for making various elections contained in the Tax Reform Act of 1976 (90 Stat. 1520).

The Tax Reform Act of 1976 contains a number of provisions in which taxpayers are permitted to make elections. In order to provide immediate guidance to taxpayers, this regulation provides the manner in which many of the elections contained in the Act are to be made.

ADOPTION OF REGULATIONS

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, relating to the manner of making certain elections provided by the Tax Reform Act of 1976, the following regulations are hereby adopted:

**§ 7.0 Various elections under the Tax Reform Act of 1976.**

(a) *Elections covered by temporary rules.* The sections of the Internal Revenue Code of 1954, or of the Tax Reform Act of 1976, to which this section applies and under which an election or notification may be made pursuant to the procedures described in paragraphs (b) and (d) are as follows:

| Section | Description of election | Availability of election |
|---|---|---|
| | (1) 1st category | |
| 167(o) of code | Substantially rehabilitated historic property | Additions to capital account occurring after June 30, 1976, and before July 1, 1981. |
| 172(b)(3)(E) of code | Forego of carryback period | Any taxable year ending after Dec. 31, 1975. |
| 191(b) of code | Amortization of certain rehabilitation expenditures. | Additions to capital account occurring after June 14, 1976, and before June 15, 1981. |
| 402(e)(4)(L) of code | Lump sum distributions from qualified plans. | Distributions and payments made after Dec. 31, 1975, in taxable years beginning after such date. |
| 451(e) of code | Livestock sold on account of drought | Any taxable year beginning after Dec. 31, 1975. |
| 812(b)(3) of code | Forego of carryback period by life insurance companies. | Any taxable year ending after Dec. 31, 1975. |
| 819A of code | Contiguous country branches of domestic life insurance companies. | All taxable years beginning after Dec. 31, 1975. |
| 825(d)(2) of code | Forego of carryback period by mutual insurance companies. | Any taxable year ending after Dec. 31, 1975. |
| 911(c) of code | Foregoing of benefits of sec. 911 | All taxable years beginning after Dec. 31, 1975. |
| | (2) 2d category | |
| 185(d) of code | Amortization of railroad grading and tunnel bores. | All taxable years beginning after Dec. 31, 1974. |
| 528(c)(1)(E) of code | Certain homeowners associations | Do. |
| 1057 of code | Transfer to foreign trusts etc. | Any transfer of property after Oct. 2, 1975. |
| 6013(g) of code | Joint return for nonresident alien | All taxable years ending on or after Dec. 31, 1975. |
| 6013(h) of code | Joint return for year in which nonresident alien becomes resident. | Do. |

(b) *Time for making election or serving notice*—(1) *Category (1).* A taxpayer may make an election under any section referred to in paragraph (a)(1) of this section for the first taxable year for which the election is required to be made or for the taxable year selected by the taxpayer when the choice of the taxable year is optional. The election must be made by the later of the time, including

extensions thereof, prescribed by law for filing income tax returns for such taxable year or March 8, 1977.

(2) *Category* (2). A taxpayer may make an election under any section referred to in paragraph (a)(2) for the first taxable year for which the election is allowed or for the taxable year selected by the taxpayer when the choice of the taxable year is optional. The election must be made (i) for any taxable year ending before December 31, 1976, for which a return has been filed before January 31, 1977, by filing an amended return, provided that the period of limitation for filing claim for credit or refund of overpayment of tax, determined from the time the return was filed, has not expired or (ii) for all other years by filing the income tax return for the year for which the election is made not later than the time, including extensions thereof, prescribed by law for filing income tax returns for such year. However, an organization which has its exempt status under section 501(a) of the Code revoked for any taxable year and which is described in section 528 of the Code, may make an election under section 528 (c)(1)(E) of the Code for such year, before the expiration of the period for filing claim for credit or refund of overpayment of tax.

(c) *Certain other elections.* The elections described in this paragraph shall be made in the manner and within the time prescribed herein and in paragraph (d) of this section.

(1) The following elections under the Tax Reform Act of 1976 shall be made:

(i) Sec. 207(c)(3) of Act; change from static value method of accounting; all taxable years beginning after December 31, 1976.

by filing Form 3115 with the National Office of the Internal Revenue Service before October 5, 1977.

(ii) Sec. 604 of Act; travel expenses of State legislators; all taxable years beginning before January 1, 1976.

by filing an amended return for any taxable year for which the period for assessing or collecting a deficiency has not expired before October 4, 1976, by the last day for filing a claim for refund or credit for the taxable year but in no event shall such day be earlier than October 4, 1977.

(iii) Sec. 804(e)(2) of Act; retroactive applications of amendments to property described in section 50(a) of Code; certain taxable years beginning before January 1, 1975.

by filing amended returns before October 5, 1977, for all taxable years to which applicable for which the period of limitation for filing claim for credit or refund for overpayment of tax has not expired.

(iv) Sec. 1608(d)(2) of Act; election as a result of determination as defined in section 859(c) of the Code; determinations made after October 4, 1976.

by filing a statement with the district director for the district in which the taxpayer maintains its principal place of business within 60 days after such determination.

(v) Sec. 2103 of Act; treatment of certain 1972 disaster losses. Any taxable year in which payment is received or indebtedness is forgiven.

by filing a return for the taxable year or an amended return by the last day for making a claim for credit or refund for the taxable year but in no event shall such day be earlier than October 4, 1977.

(2) The election provided in section 37(e) of the Code relating to the credit for the elderly and section 144(a) of the Code relating to the standard deduction, available for any taxable year beginning after December 31, 1975, may be made any time before the expiration of the period of limitation for filing claim for credit or refund. Once made such election may be revoked without the consent of the Commissioner any time before the expiration of such period by filing an amended return.

(3) The election provided for in section 167(e)(3) of the Code shall be made in accordance with § 1.167(e)-1(d) except that the election shall be applicable for the first taxable year of the taxpayer beginning after December 31, 1975.

(4) The election provided in section 501(i) of the Code relating to lobbying by public charities may be made for all taxable years beginning after December 31, 1976, by filing a statement with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155 (for organizations in the Central Region the Internal Revenue Service Center, Cincinnati, Ohio 45298) before the close of the first taxable year for which the election is effective.

(5) The election provided in section 936(e) of the Code relating to the Puerto Rico and possession tax credit, available for all taxable years beginning after December 31, 1975, shall be made by filing Form 5712 within 90 days after the beginning of the first taxable year for which such election is made with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155. If the first taxable year for which such an election is made is a taxable year beginning before January 1, 1977, such election shall be made in the manner prescribed in the preceding sentence by May 9, 1977.

(6) The election provided in section 1033(f)(3) of the Code may be made for any taxable year beginning after December 31, 1970, by filing an amended return for any taxable year for which the period of limitation for filing a claim for credit or refund of overpayment has not expired, and for any taxable year ending on or after December 31, 1976, by filing the income tax return for the year the election is made not later than the time, including extensions thereof, prescribed by law for filing income tax returns for such taxable year.

(d) *Manner of making election.* Unless otherwise provided in the return or in a form accompanying a return for the taxable year, the elections described in paragraphs (a) and (c) (except paragraphs (c)(1)(i), (c)(3) and (c)(5)) shall be made by a statement attached to the return (or amended return) for the taxable year. The statement required when making an election pursuant to this section shall indicate the section under which the election is being made and shall set forth information to identify the election, the period for which it applies, and the taxpayer's basis or entitlement for making the election.

(e) *Effect of election.*—(1) *Consent to revoke required.* Except where otherwise provided by statute or except as provided in paragraph (c)(2) and subparagraph (2) of this paragraph, an election to which this section applies made in accordance with this section shall be binding unless consent to revoke the election is obtained from the Commissioner. An application for consent to revoke the election will not be accepted before the promulgation of the permanent regulations relating to the section of the Code or Act under which the election is made. Such regulations will provide a reasonable period of time within which taxpayers will be permitted to apply for consent to revoke the election.

(2) *Revocation without consent.* An election to which this section applies, other than the elections referred to in paragraph (c)(2) of this section, made in accordance with this section, may be revoked without the consent of the Commissioner not later than 90 days after the permanent regulations relating to the section of the Code or Act under which the election is made are filed with the office of the Federal Register, provided such regulations grant taxpayers blanket permission to revoke that election within such time without the consent of the Commissioner. Such blanket permission to revoke an election will be provided by the permanent regulations in the event of a determination by the Secretary or his delegate that such regulations contain provisions that may not reasonably have been anticipated by taxpayers at the time of making such election.

(f) *Furnishing of supplementary information required.* If the permanent regulations which are issued under the section of the Code or Act referred to in this section to which the election relates require the furnishing of information in addition to that which was furnished with the statement of election filed pursuant to paragraph (d) of this section, the taxpayer must furnish such additional information in a statement addressed to the district director, or the director of the regional service center, with whom the election was filed. This statement must clearly identify the election and the taxable year for which it was made. If such information is not provided the election may, at the discretion of the Commissioner, be held invalid.

**§ 7.856(g)-1 Special rule for real estate investment trusts.**

The election pursuant to section 856 (c)(1) by a corporation, trust, or association to be treated as a real estate in-

vestment trust may be revoked under section 856(g) for any taxable year and all succeeding taxable years by filing a statement with the district director for the district in which the taxpayer maintains its principal place of business on or before the 90th day after the first day of the first taxable year for which the revocation is to be effective.

Because the purpose of this Treasury decision is to provide immediate guidance as to the manner of making certain elections made available by reason of the enactment of the Tax Reform Act of 1976, it is hereby found impracticable to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) and certain provisions of the Tax Reform Act of 1976 (P.L. 94-455))

DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

Approved: January 3, 1977.

CHARLES M. WALKER,
*Assistant Secretary of the Treasury.*

[FR Doc.77-703 Filed 1-4-77;4:53 pm]

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[T.D. 7457]

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

### Temporary Regulations Relating to Information Reporting Requirements on Certain Winnings From Bingo, Keno, and Slot Machines

This document contains temporary income tax regulations (26 CFR Part 7) under section 6041 of the Internal Revenue Code of 1954 pursuant to section 1207(d) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1705) in order to provide rules with respect to information reporting requirements on certain winnings from bingo, keno, and slot machines.

Section 6041 of the Code provides, in general, that all persons engaged in a trade or business and making a payment in the course of such trade or business of $600 or more to another person must file an information return with respect to that payment under such regulations and in such form and manner and to such extent as the Secretary prescribes. Winnings from gambling are subject to this general rule of section 6041 and the existing regulations thereunder.

Section 7.6041-1 provides specific rules for reporting winnings from bingo, (keno, and slot machines. Effective February 1, 1977, every person engaged in a trade or business and making any payment of winnings of $600 or more from a bingo or keno game or a slot machine play is required to make an information return with respect to that payment. The regulation makes no exception to this requirement based on betting odds. Further, the regulation provides that in determining whether winnings equal or exceed $600 the following rules apply: (1) The amount of winnings shall not be reduced by the amount wagered; (2) winnings include the fair market value of a payment in any medium other than cash; (3) all winnings of the winner from one bingo or keno game must be aggregated; and (4) winnings and losses from any other wagering transaction by the winner shall not be taken into account.

A new Form W-2G is prescribed for use in reporting winnings from bingo, keno, and slot machines. The form shows the name, address, and social security or employer identification number of the payor and the winner and contains a general description of two types of identification furnished for verification of the winner's name, address, and social security number. In addition, the form contains the date and amount of the payment and certain other information depending upon the type of wagering transaction with respect to which the payment is made.

#### ADOPTION OF AMENDMENT TO THE REGULATIONS

In order to prescribe temporary income tax regulations relating to information reporting requirements on certain winnings from bingo, keno, and slot machines under section 6041 of the Internal Revenue Code of 1954, pursuant to section 1207(d) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1705), the following temporary regulations are hereby adopted and added to Part 7 of Title 26 of the Code of Federal Regulations:

**§ 7.6041-1 Return of information as to payments of winnings from bingo, keno, and slot machines.**

(a) *In general.* On or after February 1, 1977, every person engaged in a trade or business and making any payment in the course of such trade or business of winnings of $600 or more (including winnings which are exempt from withholding under section 3402(q)(5)) from a bingo or keno game or a slot machine play shall make an information return with respect to such payment.

(b) *Special rules.* For purposes of paragraph (a) of this section, in determining whether such winnings equal or exceed $600—

(1) The amount of winnings shall not be reduced by the amount wagered;

(2) Winnings shall include the fair market value of a payment in any medium other than cash;

(3) All winnings by the winner from one bingo or keno game shall be aggregated; and

(4) Winnings and losses from any other wagering transaction by the winner shall not be taken into account.

(c) *Prescribed form.* The return required by paragraph (a) of this section shall be made on Form W-2G and shall be filed with the Internal Revenue Service Center serving the district in which is located the principal place of business of the person making the return on or before February 28 of the calendar year following the calendar year in which the payment of winnings is made. Each Form W-2G shall contain the following:

(1) Name, address, and employer identification number of the person making the payment;

(2) Name, address, and social security number of the winner;

(3) General description of two types of identification (*e.g.*, "driver's license", "social security card", or "voter registration card") furnished to the maker of the payment for verification of the winner's name, address, and social security number;

(4) Date and amount of the payment; and

(5) Type of wagering transaction. In addition, in the case of a bingo or keno game, Form W-2G shall show any number, color, or other designation assigned to the game with respect to which the payment is made. In the case of a slot machine play, Form W-2G shall show the identification number of the slot machine.

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

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

DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

Approved: January 3, 1977.

CHARLES M. WALKER,
*Assistant Secretary of the Treasury.*

[FR Doc.77-704 Filed 1-4-77;4:53 pm]

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## Title 31—Money and Finance: Treasury

### SUBTITLE B—REGULATIONS RELATING TO MONEY AND FINANCE

### CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

### PART 101—MITIGATION OF FORFEITURE OF COUNTERFEIT GOLD COINS

#### Establishment of Part

Pursuant to the authority vested in me by 18 U.S.C. 492, Act of June 25, 1948, C. 645, 62 Stat. 710, I hereby issue in 31 CFR Chapter I, a new Part 101. This Part establishes a policy whereby certain innocent purchasers or holders of gold coins who have forfeited them to the United States because they were determined to be counterfeit, can, under certain conditions, recover the gold bullion from the coins. Since the material contained herein constitutes a general statement of policy for which public participation is unnecessary, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effec-

tive date are inapplicable. Therefore, Title 31, Chapter I, Code of Federal Regulations, is amended by adding a new Part 101, "Mitigation of Forfeiture of Counterfeit Gold Coins", as set forth below.

Dated: January 3, 1977.

JERRY THOMAS,
*Under Secretary of the Treasury.*

Sec.
101.1 Purpose and scope.
101.2 Petitions for mitigation.
101.3 Petitions reviewed by Assistant Secretary, Enforcement, Operations, Tariff Affairs.
101.4 Extraction of bullion from coins.
101.5 Payment of smelting costs.
101.6 Return of the bullion.
101.7 Exceptions.
101.8 Discretion of the Secretary.

AUTHORITY: 18 U.S.C. 492

**§ 101.1 Purpose and scope.**

The purpose of this part is to establish a policy whereby certain purchasers or holders of gold coins who have forfeited them to the United States because they were counterfeit may, in the discretion of the Secretary of the Treasury, recover the gold bullion from the coins. This part sets forth the procedures to be followed in implementing this policy.

**§ 101.2 Petitions for mitigation.**

(a) *Who may file.* Any person may petition the Secretary of the Treasury for return of the gold bullion of counterfeit gold coins forfeited to the United States if:

(1) The petitioner innocently purchased or received the coins and held them without the knowledge that they were counterfeit; and,

(2) The petitioner voluntarily submitted the coins to the Treasury Department for a determination of whether they were legitimate or counterfeit; and,

(3) The coins were determined to be counterfeit and were seized by the Treasury Department and forfeited to the United States.

(b) *To whom addressed.* Petitions for mitigation of the forfeiture of counterfeit gold coins should be addressed to the Assistant Secretary, Enforcement, Operations, Tariff Affairs, Department of Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

(c) *Form.* The petition need not be in any particular form, but must be under oath, and set forth at least the following:

(1) The full name and address of the petitioner;

(2) A description of the coin or coins involved;

(3) The name and address of the person from whom the coins were received or purchased by the petitioner;

(4) The date and place where they were voluntarily submitted for examination;

(5) Any other circumstances relied upon by the petitioner to justify the mitigation;

(6) A statement that the petitioner purchased or received and held the coins without the knowledge that they were counterfeit.

**§ 101.3 Petitions reviewed by Assistant Secretary, Enforcement, Operations, Tariff Affairs.**

The Assistant Secretary will receive and review all petitions for mitigation of the forfeiture of counterfeit gold coins. He shall conduct such further investigation, and may request such further information from the petitioner as he deems necessary. Petitions will be approved if the Assistant Secretary determines that:

(1) The gold coins have not been previously disposed of by normal procedures;

(2) The petitioner was an innocent purchaser or holder of the gold coins and is not under investigation in connection with the coins at the time of submission or thereafter;

(3) The coins are not needed and will not be needed in the future in any investigation or as evidence in legal proceedings; and

(4) Mitigation of the forfeiture is in the best interest of the Government.

**§ 101.4 Extraction of gold bullion from the counterfeit coins.**

If the petition is approved, the Assistant Secretary shall then forward the gold coins to the Bureau of the Mint where, if economically feasible, the gold bullion will be extracted from the counterfeit coins. The Bureau of the Mint will then return the bullion to the Assistant Secretary.

**§ 101.5 Payment of smelting costs.**

The petitioner shall be required to pay all reasonable costs incurred in extracting the bullion from the counterfeit coins, as shall be determined by the Assistant Secretary. Payment must be made prior to the return of the gold bullion to the petitioner.

**§ 101.6 Return of the bullion.**

After receiving the gold bullion from the Bureau of the Mint, the Assistant Secretary shall notify the petitioner that his petition has been approved and that payment of the smelting costs in an amount set forth in such notice must be made prior to the return of the bullion.

**§ 101.7 Exceptions.**

The provisions of this part shall not apply where the cost of smelting the gold coins exceeds the value of the gold bullion to be returned.

**§ 101.8 Discretion of the Secretary.**

The Secretary of the Treasury retains complete discretion to deny any claim of any petitioner when the Secretary believes it is not in the best interest of the Government to return the bullion to the petitioner or when the Secretary is not convinced that the petitioner was an innocent purchaser or holder without knowledge that the gold coins were counterfeit.

[FR Doc.77-566 Filed 1-6-77;8:45 am]

## CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

## PART 515—CUBAN ASSETS CONTROL REGULATIONS

### Transactions by American-Owned or Controlled Foreign Firms

Section 515.559 of the Cuban Assets Control Regulations (31 CFR Part 515), stating the policies of the Office of Foreign Assets Control for the issuance of specific licenses for trade with Cuba by foreign affiliates of U.S. firms, is being amended by deletion of the provision in paragraph (a)(3) that such foreign affiliates be located in the importing or exporting country.

Section 515.201 prohibits any unlicensed involvement in Cuban trade by persons subject to the jurisdiction of the United States. The purpose of paragraph (a)(3) of § 515.559 was to minimize the possibility of unauthorized involvement by the United States parent firms in licensed transactions with Cuba by their foreign affiliates. In lieu thereof, a specific provision (paragraph (c)) is being added which explicitly describes the general types of involvement which are not permitted.

The amendment states that prohibited conduct would include such involvement as assistance by a U.S. parent firm, or any officer or employee thereof, in either the negotiation or performance of a transaction which was the subject of a license application. Such assistance or participation is a ground for denial of an application, or revocation of a license.

The new subparagraph makes clear that the affiliate must be generally independent of the parent in the conduct of licensed transactions, e.g., in decision-making, risk-taking, negotiation, financing or arranging of financing, and performance of licensed transactions with Cuba. For purposes of the section, an affiliate is not independent if there are a substantial number of officers or directors of the foreign affiliate who are also officers, or directors, of a person within the United States.

As the material contained herein clarifies existing published rules, and as those published rules involve a foreign affairs function, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date, are inapplicable.

31 CFR Part 515 is amended by amending § 515.559 by revising paragraph (a)(3) and adding paragraph (c) to read as follows:

**§ 515.559 Transactions by American-owned or controlled foreign firms with Cuba.**

(a) • • •

(3) Importation of goods of Cuban origin into countries in the authorized trade territory.

• • • • •

(c) Specific licenses issued pursuant to the policies set forth in this section do not authorize any person within the United States to engage in, participate in, or be involved in a licensed transaction with Cuba or Cuban nationals. Such involvement includes, but not by way of limitation, assistance or participation by a U.S. parent firm, or any officer or employee thereof, in the negotiation or performance of a transaction which is the subject of a license application. Such participation is a ground for denial of a license application, or for revocation of a license. To be eligible for a license under this section, the affiliate must be generally independent, in the conduct of transactions of the type for which the license is being sought, in such matters as decisionmaking, risk-taking, negotiation, financing or arranging of financing, and performance. For purposes of this section, an affiliate is not independent if there are a substantial number of officers or directors of the foreign affiliate who are also officers or directors of a person within the United States.

(50 U.S.C. App. 5(b); 22 U.S.C. 2370(a); E. O. 9193; 3 CFR 1959–1963 Comp. Treasury Department Order No. 128. 32 FR 3472.)

Effective date. These amendments take effect on January 10, 1977.

STANLEY L. SOMMERFIELD,
*Acting Director,*
*Office of Foreign Assets Control.*

[FR Doc.77–741 Filed 1–6–77;8:45 am]

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## Title 36—Parks, Forests, and Public Property

## CHAPTER VI—AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

## PART 606—THE OFFICIAL COMMEMORATIVE LICENSING PROGRAM

### Disposition of Inventory

On November 30, 1976, there was published in the FEDEGAL REGISTER (41 FR 52486) a notice that the American Revolution Bicentennial Administration (ARBA) proposes to amend Part 606 of Title 36 of the Code of Federal Regulations to authorize licensees under its official commemoratives program to sell inventory on hand and/or in process of manufacture at the end of their license period without payment of royalty thereon for a period of 60 calendar days thereafter.

Interested persons were invited to submit written comments on the proposed amendment. No comments having been received and pursuant to authorization of the ARB Board at its December 8, 1976 meeting, 36 CFR Part 606 is amended by the addition of § 606.106 "Disposition of Inventory" as follows:

**§ 606.106 Disposition of inventory.**

The licensee is authorized to sell inventory on hand and/or in process of manufacture on the date of expiration of the license, for an additional 60 calendar days thereafter without payment of royalty thereon.

HERBERT HETU,
*Acting Administrator.*

DECEMBER 30, 1976.

[FR Doc.77–608 Filed 1–6–77;8:45 am]

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## Title 46—Shipping

## CHAPTER IV—FEDERAL MARITIME COMMISSION

### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 13; Amendment 8]

## PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

### Exemption—Foss Launch & Tug Co. and Certain Carriers in the United States North Pacific—Canada—Alaska Trade

Foss Launch & Tug Co. is a common carrier by water operating a barge movement of rail cars between North Vancouver, British Columbia, Canada and Seattle and Tacoma, Washington. This barge movement connects with rail operations in both the United States and Canada which are subject to regulation by the Interstate Commerce Commission. Foss serves as a participant in a through route service connecting the British Columbia Railway and the Burlington Northern Railroad and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

An application has been filed by attorneys for Foss Launch & Tug Co. for a section 35 exemption from the tariff filing requirements of section 18(b) of the Shipping Act, 1916. In response to this application, and to the knowledge that other similar carriers existed in that trade, as well as the Canadian/Alaskan trade, the Commission extended the provisions of this exemption request on its own initiative to all other water carriers participating in the through rail service between United States Puget Sound ports and ports in British Columbia, Canada; and between ports in British Columbia, Canada on the one hand, and ports and points in Alaska on the other hand.

Notice of the Commission's intention to consider Foss' application and its intention to broaden this exemption on its own initiative was published in the FEDERAL REGISTER on August 10, 1976 (41 FR 33586). During the 20-day notice period, we received only one letter of protest to the proposed extension of the exemption. This protest was received from Sea-Land Service, Inc., applicable with respect to traffic moving from U.S. origins via Canada to Alaska. Sea-Land's complaint appears to be that the broadening of this exemption would place it at a severe competitive disadvantage to the carriers operating in the Canada to Alaska trade because Sea-Land would have no knowledge of those water carriers' rates.

Sea-Land is a common carrier by water operating between U.S. ports on the one hand, and ports in Alaska on the other. It participates in joint motor and water rates covering this service, which rates are subject to the Interstate Commerce Act and filed with the Interstate Commerce Commission.

The divisions of revenue which accrue to Sea-Land are published in "Joint Division Sheets." These Joint Division Sheets are not required by the ICC to be filed on notice; thus these divisions do not constitute a regulated section of the joint rate tariffs.

Granting this exemption will not place Sea-Land in a severe competitive disadvantage as the division sheets and arrangements of the exempted carriers will be required to be filed at this Commission within 30 days of any change, as a condition to the exemption.

It appears that Sea-Land will not be placed at a severe competitive disadvantage regarding the availability of competitors' rates or divisions of rates for the port-to-port portion of the operations. In fact, the carriers which are granted this exemption are subject to the same rate regulation at the ICC as is Sea-Land, but the exempted carriers will also be subject to the filing requirement regarding division sheets and arrangements at this Commission.

Finally, we believe that Sea-Land has not shown that the proposed exemption would be detrimental to the commerce nor that it would substantially impair effective regulation by the Commission or be unjustly discriminatory.

Section 35 of the Shipping Act states, "The Federal Maritime Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to this Act of any specified activity of such persons from any requirement of the Shipping Act, 1916, or Intercoastal Shipping Act, 1933, where it finds that such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce.

"The Commission may attach conditions to any such exemption and may, by order, revoke any such exemption.

"No order or rule of exemption or revocation of exemption shall be issued unless opportunity for hearing has been afforded interested persons."

The granting of this exemption by this Commission appears to present no impairment to our effective regulation. Additionally, there has been no showing that this exemption is unjustly discriminatory or is detrimental to commerce.

Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 533; sections 18(b), 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 817(b), 833 (a), and 841(a), § 536.15, Title 46 CFR is amended by the addition of a new paragraph (e) reading as follows:

**§ 536.15 Exemptions.**

* * * * *

(e) Foss Launch & Tug Co. is granted an exemption from the tariff filing requirements of Section 18(b) of the Shipping Act, 1916, as to the carriage of Canadian or United States origin cargo moving in rail cars carried on Foss Launch & Tug Co.'s vessels between North Vancouver, British Columbia, Canada and Seattle and Tacoma, Washington, United States provided that the through rates are filed in railroad tariffs filed with the Interstate Commerce Commission and/or the Canadian Transport Commission and provided further that Foss Launch & Tug Co. shall submit to the FMC certified true copies of: 1) its division sheets or tariffs containing the divisions; and 2) any and all agreements, arrangements and concurrences entered into in connection with transportation of cargo within 30 days of the effectiveness of such sheets, tariffs, agreements, arrangements and/or concurrences; and provided further that this exemption shall not apply to cargoes originating in or destined to foreign countries other than Canada; and provided further that the carrier will remain subject to all other provisions of the Shipping Act, 1916.

Further, the provisions of this exemption are extended to all other water carriers participating in the through rail service between United States Puget Sound ports and ports in British Columbia, Canada; and between ports in British Columbia, Canada on the one hand, and ports and points in Alaska on the other hand. This extension of the exemption is subject to the same provisions and conditions which are listed above for Foss Launch & Tug Co.

Effective date: Inasmuch as the amendment adopted herein provides an exemption from the requirements of Part 536 and Section 18(b) of the Shipping Act, 1916, it shall be effective January 7, 1977.

By the Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.77-625 Filed 1-6-77;8:45 am]

## Title 47—Telecommunication

### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20825; FCC 76-1176]

### PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

### PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

**State Control Internship Communications**

Adopted: December 21, 1976.

Released: January 4, 1977.

In the Matter of amendments of Parts 81 and 83 of the Commission's Rules and Regulations to allow the use of 156.850 MHz (very high frequency marine channel 17) for State Control intership communications.

1. On August 5, 1976, we released a Notice of Proposed Rule Making in this Docket. The Notice was published in the FEDERAL REGISTER on August 9, 1976, (41 FR 33281). The dates for filing comments and replies thereto have passed.

2. In that Notice, we proposed to amend Parts 81 and 83 to make channel 17 available for ship to ship State Control communications, in addition to the previously authorized use for ship to coast State Control communications. It was felt that the designation of channel 17 for intership State Control use would allow for more effective coordination between state agencies, and also provide a clear channel for state boats in times of emergencies.

3. The only comments filed were by the California State Communications Division, in which they fully supported the Commission's proposal. No reply comments were filed.

4. The Commission believes that the rule amendment will provide for closer coordination among state boats and related shore stations which will result in an improvement to safety, law enforcement activities, and search and rescue operations in state waterways.

5. In view of the foregoing, It is ordered, That, pursuant to the authority contained in Sections 4(i), 303(b), (f) and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 are amended effective February 7, 1977, as set forth below.

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.*

NOTE.—Rule changes herein will be covered by the 1976 Edition of Volume IV.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 81.7, paragraph (r) is amended to read as follows:

**§ 81.7 Operational.**

* * * * *

(r) *State Control.* Communications, in the maritime mobile service on very high frequencies (VHF), between non-Federal government coast and ship stations or between non-Federal government ship stations, in which messages are restricted to those related directly to the coordination, regulation or control of boating activities or the rendering of assistance to vessels.

* * * * *

2. In § 87.356, subparagraph (b)(9) is amended to read as follows:

**§ 81.356 Assignable frequencies in the band 156–162 MHz.**

* * * * *

(b) * * *

(9) Available for assignment to limited coast stations for State Control communications with ship stations. Also available for intership State Control communications.

* * * * *

1. In § 83.6 paragraph (k) is amended to read as follows:

**§ 83.6 Operational.**

* * * * *

(k) *State Control.* Communications, in the maritime mobile service on very high frequencies (VHF), between non-Federal government coast and ship stations or between non-Federal government ship stations, in which messages are restricted to those related directly to the coordination, regulation or control of boating activities or the rendering of assistance to vessels.

* * * * *

**§ 83.351 [Amended]**

2. In § 83.351(a), table is amended by adding limitation 40 to the conditions of use for 156.850 MHz.

3. In § 83.359, table is amended as follows:

**§ 83.359 Frequencies in the band 156–162 MHz available for assignment.**

* * * * *

*State control*

| | | | |
|---|---|---|---|
| 17 | 156.850 | 156.850 | Intership and ship to coast. |

[FR Doc.77-756 Filed 1-6-77;8:45 am]

## Title 49—Transportation

### CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36126]

### PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS

### PART 1249—REPORTS OF MOTOR CARRIERS

### PART 1250—REPORTS OF WATER CARRIERS

### PAT 1251—REPORTS OF FREIGHT FORWARDERS

**Confidential Annual Report Supplement for Class I Carriers Revision to the Railroad Annual Report**

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of December, 1976.

Upon consideration of the record in the above-entitled proceeding, including the petition, filed June 16, 1976, by the Association of American Railroads, for reconsideration of the report and order of the Commission, decided April 9, 1976 and served May 17, 1976, to which there were no replies; and

It appearing, That regulations adopted by said report do not appear necessary to fulfillment of the Commission's duties and responsibilities under the Interstate Commerce Act, at this time;

It further appearing, That information required by said regulations is presently available to the Commission through periodic audits of affected carriers.

*It is ordered,* That the petition for reconsideration be, and it is hereby, granted on the present record, and the proceeding dismissed.

*It is further ordered,* That the amendments to Parts 1241, 1249, 1250 and 1251 of Title 49 of the Code of Federal Regulations previously adopted in this proceeding be, and they are hereby, canceled.

By the Commission.[1]

ROBERT L. OSWALD,
*Secretary.*

EFFECT OF CANCELLATION UPON EXISTING REGULATIONS

In consideration of the foregoing: paragraph (b) to §§ 1241.11, 1241.21, 1241.31, 1241.61, and 1241.70 should be deleted; paragraph (b) to §§ 1249.1 and 1249.5 should be deleted; paragraph (b) to §§ 1250.10 and 1250.20 should be deleted; and paragraph (b) to § 1251.1 should be deleted.

[FR Doc.77-290 Filed 1-6-77;8:45 am]

## Title 7—Agriculture

## CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

## PART 226—CHILD CARE FOOD PROGRAM

### Appendix—Apportionment of Child-Care Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1977

Pursuant to Section 17 of the National School Lunch Act, as amended by Pub. L. 94-105, child-care nonfood assistance funds available for the fiscal year ending September 30, 1977, are apportioned among the States as follows:

| State | Total apportionment |
|---|---|
| Connecticut | $24,481 |
| Maine | 19,085 |
| Massachusetts | 58,964 |
| New Hampshire | 9,081 |
| Rhode Island | 12,898 |
| Vermont | 7,108 |
| Total | 131,617 |
| Delaware | 7,021 |
| District of Columbia | 12,961 |
| Maryland | 39,425 |
| New Jersey | 61,860 |
| New York | 213,883 |
| Pennsylvania | 128,573 |
| Puerto Rico | 109,046 |
| Virginia | 74,528 |
| Virgin Islands | 2,062 |
| West Virginia | 36,184 |
| Total | 685,543 |
| Alabama | 72,006 |
| Florida | 102,610 |
| Georgia | 98,290 |
| Kentucky | 56,150 |
| Mississippi | 65,507 |
| North Carolina | 100,990 |
| South Carolina | 68,047 |
| Tennessee | 66,287 |
| Total | 629,887 |
| Illinois | $117,352 |
| Indiana | 51,651 |
| Iowa | 22,261 |
| Kansas | 20,561 |
| Michigan | 86,361 |
| Minnesota | 29,063 |
| Missouri | 49,315 |
| Nebraska | 15,305 |
| Ohio | 112,807 |
| Wisconsin | 45,040 |
| Total | 549,716 |
| Arkansas | 50,999 |
| Colorado | 36,869 |
| Louisiana | 100,774 |
| Montana | 14,338 |
| New Mexico | 39,771 |
| North Dakota | 8,348 |
| Oklahoma | 40,799 |
| South Dakota | 9,740 |
| Texas | 215,420 |
| Utah | 16,728 |
| Wyoming | 5,121 |
| Total | 538,907 |
| Alaska | 5,223 |
| American Samoa | 1,982 |
| Arizona | 39,771 |
| California | 313,371 |
| Guam | 1,466 |
| Hawaii | 12,856 |
| Idaho | 12,290 |
| Nevada | 5,803 |
| Oregon | 29,730 |
| Trust Territory | 1,260 |
| Washington | 40,578 |
| Total | 464,330 |
| Total | $3,000,000 |

(Sec. 16(j), Pub. L. 94-105, 89 Stat. 522 (42 U.S.C. 1766(j).)

Dated: December 27, 1976.

P. ROYAL SHIPP,
*Acting Administrator*
*Food and Nutrition Service.*

[FR Doc.77-344 Filed 1-6-77;8:45 am]

## CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE DEPARTMENT OF AGRICULTURE

## PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

### Overtime Work at Border Ports, Seaports, and Airports

• Purpose: The purpose of this document is to amend 7 CFR 354.1 relating to charges for overtime work performed at airports outside of the regularly established hours of service.•

Agricultural quarantine inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, seaports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following document amends § 354.1, Overtime Work at Border Ports, Seaports, and Airports, by changing the overtime rate to be charged owners and operators of aircraft for work performed outside of the regularly established hours of service. One of the sections of the 1976 Amendments of the Airport and Airways Development Act provides that any required quarantine inspection service for operation of aircraft at airports during regularly established hours of service or Sundays and holidays will be performed without reimbursement from the owners or operators of the aircraft to the same extent such service had been performed during regularly established hours of service during weekdays, and by having any administrative overhead costs associated with such services at airports, also to be performed without reimbursement. These limitations of charges to owners and operators of aircraft for government inspection at airports are made in accordance with the Airport and Airways Development Act Amendments of 1976.

Pursuant to the authority conferred by the Act of August 28, 1950, (64 Stat. 561; 7 U.S.C. 2260) and the Airport and Airways Development Act Amendments of July 12, 1976, (90 Stat. 882; 48 U.S.C. 1741), § 354.1 of Part 354 Title 7, Code of Federal Regulations, the first sentence of § 354.1(a) is amended as set forth below:

**§ 354.1 Overtime work at border ports, seaports, and airports.**

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animals, animal products, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and Subchapter D of Chapter I, Title 9 CFR, who requires the services of an employee of the Plant Protection and Quarantine Programs, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Plant Protection and Quarantine Programs inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $21.32 per man-hour per employee on a Sunday and at the rate of $14.60 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture; and except that owners and operators of aircraft will be provided service without reimbursement during regularly established hours of service on a Sunday or holiday; and except that the overtime rate to be charged owners and operators of aircraft at airports of entry or other places of inspection as a consequence of the operation of

[1] A dissenting statement of Commissioners O'Neal and Murphy is filed as part of the original document.

aircraft, for work performed outside of the regularly established hours of service on a Sunday will be $17.52, and for work performed outside of the regularly established hours of service for holiday or any other period will be $10.84 per hour, which charges exclude administrative overhead costs.

* * * * *

(64 Stat. 561 (7 U.S.C. 2260); (Sec. 15 of Pub. L. 94-353, 90 Stat. 882) (49 U.S.C. 1741).)

Effective date: The foregoing amendment shall become effective January 1, 1977.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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.

Done at Washington, D.C., this 23rd day of December, 1976.

T. G. DARLING,
*Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.*

[FR Doc.76-38231 Filed 12-28-76;8:45 am]

(NOTE.—This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

## CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT) DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

### PART 722—COTTON

### 1977 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

The regulation at 7 CFR 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1977 crop of extra long staple cotton held during the period December 6 to 10, 1976, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective upon filing this document with the Director, Office of the Federal Register. The material previously appearing in this section as "Subpart—1976 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

7 CFR 722.564 and the title to the subpart are amended to read as follows:

**§ 722.564 Result of the national marketing quota referendum for the 1977 crop of extra long staple cotton.**

(a) *Referendum period.* The national marketing quota referendum for the 1977 crop of extra long staple cotton was held by mail ballot during the period December 6 to 10, 1976, each inclusive, in accordance with § 722.561 (41 FR 45996) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 987 farmers engaged in the production of the 1976 crop of extra long staple cotton voted in the referendum. Of those voting, 841 farmers, or 85.2 percent, favored the 1977 national marketing quota, and 146 farmers, or 14.8 percent, opposed the 1977 national marketing quota.

(c) *1977 national marketing quota continues in effect.* The national marketing quota for the 1977 crop of extra long staple cotton of 113,000 bales proclaimed in § 722.558 (41 FR 45996) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended (7 U.S.C. 1343).)

NOTE.—The Agricultural Stabilization and Conservation 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.

Effective date: These amendments become effective on January 4, 1977.

Signed at Washington, D.C., on January 3, 1977.

KENNETH E. FRICK,
*Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.77-583 Filed 1-4-77;11:26 am]

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

[Lemon Reg. 74]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 9-15, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

**§ 910.374 Lemon Regulation 74.**

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier this week.

Average f.o.b. price was $5.03 per carton the week ended January 1, 1977 compared to $5.08 per carton the previous week.

Track and rolling supplies at 80 cars were down 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set

forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 4, 1977.

(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 210,000 cartons.

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

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

Dated: January 5, 1977.

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

[FR Doc.77-847 Filed 1-6-77;11:48 am]

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## Title 41—Public Contracts and Property Management

## CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

### SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G-38]

## PART 101–38—MOTOR EQUIPMENT MANAGEMENT

### Codification in 41 CFR 101 of the Motor Vehicle Management Policy in Federal Management Circular 74–1, Federal Energy Conservation

Federal Management Circular (FMC) 74–1, January 21, 1974, as amended, provides policy guidance for the executive branch concerning energy conservation. That circular is codified as 34 CFR Part 232. The policy and related guidance formerly appearing in Appendix A to 34 CFR Part 232 are revised as set forth below and redesignated as Subpart 101–38.13 of Title 41. Accordingly, Appendix A of 34 CFR Part 232 is hereby vacated and reserved.

The table of contents for Part 101–38 is amended by adding or revising the following entries:

Sec.


### Subpart 101–38.0—Definition of Terms

Section 101–38.001 is amended by revising §§ 101–38.001–8 and 101–38.001–9 and by adding new §§ 101–38.001–16 and 101–38.001–17 as follows:

**§ 101–38.001 Definitions.**

* * * * *

**§ 101–38.001–8 Term rental.**

"Term rental" means rental of a vehicle by a Federal agency by contract or other arrangement from a commercial firm for a period of 60 continuous days or more. It is synonymous with the word "leasing."

**§ 101–38.001–9 Trip rental.**

"Trip rental" means rental of a vehicle by a Federal agency from a commercial firm for a period of less than 60 days.

* * * * *

**§ 101–38.001–16 Types of vehicles.**

"Types of vehicles" means those vehicle types as described and designated in Federal specifications issued by the General Services Administration and in comparable military specifications.

**§ 101–38.001–17 Passenger automobiles.**

"Passenger automobiles" means those automobiles (other than automobiles capable of off-highway operation) which the Secretary of Transportation determines by rule are manufactured primarily for use in the transportation of not more than 10 individuals. For purposes of this Part 101–38, passenger automobiles shall mean those vehicles within the purview of Federal Specifications KKK–A–811 (Sedans), KKK–A–850 (Station wagons), and comparable military specifications. Upon determination by the Secretary of Transportation, additional vehicles may be included in this definition.

New Subpart 101–38.13 is added as follows:

### Subpart 101–38.13—Energy Conservation in Motor Vehicle Management

**§ 101–38.1300 Scope.**

This subpart prescribes requirements and guidelines to promote energy conservation in the acquisition, operation, management, and maintenance of motor vehicles used for official purposes by the Federal Government.

**§ 101–38.1301 Applicability.**

This subpart is applicable to executive agencies located in the United States, its territories, or its possessions and which operate Government-owned, leased, or rented motor vehicles in the conduct of official business. This subpart does not apply to motor vehicles exempted by law or other regulations. Other Federal agencies are encouraged to comply with the requirements and guidelines of this subpart so that maximum energy conservation benefits may be realized in the operation and management of Government-operated motor vehicles.

**§ 101–38.1302 General.**

This subpart sets forth guidelines for the improvement of Government motor vehicle management and fuel conservation by providing vehicle assignment controls, reduction in vehicle size, promotion of vehicle pooling, and other actions to foster economical and fuel efficient utilization of Government motor vehicles.

**§ 101–38.1303 Identification of passenger automobiles.**

Passenger automobiles shall be identified according to the current edition of Federal Specifications KKK–A–811 and KKK–A–850 (GSA–FSS), as follows:

| Sedan class (new) | Station wagon class (new) | Type (old) | Descriptive name |
|---|---|---|---|
| IA | | | Small. |
| IB | IB | IA | Subcompact. |
| II | II | IB | Compact. |
| III | III | II | Midsize. |
| IV | IV | III, IV, V | Large. |
| V | | VI | Limousines. |

The terms "economy," "economy sedans," and "economy vehicles" refer to classes IA, IB, and II passenger automobiles.

**§ 101–38.1304 Mandatory provisions affecting the acquisition and use of all motor vehicles.**

(a) Subject to exceptions listed in §§ 101–38.1305 through 101–38.1305–3, all motor vehicles acquired for use by executive agencies shall be selected to achieve maximum fuel efficiency and shall be limited to the minimum body size, engine size, and operational equipment (if any) necessary to fulfill the operational needs for which the vehicles were acquired.

(b) Subject to exceptions listed in §§ 101–38.1305 through 101–38.1305–3, all motor vehicles operated by executive agencies shall be used on a pooled basis to encourage the highest level of utilization.

(c) Executive agencies shall follow the provisions of 31 U.S.C. 638a(c)(2), which define and govern the use of motor vehicles for official purposes.

(d) All requirements for rented motor vehicles exceeding the maximum order limitation established in Federal Supply Schedule Industrial Group 751, Motor Vehicle Rental Without Driver, shall be

submitted to the General Services Administration as specified in § 101–39.601 (a) and shall include full justification of the need for the vehicle and certification that the class (type) of vehicle required is in conformance with provisions thereof.

(e) Executive agencies shall ensure that all agency-held motor vehicles receive tuneups in accordance with the guidelines set forth in § 101–38.1003.

### § 101–38.1305 Mandatory provisions affecting the acquisition, use, and replacement of passenger automobiles.

The acquisition of passenger automobiles by an executive agency shall be limited to class IA, IB, or II (small, subcompact, or compact) unless the agency certifies to the Administrator of General Services that a larger class vehicle is essential to the agency's mission.

### § 101–38.1305–1 Large sedans and limousines.

(a) Use of Government limousines (class V) and large (class IV) sedans shall be eliminated. Exceptions shall be made only for the President and Vice President and for security and highly essential needs. Executive agencies shall certify all exceptions to the Administrator of General Services.

(b) All classes IV and V sedans shall be replaced by class II or smaller sedans unless a class III is absolutely essential to the agency's mission and certified accordingly to the Administrator of General Services.

### § 101–38.1305–2 Law enforcement passenger automobiles.

Passenger automobiles exceeding classes IA, IB, and II in size shall be certified by the head of the law enforcement agency to the Administrator of General Services as essential for the security and safety of its law enforcement mission.

### § 101–38.1305–3 Diplomatic passenger automobiles.

Passenger automobiles exceeding classes IA, IB, and II in size shall be certified by the appropriate official in the Department of State to the Administrator of General Services as being essential for the security of diplomatic officials.

### Subparts 101–38.14–101–38.48—[Reserved]

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date: This regulation is effective January 1, 1977.

The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: January 4, 1977.

JACK ECKERD,
*Administrator*
*of General Services.*

[FR Doc.77–825 Filed 1–6–77;9:54 am]

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## Title 34—Government Management

## CHAPTER II—GENERAL SERVICES ADMINISTRATION

## PART 232—FEDERAL ENERGY CONSERVATION

### Federal Motor Vehicle Management

CROSS REFERENCE: For a document which redesignates and transfers the provisions of 34 CFR Part 232, Appendix A, to 41 CFR Part 101–38, Subpart 101–38.13, see FR Doc. 77–825 appearing under Title 41 in the Rules and Regulations section of this issue of the FEDERAL REGISTER.

# 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

### Rural Electrification Administration

### [ 7 CFR Part 1701 ]

### RURAL TELEPHONE PROGRAM

### Proposed Revised Pages of REA Specification PE–71 for Inside Wiring Cable

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 345–59 to announce revised pages 6 and 10 and new page 10a of REA Specification PE–71 for inside wiring cable. On issuance of REA Bulletin 345–59, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised pages of the specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 on or before February 7, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised pages 6 and 10, and new page 10a to REA Specification PE–71 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345–59 announcing the revised pages of the specification is as follows:

REA BULLETIN 345–59

SUBJECT: REA Specification PE–71 for Inside Wiring Cable.

I. *Purpose:* To announce issuance of revised pages 6 and 10 and new page 10a of REA Specification PE–71 for Inside Wiring Cable.

II. *General:* Changes have been made requiring binder threads or tapes, core covering and slitting cord to be made of nonhygroscopic and nonwicking materials. In addition, a test procedure is established to determine that the completed cable meets long-term electrical stability requirements after having been subjected to high relative humidity and temperature cycling.

The revised pages 6 and 10 and new page 10a will each bear a revision date of January 1977. Pages 6 and 10 of REA Specification PE–71 dated March 1971 should be removed and replaced by the enclosed pages dated January 1977. These changes become effective April 1, 1977.

III. *Availability of Specification Changes:* Copies of the revised pages and new page of PE–71 will be furnished by REA upon request. Questions concerning these changes may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447–3827.

Dated: December 22, 1976.

C. R. BALLARD,
*Assistant Administrator—Telephone.*

[FR Doc.77–345 Filed 1–6–76;8:45 am]

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### [ 7 CFR Part 1701 ]

### RURAL TELEPHONE PROGRAM

### Proposed Revised Pages of REA Specification PE–72 for Switchboard Cables

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to revise REA Bulletin 345–61 to announce revised pages 5, 6, 10 and new page 10a of REA Specification PE–72 for switchboard cables. On issuance of REA Bulletin 345–61, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised pages of the specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before February 7, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised pages 5, 6, 10 and new page 10a to REA Specification PE–72 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345–61 announcing the revised pages of the specification is as follows:

REA BULLETIN 345–61

SUBJECT: REA Specification PE–72 for Switchboard Cables.

I. *Purpose:* To announce issuance of revised pages 5, 6, 10 and new page 10a of REA Specification PE–72 for Switchboard Cables.

II. *General:* Changes have been made requiring binder threads or tapes, core covering and slitting cord to be made of nonhygroscopic and nonwicking materials. In addition, a test procedure is established to determine that the completed cable meets long-term electrical stability requirements after having been subjected to high relative humidity and temperature cycling.

The revised pages 5, 6, 10 and new page 10a will each bear a revision date of January 1977. Pages 5, 6 and 10 of REA Specification PE–72 dated February 1970 should be removed and replaced by the enclosed pages dated January 1977. These changes become effective April 1, 1977.

III. *Availability of Specification Changes:* Copies of the revised pages and new page of PE–72 will be furnished by REA upon request. Questions concerning these changes may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202–447–3827.

Dated: Dec. 22, 1976.

C. R. BALLARD,
*Assistant Administrator—Telephone.*

[FR Doc.77–346 Filed 1–6–77;8:45 am]

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### Food and Nutrition Service

### [ 7 CFR Parts 270, 271, 275 ]

[Amdt. 99]

### FOOD STAMP PROGRAM

### Proposed Rulemaking Regarding Coupon Vendors and State Agencies

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (7 U.S.C. 2011–2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend Parts 270, 271, and 275 of its regulations governing the operation of the Food Stamp Program. These regulatory provisions are proposed in response to Congressional directives contained in the "Emergency Food Stamp Vendor Accountability Act of 1976," (Pub. L. 94–339; July 5, 1976), hereinafter referred to as the Emergency Accountability Act.

Those sections of the Emergency Accountability Act, amending the Food Stamp Act of 1964 at sections 6 (b)(1) and (c)(1) and at sections 7(d) (2)(A), (3)(A), (4)(A), (5)(A), specifically direct the Secretary to promulgate regulations setting forth duties and responsibilities of coupon vendors and State agencies. Sections of the Emergency Accountability Act, incorporated as new sections 6(b)(1) and 7(d)(6) of the Food Stamp Act, specifically grant authority to the Secretary to promulgate regulations imposing reporting requirements on State agencies and coupon vendors. This rulemaking executes those explicit Congressional directives and proposes needed improvements in the coupon and cash accountability provisions of the Food Stamp Program.

The urgent need for stricter controls on coupon vendors and State agencies is detailed in the Senate [1] and House [2] Re-

[1] Senate Report No. 94–714 (March 29, 1976).

[2] House Report No. 94–1282 (June 18, 1976).

ports on the Emergency Accountability Act. Those reports point out, for example, that "* * * vendors have wrongfully withheld money they accumulated from the sale of food stamp coupons, and * * * used the money for their own purposes." (Senate Report, at 4.) A Department of Agriculture nationwide audit, begun in October 1975, discovered that 1,300 food stamp vendors "* * * apparently were not making timely deposits of the money they had collected on food stamp purchases, [and that] 12 vendors were unable to account for $5,669,840 between sales and deposits, and 14 were found to be slow in making deposits that totaled $6,831,428." (Senate Report, at 4, 5.) Moreover, the Senate and House Reports make clear that some State agencies have not exercised sufficient control over issuance and accountability sytems. (See Senate Report, at 5, and House Report, at 7.) The Senate Report, at 5, concluded that "* * * [t]imely and accurate reports of receipts and deposits are necessary to enable States to monitor vendor activities adequately." Departmental audits have identified serious vendor abuses and related problems; these include the discovery of coupon inventory shortages, vendor failure to establish separate accounts for food stamp funds, and the use of food stamp receipts for personal benefit.[3] The House Report pointed out that Department audits of 79 selected agents revealed late deposits of $18,500,000, coupon shortages of $98,000, and nondeposits of over $6,000,000.[4] Subsequent Departmental investigations uncovered additional instances of late deposits, shortages, and nondeposits. A tabulation of the results of those investigations is contained in the House Report, supra, at 6.

The regulations proposed herein are designed to reduce or eliminate the vendor abuses identified in Congressional Reports and Departmental investigations. The regulations strengthen State and Federal controls over vendor activity and establish procedures to closely monitor food stamp inventories to safeguard against vendor misuse and minimize coupon and cash exposure to loss.

Additionally, these regulations specify State agency and vendor responsibilities for coupon and cash receipts; set forth standards for the delivery of coupon inventories; and provide, in accordance with the Emergency Accountability Act, that coupon vendors are fiduciaries of the Federal Government and that funds they receive are Federal funds. The regulations also restate the criminal sanctions imposed by the Emergency Accountability Act for violations of the regulations promulgated by the Secretary.

Part of Section 3 of the Emergency Accountability Act, incorporated as Section 6(c)(1) of the Food Stamp Act, requires the Secretary to establish procedures for safeguarding coupons in the possession of vendors. However, specific regulatory requirements for security provisions are being deferred and 7 CFR 271.6(d)(2) is reserved for future rulemaking. Receipts from coupon issuances, as provided by 7 CFR 271.6(e), are also to be safeguarded in the manner to be prescribed by 7 CFR 271.6(d)(2). Because of the variety of coupon storage and issuance facilities currently in use, security procedures adaptable to each location are difficult to specify. The comment period affords an opportunity for interested persons to suggest minimum security standards, recognizing the possibility of criminal prosecution for failure to comply with such regulations as required by new Section 6(c)(2) of the Food Stamp Act. Currently, suggested security measures and a security checklist for food coupon vendors are outlined in FNS(FS) Instruction 733-3, A Security Program for Governmental Issuance Offices, which may serve as a useful reference to those interested in commenting.[5]

Amendments to 7 CFR 270.3(b) and 275.15(j)(2), on issuance agent contractual criteria and on payments to outlets for food stamp transactions, were proposed at 41 FR 11532 (March 19, 1976). These proposals stipulate provisions for issuance contracts and provide that payments to vendors be withheld until the State agencies receive transacted sales records and confirmations of deposits. Some technical changes were made on the basis of comments already received; and the proposed amendments, with revisions, are republished in proposed form herewith. Specifically, the language previously amending 7 CFR 270.3(b) has been republished as part of 7 CFR 271.6(g)(1). Comments previously received on these amendments will again be considered. Additional comments will be considered prior to isuing the final regulatory amendment.

Under these regulations, employees of the State agency, other agencies of the State, and political subdivisions, engaged in the issuance of coupons are included within the definition of "coupon vendor" and are subject to all penalties prescribed for coupon vendors. However, the regulations, in a manner consistent with sections 3(o) and 7(d)(7) of the Food Stamp Act, as amended, exclude the U.S. Postal Service from the definition of "coupon vendor" for the purposes of the regulations. The Postal Service regulatory exemptions are in accord with the Congressional intent set forth in the House and Senate Reports where it was stated that "* * * [t]he term 'coupon vendor' is not intended to include the Federal Government itself or its employees where arrangements have been made for one of its agencies to issue food stamps—for example where the Secretary and the Postal Service have established a program for the Postal Service to provide issuance services." (Senate Report at 7, House Report at 8.) The statutory and regulatory exemptions regarding the Postal Service will provide the flexibility needed to accommodate the policies and requirements of the Postal Service and insure its continued participation in the Food Stamp Program.

Interested parties should submit written comments, suggestions, or objections regarding the proposed amendments to Nancy Snyder, Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250, not later than February 7, 1977. All comments, suggestions or objections received by this date will be assured of consideration before final regulations are issued.

All written comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director, Food Stamp Division, Room 650, 500 12th Street, S.W., Washington, D.C., during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday).

The new provisions governing the setting aside of all funds collected from the sale of coupons as Federal funds, 7 CFR 271.6(h)(4), their prompt deposit, 7 CFR 271.6(h)(5), and the criminal penalties applicable for failure to do so, and the provisions of 7 CFR 271.6(e)(1) concerning State agency arrangements for deposits, shall be effective upon final publication of the regulations. New provisions defining a coupon vendor, 7 CFR 270.2(nn), and governing the responsibilities of FNS, in 7 CFR 271.6(a)(1)–(4), shall also be effective upon final publication.

All other rvised provisions governing State agency and coupon vendor responsibilities shall be implemented by the State agencies not later than September 30, 1977. These provisions shall be implemented concurrently with or following implementation of an electronic funds transfer system to be used for the deposit of and accounting for food stamp cash receipts.

At the present time FNS is developing a nationwide Electronic Funds Transfer System (EFTS). A small pilot EFTS is operating in several project areas on the East and West coasts. Under this system issuance agents deposit food stamp sales receipts in an account established at a local bank (bank issuance agents will act as their own local bank). After each deposit, the agent places a telephone call (toll free) to a commercial service; this service collects deposit information and on a daily basis transmits this information, via telecommunications, to a concentration bank. This bank collects the cash deposited in the local banks and transfers the money, via wire, to the FNS Treasury account. The system will provide State agencies and FNS with reports on each agent's depositing activities.

[3] Senate Report, supra.

[4] House Report, supra, at 5. See also "Summary of Reviews made of Food Stamp Fiscal Operations," USDA Office of Audit, Report No. 2799-8-Hy (March 30, 1976).

[5] Copies of FNS Instruction 733-3 and the USDA Office of Audit Report No. 2799-8-Hy may be obtained upon request from: Nancy Snyder, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Therefore, it is proposed to amend Parts 270, 271, and 275 of Chapter II, Title 7 CFR as follows:

## PART 270—GENERAL INFORMATION AND DEFINITIONS

1. Section 270.2 is amended by adding a new paragraph (nn) to read as follows:

**§ 270.2 Definitions.**

* * * * *

(nn) "Coupon vendor" means any person, partnership, corporation, organization, political subdivision, or other entity with which a State agency has contracted for, or to which it has delegated administrative responsibilities in connection with, the issuance of coupons to eligible households. Offices of the United States Postal Service shall not be considered coupon vendors for the purposes of these regulations.

2. Section 270.4 is amended by adding new paragraphs (e), (f), and (g) to read as follows:

**§ 270.4 Coupons as obligations of the United States, crimes and offenses.**

* * * * *

(e) Pursuant to Section 6 and 7 of the Food Stamp Act, any coupon vendor, or any officer, employee, or agent thereof shall be subject to a fine of not more than $3,000 or imprisonment for not more than one year, or both, upon being convicted of the following acts:

(1) Violations of regulations relevant to the delivery of coupons and the custody, care, control and storage of coupons in the hands of coupon vendors to secure such coupons against theft, embezzlement, misuse, loss, or destruction in accordance with § 271.6(d)(2);

(2) Failure to provide FNS with a monthly report of inventory levels in accordance with § 271.6(h)(3);

(3) Failure to deposit funds derived from the sale of coupons in accordance with § 271.6(h)(5);

(4) Failure to provide the State agency with a written notice confirming such deposits in accordance with § 271.6(h)(6); or

(5) Failure to provide FNS with a monthly written report of issuance operations in accordance with § 271.6(h)(7).

(f) Pursuant to Sections 6(b) and 7(d) of the Food Stamp Act, any coupon vendor, or any officer, employee, or agent thereof, who knowingly provides false information in any report required by § 271.6(h) shall, upon conviction, be subject to a fine of not more than $10,000, or imprisonment for not more than 10 years, or both.

(g) Pursuant to Section 7(d)(3) of the Food Stamp Act, any coupon vendor, or any officer, employee, or agent thereof, convicted of using funds derived from the sale of coupons for the benefit of any person, partnership, corporation, association, organization, or entity other than the Federal Government, prior to the deposit of such funds as required by these regulations, shall be subject to a fine of not more than $10,000, or a sum equal to the amount of funds involved in the violation, whichever is the greater, or imprisonment for not more than ten years, or both; *Provided*, That if the amount of such funds is less than $1,000, such vendor shall be subject to a fine of not more than $3,000, or imprisonment for not more than one year, or both.

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## PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

3. Section 271.6 is amended by deleting paragraphs (b) and (f). Paragraph (a) is amended. Paragraphs (c), (d), and (e) are relettered (b), (c), and (c)(6), respectively, and the newly designated paragraph (b) and the first sentence of paragraph (c) are amended. New paragraphs (d), (e), (f), (g), and (h) are added. Paragraphs (g), (h), and (i) are relettered (i), (j), and (k), respectively, and newly designated paragraph (i) is revised and redesignated paragraph (j) is amended. The new and amended paragraphs of § 271.6 read as follows:

**§ 271.6 Methods of distributing, issuing, and accounting for coupons and receipts.**

(a) *Responsibilities of FNS.* (1) FNS shall distribute coupons, printed in such denominations as it may determine necessary, directly to the receiving points the State agency has designated in its Plan of Operation. FNS shall bear the risk of loss for coupons while in transit to receiving points.

(2) FNS shall promptly advise the State agency when coupons are shipped to receiving points.

(3) FNS shall assess the reasonableness and propriety of food stamp requisitions submitted by State agencies based on prior months' inventory changes and shall notify the State agency of all adjustments to such requisitions regardless of who initiated the change.

(4) FNS shall notify the State agency each time there is a change in the coupon allotment tables.

(5) FNS shall review monthly reports of vendors' activities, submitted through the State agency in accordance with § 271.6(h)(7), for adequacy, accuracy, and reasonableness; reconcile cash with reports issued by the Federal Reserve Banks; and reconcile inventory with shipping records maintained by FNS. FNS shall review State agency verification of coupon vendor monthly reports and reserves the right to supplement this review by unannounced spot checks of inventory levels at selected receiving and issuance points.

(6) FNS shall review monthly reports from the State agency submitted in accordance with § 271.6(f) for adequacy, accuracy, and reasonableness.

(7) FNS may bill the State agency on a monthly basis for fiscal discrepancies as provided in § 271.7 of this subchapter.

(b) *State agency responsibilities for issuance.* The State agency is responsible for the acceptance, storage, and protection of coupons, after delivery to receiving points within the State; the issuance of coupons to eligible households; the control and accountability for coupons and cash receipts; and the submission to FNS of verified vendor activity reports and other reports in accordance with the provisions of this subchapter. The State agency shall monitor the activities of individual coupon vendors to assure compliance with the requirements of § 271.6(h), shall identify and correct deficiencies and report violations of the Food Stamp Act or regulations to FNS. Notwithstanding any other provisions of this subchapter, and notwithstanding any contractual agreement between State agencies and coupon vendors, State agencies shall retain fiscal liability on claims asserted under § 271.7 and shall be responsible for the compliance of coupon vendors with all applicable program requirements.

(c) *Method of Coupon Issuance.* The State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households for the purchase requirement.

* * * * *

(d) *State agency responsibilities for coupon accountability.* (1) The State agency shall arrange for the ordering of coupons and the prompt verification of and the receipting for the contents of each coupon shipment. The State agency shall furnish FNS with the name of the person or persons authorized to sign receipts which acknowledge delivery of coupons. Deliveries of coupons shall be made only after an authorized person has signed the proper receipt.

(2) (Reserved for coupon security requirements.)

(3) The State agency shall monitor coupon inventories in the hands of receiving and issuance points to ensure inventories are at proper levels and are not in excess of the reasonable needs of such vendors. The State agency shall, at a minimum:

(i) Consider, among other things, in determining the reasonable needs of coupon vendors for inventory levels, the ease and feasibility of resupplying such inventories from bulk storage supplies within the State as well as the shipments of coupons from FNS. Such inventory levels shall not exceed a six month supply at either receiving or issuance points. The six month limitation applies to coupons on order in addition to coupons on hand at the issuance point.

(ii) Establish an accounting system for monitoring the activities of each receiving and issuance point. The State agency shall review the monthly coupon inventory reports from receiving and issuance points and shall determine the propriety and reasonableness of these inventories. Perpetual inventory records, Advices of Shipment, transfer documents, reports of returned Public Assistance Withholding (PAW) and mail issued coupons, reports of replacements of undelivered PAW and mail issued coupons, reports of improperly manufactured or mutilated coupons and reports of shortage or overage of food coupon books shall be used by the

State agency to assure the accuracy of monthly coupon inventory reports, compliance with inventory levels as required by subsection 3(i) of this subsection and the accuracy and reasonableness of coupon orders.

(iii) Take one unannounced physical inventory, at least yearly, at each bank and bulk storage facility; and, at least semiannually, at all other issuance points.

(4) The State agency shall require every official or employee, except officials and employees of the United States Postal Service, who is responsible for receiving and issuing coupons or accepting cash or other receipts from eligible households to be covered by an appropriate form of surety bond in favor of the State agency. The amount of such surety bond shall be adequate to protect the financial interests of the State agency.

(e) *State agency responsibilities for arranging for accounting for cash receipts.* (1) The State agency shall arrange for the continuous safeguarding of all receipts from coupon sales in accordance with the security requirements for coupons required by § 271.6(d)(2). The State agency shall arrange for the transfer of funds, received from the sale of coupons, to the appropriate Federal Reserve Bank (FRB) to the credit of the Treasurer of the United States via negotiable instruments or electronic funds transfers. The State agency shall arrange for the completion and delivery of a deposit document with each transmittal of funds to the FRB or shall provide for electronic funds transfers. Each such transfer of funds, as prescribed by FNS, shall be considered one deposit. The State agency shall provide that funds received from coupon sales be deposited at least weekly; *Provided*, That when such funds accumulate to $1,000 or more at any coupon sales location, the State agency shall arrange for the deposit of such funds to the FRB within one banking day following the day when the funds reached or exceeded $1,000, unless extraordinary conditions prevent such deposit, in which case such deposit shall be made within two banking days following the accumulation of such amount; and *Provided further*, That the State agency shall arrange for the deposit of all collections on hand, at any sales location at the end of the issuance month, regardless of amount, within one banking day following the last issuance day of the month, unless extraordinary conditions prevent such deposit, in which case such deposit shall be made within two banking days following the end of the issuance month.

(2) The State agency shall establish an accounting system to monitor compliance with the depositing requirements. The State agency shall compare notices of deposit received from coupon vendors, as required in § 271.6(h)(6), against ATP cards supporting such deposits for accuracy and compliance with depositing frequencies as outlined in § 271.6(h)(5). The State agency shall further reconcile such records against monthly reports received from such vendors, as required in § 271.6(h)(7), and confirm that deposits were made to the Treasury account of FNS.

(f) *State agency reporting requirements.* (1) The State agency shall review monthly reports received from coupon vendors, as required in § 271.6(h), for adequacy, accuracy, and reasonableness through the accounting system established in §§ 271.6(d)(3) and (e)(2). The State agency shall attest to the accuracy of these reports and submit them to FNS with consolidated reports summarizing coupon vendor activity.

(2) In any issuance system which uses ATP cards, the State agency shall further reconcile all coupon issuances with a master file of certified eligible households. The State agency shall report monthly to FNS, on a consolidated basis, the results of such reconciliation.

(g) *Issuance contracts.* (1) In accordance with § 270.3(b), the State agency may delegate, by contract, the duty to issue coupons to a coupon vendor. All contracts with coupon vendors shall be made in accordance with the procurement standards contained in § 275.15 of this subchapter.

(2) The State agency shall include in issuance contracts provision for the payment of interest on late deposits at 6 per centum per annum which interest shall be compounded daily from the date on which receipts were due to be deposited through the actual date of deposit.

(3) The State agency shall not contract for the issuance of coupons with any firm, or agency thereof, which is authorized to redeem coupons from households unless the State agency, with FNS concurrence, determines that such an arrangement would best achieve the purposes of the program.

(h) *Responsibilities of coupon vendors.* (1) Coupon vendors shall promptly verify and receipt for the contents of each coupon shipment delivered to them and shall be administratively responsible for the custody, care, control, and storage of coupons to secure such coupons against theft, embezzlement, misuse, loss, or destruction in accordance with written instructions issued by State agencies pursuant to § 271.6(d) of this subchapter.

(2) Coupon vendors shall maintain a proper level of coupon inventory, not in excess of reasonable needs, taking into consideration the ease and feasibility of resupplying such coupon inventories. The inventory levels shall not exceed a six month supply in accordance with § 271.6(d)(3)(i).

(3) Coupon vendors shall report monthly to FNS, through the State agency, on their inventory levels and shall forward to the State agency supporting documents for all coupon shipments and transfers.

(4) Coupon vendors shall receive funds from the sale of coupons as fiduciaries of the Federal Government. Coupon vendors shall immediately set aside all such funds as funds of the Federal Government, shall deposit the funds in the manner prescribed in § 271.6(h)(5) and shall not use such funds, prior to deposit, for the benefits of any person, partnership, corporation, association, organization, or entity other than the Federal Government. All such funds, prior to deposit, shall be safeguarded at all times from theft, embezzlement, misuse, loss or destruction as required by § 271.6(d)(2) for the security of food coupons.

(5) Coupon vendors shall transfer funds received from the sale of coupons to the appropriate FRB to the credit of the Treasurer of the United States via negotiable instruments or electronic funds transfers. Coupon vendors shall complete and send a deposit document with each transmittal of funds to the FRB or shall initiate an electronic funds transfer. Each such transfer of funds, as prescribed by FNS, shall be considered one deposit.

Coupon vendors shall deposit funds received from coupon sales at least weekly; *Provided*, That when such funds accumulate to $1,000 or more at any coupon sales location, coupon vendors shall deposit such funds to the FRB within one banking day following the day when the funds reached or exceeded $1,000, unless extraordinary conditions prevent such deposit, in which case such deposit shall be made within two banking days following the accumulation of such amounts; and *Provided further*, That coupon vendors shall deposit all collections on hand at any sales location at the end of the issuance month regardless of the amount of such funds within one banking day following the last issuance day of the month, unless extraordinary conditions prevent such deposit, in which case such deposit shall be made within two banking days following the end of the issuance month; and *Provided further*, That with regard to a maximum of $1,200 per month from Public Assistance Withholding collections only, with the approval of the Secretary, deposit by a State agency in its capacity as a coupon vendor, shall occur when such amount has been deposited in a joint FNS–State agency special trust account within the prescribed time limits. Such account shall be drawn upon by the State agency solely for the purpose of issuing refunds to PAW households electing not to participate in the Food Stamp Program for the month in which the deposit was made. Within two banking days after the last day of the month in which the deposit was made the State agency shall arrange for the transfer of all unused funds from such account to the appropriate FRB to the credit of the Treasurer of the United States.

(6) Coupon vendors shall, immediately upon deposit of funds from the sale of coupons, send a written notice to the State agency confirming such deposit. The written notice shall be accompanied by a copy of the deposit document and, in issuance systems using ATP cards, the transacted ATP cards supporting such deposit. At a minimum, the written notice shall contain:

(i) The name and address of the coupon vendor;

(ii) The total receipts derived from the distribution of coupons during the deposit period;

(iii) The amount of the deposit;

(iv) The name and address of the depository; and

(v) An oath, or affirmation, signed by the coupon vendor, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon vendor, certifying that the information contained in such notice is true and correct to the best of such person's knowledge and belief.

(7) Coupon vendors shall report monthly to FNS, through the State agency, on issuance operations during the monthly reporting period. The report shall contain:

(i) The name and address of the coupon vendor;

(ii) The total receipts derived from the sale of coupons during the month;

(iii) The total amount of deposits;

(iv) The name and address of each depository receiving such funds; and

(v) An oath, or affirmation, signed by the coupon vendor, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon vendor, certifying that the information contained in the report is true and correct to the best of such person's knowledge and belief.

(i) *State agency issuance instructions.* The State agency shall issue written program instructions for personnel responsible for all activity in connection with the issuance of coupons. No State agency instruction, or interpretation of FNS instructions, shall be issued without prior approval by FNS, unless FNS fails to respond to a request for approval within 30 days after the acknowledgment of its receipt by FNS.

(j) *United States Postal Service.* Fiscal practices with respect to funds collected from the sale of food coupons by the United States Postal Service and other responsibilities of the United States Postal Service in regard to the issuance of food coupons are prescribed by interagency agreement between the United States Postal Service and the Department.

* * * * *

4. Section 271.7 is amended by revising paragraph (d), by adding new paragraphs (e) and (f) and redesignating present paragraphs (e) and (f) paragraphs (g) and (h), respectively. The new and amended paragraphs read as follows:

**§ 271.7 Financial liabilities of the State agency.**

* * * * *

(d) The State agency shall be liable to FNS for any overissuance of coupons or undercollection of cash as a result of mathematical or changemaking errors by personnel of any issuing office. The State agency shall also be liable to FNS for the bonus value of all coupons purchased through the use of expired documents or through the use of documents which are stolen or embezzled from, or lost by, the State agency.

(e) The State agency shall be liable for the loss or late deposit of any funds collected, or that should have been collected, from the sale of coupons within the State. FNS may demand payment of interest on late deposits at 6 per centum per annum which interest shall be compounded daily from the date on which receipts were due to be deposited through the actual date of deposit.

(f) FNS may, on a monthly basis, make demand on each State agency for any losses of cash or coupons reported in accordance with § 271.6(f)(2) of this subchapter, or otherwise determined.

* * * * *

**PART 275—PAYMENT OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES**

5. Section 275.15 is amended by adding to paragraph (j)(2) a new subparagraph (v) to read as follows:

**§ 275.15 Procurement standards.**

* * * * *

(j) *Contract provisions.* * * *

(2) *Provisions.* * * *

(v) Contracts through which the State agency delegates its administrative responsibility for the issuance of coupons shall contain clear provisions for performance and compensation. Such contracts shall provide that State agencies shall make payment to the contractor for issuance services only after the State agencies receive: ATP cards representing the issuance transaction; properly executed reports accounting for the cash and coupons involved in the transactions; and written notices from the coupon vendors confirming the deposit of funds in accordance with § 271.6 of this Part.

* * * * *

NOTE: It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

(78 Stat. 703, as amended, 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: January 3, 1977.

RICHARD L. FELTNER,
*Assistant Secretary.*

[FR Doc.77-536 Filed 1-6-77;8:45 am]

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## Animal and Plant Health Inspection Service

**[ 9 CFR Part 92 ]**

**RESTRICTIONS ON IMPORTATION OF BIRDS**

**Extension of Time for Submission of Comments**

This notice extends the time period for submitting written comments, data, views and other information with respect to proposed restrictions on importation of birds into the United States, as published in the FEDERAL REGISTER November 12, 1976 (41 FR 50000), from December 14, 1976 to February 12, 1977. Certain representatives of importers of birds have requested that the comment period be extended an additional 60 days in order to give them adequate time to obtain relevant data and information and to develop sound views and comments.

Since the Department is interested in receiving meaningful views and comments, these circumstances are considered ample justification for an extension of the time period originally allotted for submitting views and comments.

Therefore, written comments and other material relating to this matter may be submitted to the Deputy Administrator, Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, on or before February 12, 1977.

Done at Washington, D.C., this 23rd day of December 1976.

J. M. HEJL,
*Deputy Administrator,*
*Veterinary Services.*

[FR Doc.76-38230 Filed 12-28-76;8:45 am]

(NOTE: This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

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## FEDERAL TRADE COMMISSION

**[ 16 CFR Part 438 ]**

**ADVERTISING, DISCLOSURE, COOLING-OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS**

**Proposed Trade Regulation Rule; Public Availability of Staff Report to the Commission**

Pursuant to Section 1.13(g) of the Commission's Rules, the staff has made its report, containing its analysis of the record and its recommendations as to the form of the final rule, to the Commission. The report is now available for public comment under Rule 1.13(h). Copies of the report may be obtained from the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Comment will be accepted on both the staff report and the presiding officer's report, which has previously been made public (see 41 FR 47267 (Oct. 28, 1976)), for a period of sixty days ending on March 8, 1977. Comments should be identified as "Comment on Presiding Officer and Staff Reports—Vocational School TRR," and addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, and submitted, when feasible and not burdensome, in five copies.

The Commission cautions all concerned that the staff report has not been reviewed or adopted by the Commission, and that its publication should not be interpreted as reflecting the present

views of the Commission or of any individual member thereof.

By direction of the Commission, dated December 21, 1976.

JOHN F. DUGAN,
*Acting Secretary.*

[FR Doc.77-554 Filed 1-6-77; 8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### [ 16 CFR Part 1301 ]

### REFUSE BINS

**Proposed Rule Under the Consumer Product Safety Act To Declare Certain Refuse Bins as Banned Hazardous Products**

The purpose of this document is for the Consumer Product Safety Commission (Commission) to propose an amendment to provisions of the regulations under the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051-2081) by declaring as banned hazardous products certain unstable refuse bins having a capacity greater than one cubic yard (figure 1). The Commission is seeking written comment on the proposal and allowing an opportunity for oral presentation, as provided below.

#### BACKGROUND

On January 3, 1975, Stephen R. Redmond, the Commissioner of Health of Dutchess County, New York, petitioned the Commission to commence an appropriate proceeding to establish safe design criteria for the manufacture of refuse bins. A report accompanying the petition gave details of two serious accidents that occurred when children were playing or swinging on slant-sided refuse bins. The bins capsized, injuring two children, one fatally.

The petitioner believes that slant-sided refuse bins are unstable because the center of gravity is offset by virtue of their design and that any weight added to them, such as the weight of children hanging on or swinging on the slant side, tends to topple them. Therefore, he asks that corrective action be taken to prohibit further use of the unsafe bins and that safe design criteria be established for future use.

Thereafter, the Commission staff undertook a study to determine the use patterns and the nature of the alleged hazards associated with unstable refuse bins described in the petition.

The Commission staff studied nine in-depth investigation reports of accidents associated with refuse bins. Of the nine accidents, six were a result of refuse bins tipping over; five of these accidents were fatal. In all cases except one, the accident pattern was similar to that cited by the petitioner. In that one exception, the bin appeared to have capsized spontaneously. In addition, the Commission is aware of two other fatalities associated with refuse bins.

Tests by the Commission's Bureau of Engineering Sciences show that some slant-sided refuse bins with about a three cubic yard capacity can be tipped over by a force of as little as 44 pounds acting horizontally or 55 pounds acting vertically downward on the lip of the bin. Influencing factors include the inclination of the ground surface, the position of the lids, the orientation of the swivel wheels, and the location of the refuse within the bin.

The Commission's Office of Product Defect Identification (OPDI), and field offices studied the nature of manufacture and use patterns of slant-sided refuse bins. The OPDI survey indicates that some trash collection firms are aware of the inherent instability of their refuse bins and a few have modified units by adding braces or extensions to lessen the probability of capsizing.

The Commission's Office of Information and Education previously issued an informational fact sheet on the hazards surrounding certain unstable trash bins.

#### SUMMARY OF PROPOSAL

1. *Jurisdictional scope of proposed ban.* By virtue of the definition of the terms "distribute" and "commerce" in sections 3(a)(11) and (12) of the CPSA (15 U.S.C. 2052(a)(11) and (12)) the Commission has jurisdiction over consumer products which, among other things, are manufactured or offered for sale or distributed, directly into or in a manner otherwise affecting, interstate commerce. More specifically, "distribution in commerce" may include not only the sale, delivery for or the introduction, into interstate commerce, but the holding for sale or distribution *after* introduction, into commerce.

Based on this definition of "distribution in commerce" which indicates that "distribution" is not limited to sales, it is the Commission's intention that the scope of this proposed ban will extend not only to the sale of those refuse bins declared to be banned hazardous products but also to those banned bins which are the subject of a rental or lease transaction.

2. *Size of banned bins.* From six in-depth investigations for which dimensional data exists, the Commission found that the smallest bin involved in an incident causing injury or death was 1.3 cubic yards in volume. To allow for a reasonable margin of safety, it is the view of the Commission that a refuse bin with a volume of less than one cubic yard does not appear to pose an unreasonable risk of injury from tipover. Therefore, the proposed ban applies to refuse bins having an internal volume greater than one cubic yard.

3. *Proposed banning criteria.* The proposed criteria used for determining those refuse bins which are banned are based upon the actual hazard pattern prevalent in most of the cases known to the Commission. The proposal provides that bins are banned if they tip over when subjected to: (1) a vertically downward force of 191 pounds applied at a point most likely to cause tipping, or (2) a horizontal force of 70 pounds applied at a point and in a direction most likely to cause tipping. These criteria are suggested by a draft proposed standard developed by the American National Standards Institute (Z245.3-1976).

The vertical downward force of 191 pounds is based, in part, upon the weight of two 99th percentile eight year old females. Tests on representative bins disclosed that tip-over will occur with as little as 55 lbs. vertical force exerted on the lip. Therefore, requiring a bin to withstand 191 pounds of vertical downward force will provide the necessary margin of safety.

Tests conducted by the Commission on bins similar to those which are the subject of this ban disclosed that tip-over will occur with as little as 44 pounds horizontal force exerted on the lip of the bin. Other tests indicate that two eight year olds can pull horizontally with as much as 65 pounds. Therefore, in order to insure a margin of safety the horizontal force specified in the proposed ban is increased and set at 70 pounds.

#### EFFECTIVE DATE

The Commission suggests in the proposal that the effective date be delayed for nine months after the ban is promulgated as a final regulation. The Commission believes that unstable bins may be made stable and therefore does not recommend that these bins merely be discarded. Therefore, those persons and groups affected by this ban are encouraged to use this period for retrofitting the bins so as to make them stable and thereby no longer subject to the proposed ban. Although the Commission believes that the necessary retrofit is a relatively simple task, the nine-month period is reasonable to allow those in this rather fragmented industry who are affected by the ban, to carry out the retrofit.

#### ENVIRONMENTAL CONSIDERATIONS

Based upon an informal assessment of information presently available, the Commission anticipates no significant effects on the natural environment from the proposed ban. However, the Commission is soliciting information and comments on the subject for its consideration prior to making a final decision on the need for an environmental impact statement. The Commission anticipates it will make this decision by the end of January 1977 and urges all interested persons to provide views and data on this issue.

#### CONCLUSION AND PROPOSAL

Under sections 7 and 9 of the CPSA (15 U.S.C. 2056, 2058), the Commission has the authority to set standards and under sections 8 and 9 (15 U.S.C. 2057, 2058) it has the authority to issue rules declaring that hazardous consumer products are banned. Where the Commission determines that a consumer product is being, or will be, distributed in commerce and that it presents an unreasonable risk of injury against which no feasible consumer product safety standard under the CPSA can adequately protect the public, it may propose a rule declaring the product to be a banned hazardous product.

Based on the injury data, engineering analysis, and the apparently low incidence of modification of unstable refuse bins alluded to in the "Background" section, the Commission preliminarily determines that certain refuse bins having an internal volume greater than one cubic yard and which will tip over when subjected to a vertical downward force of 191 pounds or a horizontal force of 70 pounds applied at a point and in the direction most likely to cause tipping, present an unreasonable risk of injury. In addition, the Commission preliminarily determines that no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these refuse bins because a consumer product safety standard addressing this unreasonable risk of injury would be applicable only to those bins manufactured after the effective date of the standard. In contrast, a consumer product safety rule declaring that certain refuse bins are banned hazardous products can apply to those already in commerce on the effective date of the ban.

The Commission therefore proposes to declare that certain unstable refuse bins that fail to satisfy the criteria set out below, are banned hazardous products.

Accordingly, pursuant to provisions of the CPSA (secs. 8 and 9), 86 Stat. 1215–17, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058), the Commission proposes that Title 16, Chapter II, be amended by adding to Subchapter B the following new Part 1301:

## PART 1301—BANNED HAZARDOUS REFUSE BINS

Sec.



AUTHORITY: Secs. 8, 9, 86 Stat. 1215–1217, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058.

### § 1301.1 Scope and application.

In this Part 1301 the Consumer Product Safety Commission (Commission) declares certain refuse bins banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058). This ban applies to those refuse bins which are being distributed in commerce after the effective date which do not meet the criteria of § 1301.4 and which are produced or distributed for sale to, or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise. The Commission has found that (a) these refuse bins are being, or will be distributed in commerce; (b) they present an unreasonable risk of injury; and (c) no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these products. The ban is applicable to those refuse bins having an internal volume greater than one cubic yard which will tip over when subjected to the forces described in § 1301.6 and which are in commerce or being distributed in commerce after the effective date of the ban. Such refuse bins when they are the subject of rental or lease transactions involving owners of refuse bins or refuse collection agencies and persons who make such refuse bins available for use by the public, are considered to be distributed in commerce and therefore come within the scope of this ban.

### § 1301.2 Purpose.

The purpose of this rule is to ban certain refuse bins which have been found to present an unreasonable risk of injury due to tip-over resulting in serious injury or death from crushing.

### § 1301.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this Part 1301:

(b) "Refuse bin" means a metal receptacle having an internal volume greater than one cubic yard which temporarily receives and holds refuse for ultimate disposal either by unloading into the body or loading hopper of a refuse collection vehicle or by other means.

### § 1301.4 Banning criteria.

Any refuse bin produced or distributed, for sale to, or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise which is in commerce or being distributed in commerce after the effective date of this ban and which has an internal volume greater than one cubic yard and tips over when subjected to the test procedures described below is a banned hazardous product.

### § 1301.5 Test conditions.

(a) The refuse bin shall be empty and have its lids or covers in a position which would most adversely affect the stability of the bin when tested.

(b) The refuse bin shall be tested on a hard, flat surface. During testing, the bin shall not be tilted from level in such a way as to increase its stability.

(c) Those refuse bins equipped with casters or wheels shall have the casters or wheels positioned in a position which would most adversely affect the stability of the bin and shall be chocked to prevent movement.

(d) The stability of the refuse bin shall be tested without dependence upon non-permanent attachments or restraints such as chains or guys.

(e) For purposes of enforcement, bins will be tested by the Commission in that position which would most adversely affects its stability.

### § 1301.6 Test procedure.

(a) The refuse bin shall be subjected to the following separate actions:

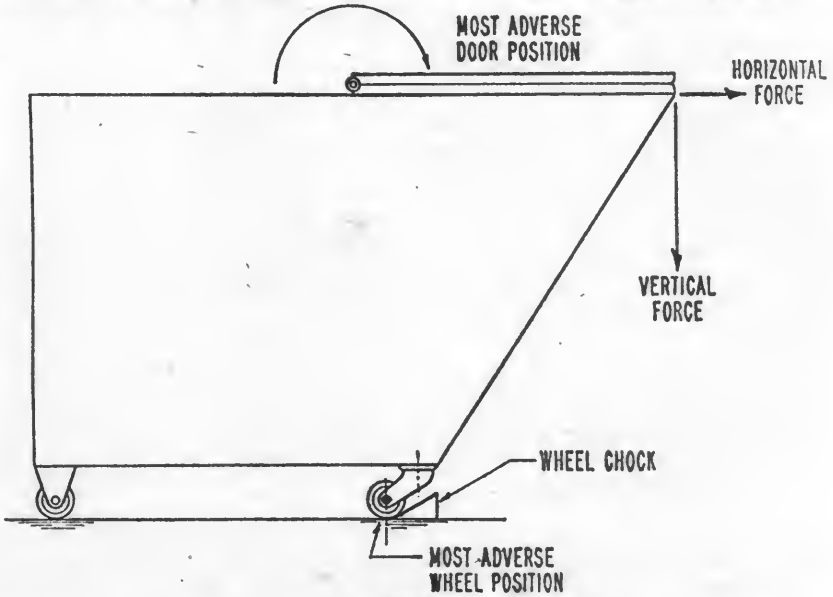
(1) A horizontal force of 70 pounds shall be applied at a point and in a direction most likely to cause tipping, and

(2) A vertically downward force of 191 pounds shall be applied to a point most likely to cause tipping. (See Figure 1.)

(b) These forces shall be applied separately.

### § 1301.7 Effective date.

The effective date of this ban shall be nine months after publication of this Part 1301 in the FEDERAL REGISTER.




"FIGURE 1"

Regarding proposed Part 1301, interested persons are invited to submit written comments before the close of business February 7, 1977. Comments may be accompanied by written data, views, and arguments and should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., 3rd floor, Washington, D.C. 20207. Received

comments and other related material may be seen in the Office of the Secretary, during working hours Monday through Friday.

*Oral presentations.* Interested persons will be afforded an opportunity to make an oral presentation of data, views, or arguments in addition to the opportunity to make written comments, on any aspect of the proposed standard on January 31, 1977. The proceedings for the oral presentation will be held at 10:00 a.m. at the Commission's hearing room at 1111 18th Street, NW., Washington, D.C. The procedural regulations for oral presentation, 16 CFR Part 1109, promulgated October 14, 1975, (40 FR 49122), shall govern this proceeding.

All persons wishing to make an oral presentation should notify Richard Danca of the Office of the Secretary, (202) 634–7700, no later than close of business January 17, 1977 for scheduling purposes. A summary or outline of each oral presentation and an estimate of the length of time it will require should be filed with the Office of the Secretary at least two business days prior to the oral presentation.

Section 9(c) of the CPSA (15 U.S.C. 2058(c)) requires the Commission, prior to promulgating a consumer product safety rule, to consider and make certain findings for inclusion in that rule. In order to aid the Commission in this endeavor, the Commission is particularly interested in soliciting, either by written comment or through the oral presentation, additional data, views and arguments as to the following:

1. The degree and nature of the risk of injury the rule is designed to eliminate or reduce;

2. The approximate number of consumer products, or types or classes thereof, subject to the rule;

3. The need of the public for the consumer product subject to such rule and the probable effect of such rule upon the utility, cost, or availability of such products to meet that need;

4. Any means of achieving the objective of the rule while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety;

5. The necessity of the rule to eliminate or reduce the unreasonable risk of injury associated with the consumer products subject to the rule;

6. Whether the rule is in the public interest;

7. The feasibility of a consumer product safety standard under the CPSA to protect the public adequately from the unreasonable risk of injury associated with those refuse bins which are the subject of this proposed ban;

8. The potential environmental effects of the rule; and

9. Any adverse effects that this proposed ban will have on elderly and handicapped persons.

In addition, the Commission is seeking public comment on the types and costs of possible retrofits and on any anticipated economic impact that this proposed ban will have on industry and the consumer.

In making its final decision on the rule proposed herein, the record shall consist of all information available to the Commission, whether obtained during the course of this proceeding or outside of this proceeding.

Dated: January 4, 1977.

SHELDON D. BUTTS,
*Acting Secretary,*
*Consumer Product Safety Commission.*

[FR Doc.77-730 Filed 1-6-77;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 3e ]

[Docket No. 76N-0400]

### NONCLINICAL LABORATORY STUDIES

### Proposed Regulations for Good Laboratory Practice Regulations

*Correction*

In FR Doc. 76-34014 appearing at page 51206 in the issue of Friday, November 19, 1976, the following corrections should be made:

1. On page 51206, first column, 13th line down, the figure "387" should read "381".

2. On page 51209, second column, the 16th line from the bottom should read "termine physical or chemical characteristics of a test".

3. On page 51214, third column, 4th full paragraph beginning "Proposed § 3e.130(e)", seventh line, second word "are" should read "with".

4. On page 51228, third column, next to last line in § 3e.219, should read, "facility. A determination that the testing facility has been reinstated is disclosable".

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### [ 21 CFR Part 121 ]

[Docket No. 76N-0510]

### FOOD ADDITIVES

### Saccharin and its Salts

The Food and Drug Administration (FDA) is proposing to amend the interim food additive regulation for saccharin and its salts to establish a tolerance for toluenesulfonamide of 25 parts per million (ppm), the lowest level currently achievable. Interested persons have until March 8, 1977 to submit comments.

Ortho-toluenesulfonamide (OTS) is the major impurity that is commonly found in commercial saccharin. The amount of OTS in saccharin has been found to range from practically none to 6,100 ppm. The amount of OTS present in saccharin appears to depend on the process used to manufacture it. Saccharin produced by the Remsen-Fahlberg process contains the highest amount of OTS (up to 6,100 ppm), while that produced by the Maumee process contains the lowest amount (up to 25 ppm).

Data from animal feeding studies have suggested that adverse effects may be caused by saccharin, its impurities, including OTS, or by interaction between saccharin and its impurities. Studies are underway in Canada which are expected to resolve the questions about these adverse effects and to pinpoint the responsible compound. These studies are more fully described in the notice extending the effective date of the interim food additive regulation for saccharin and its salts in § 121.4001(c) published elsewhere in this issue of the FEDERAL REGISTER.

OTS is a carbonic anhydrase inhibitor. Inhibition of this enzyme results in an alkaline urine that contains increased amounts of bicarbonate. It has been suggested that this condition favors stone formation in the bladder and kidneys. Some sulfonamides have been shown to produce bladder stones and ultimately tumors, and it has been inferred from certain studies that a cause-effect relationship could exist between the formation of stones and bladder tumors. Bladder stones could be responsible for tumors because prolonged irritation of the bladder or kidneys by the stones may cause hyperplasia and consequently tumors.

The interim food additive regulation under § 121.4001(b) for saccharin currently requires that saccharin and its salts "meet the specifications of the 'Food Chemicals Codex.'" In June 1974, the National Academy of Sciences/National Research Council (NAS/NRC), the body responsible for preparing the Food Chemicals Codex, issued the First Supplement to the Second Edition of the Food Chemicals Codex. In the Supplement, the NAS/NRC adopts a specification (tolerance) of not more than 100 ppm (0.01 percent) for total toluenesulfonamides in saccharin.

Data and information have recently come to the attention of FDA that indicate that technological advances now make it feasible, both for domestic and foreign manufacturers of saccharin, to reduce substantially the amount of impurities, including OTS, present in food grade saccharin. The data available to FDA indicate that the tolerance for toluenesulfonamide in saccharin can be lowered feasibly at this time to 25 ppm (0.0025 percent). This proposal would accordingly amend the interim food additive regulation for saccharin to limit the amount of toluenesulfonamide permitted in saccharin to 25 ppm.

Although data and information currently available to FDA indicate that 25 ppm for toluenesulfonamide is a reasonable and attainable tolerance, the Commissioner acknowledges that those data are incomplete. Accordingly, the Commissioner encourages all persons with additional data and information about the levels of toluenesulfonamide in saccharin to submit comments on this proposal. The Commissioner particularly solicits information concerning the following subjects:

1. Complete descriptions of the manufacturing processes used to manufacture saccharin and its salts.

2. Data on the amounts of total toluenesulfonamide typically found in saccharin and

its salts produced by the various manufacturing processes. The data should also include the maximum amounts of ortho-toluenesulfonamide and para-toluenesulfonamide present in saccharin and its salts.

3. Description of the analytical methods used to determine the data requested in paragraph 2 above.

4. Descriptions of the procedures used to determine the accuracy and reliability of the analytical methods employed.

Information concerning the available analytical methods for determining the amount of total toluenesulfonamide, OTS, and para-toluenesulfonamide present in saccharin is required because the Commissioner is unaware of such a method that accurately and reliably detects the toluenesulfonamide impurities as low as 25 ppm. The Food and Drug Administration has been advised that efforts are underway to validate an analytical method that will accurately and reliably measure toluenesulfonamide at levels below 25 ppm. These efforts involve modification of the methodology currently set forth in the Food Chemicals Codex, 2d Ed., First and Second Supplements. The Commissioner hopes that these efforts will be completed before the comment period closes on this proposal.

An accurate and reliable analytical method for measuring toluenesulfonamide at levels below 25 ppm is required by FDA to assure compliance with the 25 ppm tolerance. The Commissioner advises that it may be necessary to modify the proposed tolerance of 25 ppm for toluenesulfonamide if efforts to validate an analytical method for measuring toluenesulfonamide below 25 ppm are not successful. The final regulation will specify not only the tolerance for toluenesulfonamide, but a validated analytical method for measuring the amount present.

The Commissioner has carefully considered the environmental effects of the proposed regulation and because the proposal will not significantly affect the quality of the human environment, he has concluded that an environmental impact statement is not required. Copies of the FDA environmental impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

(Sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262).)

It is proposed that § 121.4001 be amended by revising paragraph (b) to read as follows:

**§ 121.4001 Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin.**

* * * * *

(b) The food additives meet the specifications of the Food Chemicals Codex, 2d Ed. (First and Second Supplements) [1] except that toluenesulfonamides may not be present at more than 25 parts per million (0.0025 percent).

Interested persons may, on or before March 8, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: December 29, 1976.

SHERWIN GARDNER,
*Acting Commissioner of Food and Drugs.*

[FR Doc.77-423 Filed 1-6-77;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Assistant Secretary for Housing—Federal Housing Commissioner

**[ 24 CFR Part 201 ]**

[Docket No. R-77-429]

### MOBILE HOME LOANS

### Prepayment of Loans

The Department of Housing and Urban Development is considering amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart B, "Mobile Home Loans". The proposed amendments would state the method of calculation that must be used by insured lenders when a loan is prepaid or matured, and allow an acquisition or minimum retained charge not to exceed fifty dollars when a loan is prepaid when such charge is permitted by state law.

The purpose of the proposed amendment is to make the Department's mobile home financing program uniform with its mortgage insurance programs insofar as calculation of earned interest is concerned, and to provide a more equitable method of calculating such interest. The amendment will preclude use of the "sum of the digits" method (also known as the "78th's" method) which some lenders use to determine interest earned at any point in the life of a loan, which method favors the lender.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, and arguments with respect to this proposal. Communications should be identified by the above docket number and title, and should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410.

All relevant materials received on or before February 8, 1977, will be considered before adoption of a final rule. Copies of comments submitted will be available for public inspection during normal business hours at the above address.

A Finding of Inapplicability pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, has been made with regard to these proposed regulations in accordance with HUD Handbook 1390.1. A copy of the Finding of Inapplicability is available for public inspection at the above address.

The proposed amendments are as follows:

1. In § 201.501 a new paragraph (n) is proposed to read as follows:

**§ 201.501 Definitions.**

* * * * *

(n) "Actuarial method" means the method of allocating payments made on an obligation between the amount financed and the amount of the finance charge, pursuant to which a payment is applied first to the accumulated finance charge and the balance is applied to the unpaid amount financed.

2. Section 201.540(b) is proposed to be amended to read as follows:

**§ 201.540 Financing charges.**

* * * * *

(b) *Prepayment rebate.* If an obligation is paid in full, or otherwise matured, prior to its scheduled maturity, the insured shall rebate the full unearned charge, if any, where such rebate is one dollar or more. The earned charge shall be calculated by the actuarial method. When an obligation is prepaid in full, where the law of the jurisdiction permits an acquisition or minimum retained charge, such charge, not to exceed fifty dollars, may be collected from the borrower.

3. Section 201.585 is amended by adding the following material after the first sentence, to read as follows:

**§ 201.585 Refinancing.**

* * * The full amount of any unearned finance charge on the original obligation shall be rebated to the borrower. The earned charge shall be calculated by the actuarial method. The borrower may be assessed a handling charge of not more than $25 in connection with the refinancing.

4. Section 201.680(a) is amended to read as follows:

**§ 201.680 Amount of claim.**

* * * (a) Deduct from the unpaid amount of the obligation (net unpaid principal and the earned portion of the finance charge calculated according to the actuarial method), * * *

* * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703, as amended by P.L. 93-383)

Issued at Washington, D.C., December 30, 1976.

It is hereby certified that the economic and inflationary impacts of this proposed

regulation have been carefully evaluated in accordance with OMB Circular A-107.

JOHN T. HOWLEY,
*Acting Assistant Secretary for Housing, Federal Housing Commissioner.*

[FR Doc.77-590 Filed 1-6-77;8:45 am]

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### Office of Assistant Secretary for Community Planning and Development

### [ 24 CFR Part 501 ]

[Docket No. R-71-151]

### MANDATORY USE OF URBAN RENEWAL LAND DISPOSITION FORMS

#### Withdrawal of Notice of Proposed Rulemaking

The purpose of this notice is the withdrawal of proposed rulemaking. By notice published under the above Rules Docket Number at 36 FR 23576 December 10, 1971, it was proposed to amend Chapter V of Title 4 of the Code of Federal Regulations to add a new Part 501 entitled "Mandatory Use of HUD Standards Contract Forms for Urban Renewal Project Land Disposition". Having given consideration to the public comments and in view of the lapse of time since the initial proposal, the need to reduce paperwork, and the decentralization of decision making to the local level it has been determined that HUD will not finalize the proposed rule.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (36 FR 23576) on December 10, 1971, is hereby withdrawn.

Issued at Washington, D.C., December 30, 1976.

WARREN H. BUTLER,
*Acting Assistant Secretary for Community Planning and Development.*

[FR Doc.77-589 Filed 1-6-77;8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

## DEPARTMENT OF LABOR

### Pension and Welfare Benefit Programs

### [ 26 CFR Part 54; 29 CFR Part 2550 ]

### EXEMPTIONS FOR PROVISION OF SERVICES AND OFFICE SPACE TO EMPLOYEE BENEFIT PLANS, INVESTMENT OF PLAN ASSETS IN BANK DEPOSITS, AND PROVISION OF BANK ANCILLARY SERVICES TO PLANS, AND TRANSITIONAL RULE FOR PROVISION OF SERVICES TO PLANS; AND PROPOSED CLASS EXEMPTION REQUESTED BY THE NATIONAL ASSOCIATION OF PENSION CONSULTANTS AND ADMINISTRATORS, INC., THE INVESTMENT COMPANY INSTITUTE, AND OTHERS

#### Hearing on Notices of Proposed Rulemaking and Proposed Class Exemption

Proposed regulations under sections 4975(d) (2), (4), (6), and (10) of the Internal Revenue Code of 1954 (the Code) and section 2003(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (the Act), and sections 408 (b)(2), 408(b)(4), 408(b)(6), 408(c)(2) and 414(c)(4) of the Act, appeared in the FEDERAL REGISTER for July 30, 1976 (41 FR 31838, 31874). These proposed regulations relate to the provision of services and office space to employee benefit plans, the investment of plan assets in bank deposits, the provision of bank ancillary services to plans, and the transitional rule for the provision of services to plans until June 30, 1977.

By notice appearing in this issue of the FEDERAL REGISTER, the Department of Labor and the Internal Revenue Service (hereinafter collectively referred to as "the Agencies") have also announced the pendency of a proposed class exemption involving, among other things, the receipt of insurance and mutual fund sales commission by pension consultants, insurance agents and brokers and mutual fund principal underwriters and their affiliates who are fiduciaries of service providers with respect to employee benefit plans.

A public hearing on the provisions of the proposed regulations and the proposed class exemption will be held on February 14, 1977, beginning at 10:00 a.m. in the Internal Revenue Service Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Service Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

In addition, the comment period with respect to the proposed regulations described above, which terminated on September 23, 1976, is hereby extended to January 27, 1977.

Proposed regulation 26 CFR 54.4975-6(b)(1), relating to the statutory exemption for the provision of office space or services to plans set forth in section 4975(d)(2) of the Code, states that:

> It (the exemption in section 4975(d)(2)) does not provide an exemption from section 4975(c)(1)(E) (relating to fiduciaries dealing with the income or assets of plans in their own interest or for their own account) or from section 4975(c)(1)(F) (relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan in conection with a transaction involving the income or assets of the plan).
>
> Thus, a person who is a fiduciary with respect to a plan may not provide additional services to the plan and receive any compensation or other consideration in connection therewith, unless such provision of services is arranged and approved on behalf of the plan by a fiduciary who is independent of and unrelated to the fiduciary providing such services, who is not a party to such arrangement for the provision of services, who does not receive any compensation or other consideration with respect to such provision of services, an dwho has no other interest with respect to the transaction that might affect the exercise of such fiduciary's best judgment as a fiduciary.

Proposed regulation 29 CFR 2550.408b-2(b)(1) contains a similar statement with respect to section 408(b)(2) of the Act (i.e., that it does not provide an exemption from the prohibitions of sections 406(b) (1), (2) and (3) of the Act).

The many comments received on these proposed regulations suggest the need for further explanation. The following points are offered.

First, a person is a "fiduciary" if that person exercises any authority or control regarding management or disposition of plan assets, or has or exercises discretionary authority, control or responsibility for plan administration or management, as described in sections 3(21)(A)(i) and (iii) of the Act and 4975(e)(3)(A) and (C) of the Code, or if that person renders investment advice to the plan for a fee or other compensation, direct or indirect, as defined in sections 3(21)(A)(ii) of the Act and 4975(e)(3)(B) of the Code, and the regulations thereunder (29 CFR 2510.3-21 and 26 CFR 54.4975-9.) In this connection, as noted in the Conference Report accompanying the Act (H.R. Rep. 93-1280, 93d Cong. 2d Sess. (1974) 323), there will be situations in which a person who renders advisory or consulting services to a plan will be a fiduciary, although not formally named as such, because, by virtue of his or her actions, he or she exercises discretionary authority or control with respect to the management or administration of such plan or has authortiy or control regarding the assets of the plan.

Second, if a person has or exercises authority, control, or responsibility over plan management or administration or over the disposition of plan assets sufficient to make such person a fiduciary respecting such plan, sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code prohibit that person from exercising such authority, control, or responsibility respecting such plan so as to deal with the income or assets of the plan in his or her own interest or for his or her own account.

Third, the rule in the proposed regulations cited above was not intended to mean that a fiduciary can exercise the authority, control or responsibility that makes such person a fiduciary to benefit himself or herself, even if a second fiduciary, who is independent and has no personal interest in the matter, approves the first fiduciary's undertakings. The first fiduciary is still subject to the prohibition contained in sections 406(b) of the Act and 4975(c)(1) (E) and (F) of the Code against the exercise of such fiduciary's powers to deal with plan income or assets for his or her own benefit or the benefit of others, notwithstanding the actions of a second fiduciary.

Fourth, sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code do not prohibit a person from providing additional services to a plan merely because that person is a fiduciary. A fiduciary may not use the authority, control or responsibility that makes such person a fiduciary to, for example, authorize the retention of himself or herself to provide such additional services. However, if such fiduciary does not have or exercise any such authority, control or responsibility in connection with the retention of himself or herself to provide such additional services, the retention of such fiduciary to provide such additional services to the plan by a second fiduciary

does not constitute a violation by the first fiduciary of the prohibition against fiduciary self-dealing contained in sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code.

Examples of the above points in operation are as follows:

*Example 1.* On January 1, 1978, F, a fiduciary of plan P with overall authority over the administration of P, acting on behalf of P, successfully negotiates with I, a professional investment manager in which F has no interest which might adversely affect the exercise of F's judgment as a fiduciary, a contract under which I will render investment advice to P of a type which causes I to be a fiduciary of P under sections 3(21)(A)(ii) of the Act and 4975(e)(3)(B) of the Code. Thereafter F, acting on behalf of P, negotiates a second contract with I under which I will perform bookkeeping services for P for a fee. The making of such a contract does not constitute a prohibited transaction within the meaning of sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code because I did not use any of the authority, control or responsibility which makes I a fiduciary to cause the plan to retain I to perform the bookkeeping services.

*Example 2.* On January 1, 1976, F, a fiduciary of plan P, which covers F's employees, commences providing bookkeeping services at no charge to P. The provision of such services does not constitute a prohibited transaction within the meaning of sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code because F has received no compensation or other consideration with respect to the provision of such services.

*Example 3.* C, a consultant to plan P, is, under the particular facts and circumstances, a fiduciary with respect to P. On January 1, 1978, C recommends to D, a named trustee of the plan with discretion over the management and disposition of plan assets, that the plan purchase an insurance policy from insurance company U, which is not a party in interest or disqualified person with respect to P. C thoroughly explains the reasons for the recommendation, and makes a full disclosure concerning the fact that C will receive a commission from the sale of such policy from U. D considers the recommendation and approves the purchase of the policy by the plan. C receives a commission. Under such circumstances, C has engaged in a prohibited transaction under sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code. However, if the pending class exemption which appears elsewhere in this issue of the FEDERAL REGISTER is granted, the transaction would be exempt from the prohibited transaction provisions of section 406 of the Act and section 4975 of the Code if the transaction satisfies the conditions set forth in the exemption.

*Example 4.* Assume the same facts as in Example 3 except that the nature of C's relationship with the plan is not such that C is a fiduciary of P. The purchase of the insurance policy would not be a prohibited transaction under sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code.

Any interested person who desires to present oral comments at the hearing and who wishes to be assured of being heard should submit a statement to that effect, an outline of the topics he wishes to discuss, and the time he wishes to devote, by 3:30 p.m. on February 10, 1977. The statement and outline should be submitted to the Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room C-4526, Washington, D.C. 20216, attention, application D-183 Hearing. An agenda will then be prepared containing the order of presentation of oral comments and the time allotted to such presentation. Ordinarily, a period of 10 minutes will be the time allotted to each person for making his oral comments. Information with respect to the contents of the agenda may be obtained on February 11, 1977, by telephoning (Washington, D.C.) 202-523-8881.

At the conclusion of the presentations of comments by persons listed in the agenda, to the extent time permits, other comments will be received. The public hearing will be transcribed.

A person wishing to make oral comments at the hearing may do so without filing written comments. Persons making oral comments should be prepared to answer questions regarding information brought forth on their comments (including written comments, if any).

Signed at Washington, D.C., this 22d day of December, 1976.

WILLIAM J. CHADWICK,
*Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.*

DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

[FR Doc.76-38232 Filed 12-28-76;8:45 am]

(NOTE: This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

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[ 26 CFR Part 301 ]

## CLASSIFICATION OF ORGANIZATIONS FOR PURPOSES OF FEDERAL TAXATION

### Withdrawal of Notice of Proposed Rulemaking

In order to permit consideration of certain aspects of the notice of proposed rulemaking in the FEDERAL REGISTER for January 5, 1977 (42 FR 1038), said notice is hereby withdrawn.

WILLIAM E. SIMON,
*Secretary of the Treasury.*

[FR Doc.77-843 Filed 1-6-77;11:15 am]

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# DEPARTMENT OF THE INTERIOR

## Geological Survey

[ 30 CFR Part 211 ]

## COAL MINING OPERATING REGULATIONS

### Adoption of Cooperative Agreement With Utah for the Enforcement and Administration of Surface Coal Mine Reclamation Standards

On May 17, 1976, the Department of the Interior adopted new regulations to govern the management of federally-owned coal resources. 41 F.R. 20252 (1976). These regulations authorize the Department of the Interior to enter into Cooperative Agreements with States in which federal coal leases have been or will be issued for the purpose of avoiding duality in the administration and enforcement of surface coal mining reclamation operations. 30 CFR 211.75.

The Secretary and the Governor of Utah have completed the negotiation of a Cooperative Agreement under this authority. The Agreement provides that the State of Utah will be the principal entity, wherever possible, responsible for the administration and enforcement of surface coal mine reclamation operations on Federal coal leases in Utah.

The Department of the Interior's surface mining regulations require a federal coal lessee to conduct mining operations in a manner which ensures the effective reclamation of mined lands.

An operator must, in particular, meet all the performance standards in 30 CFR 211.40 (1976). The Department's regulations require this degree of protection to be maintained, and the Department cannot enter into a Cooperatve Agreement which compromises the degree of environmental protection established under Federal laws and regulations. The proposed Cooperative Agreement maintains this degree of environmental protection.

The State of Utah's reclamation regulation's do not contain mandatory requirements that afford general protection of environmental quality and values at least as stringent as would occur under the exclusive application of federal law. However, the State of Utah has the authority to administer its reclamation laws and regulations in a manner that provides the same degree of environmental protection as required by Federal law. The proposed Cooperative Agreement commits the State of Utah to this degree of environmental protection on Federal coal leases and requires the State of Utah to ensure that "all mining plans approved under this Agreement shall afford general protection of the envirnoment at least as stringent as would occur under the exclusive application of 30 CFR Part 211." The proposed Agreement also requires that the procedures of the State are as effective as the procedures of the Department of the Interior to enforce the requirements of the mining plan. If the State of Utah is unable to meet these assurances, the Department has the duty, under the proposed Agreement, to notify Utah that it intends to cancel the Agreement. The Department of the Interior will require reports from the State of Utah and will conduct inspections to determine whether the State of Utah is complying with the assurances of the Agreement.

In the regulations promulgated on May 17, 1976, the Department also established a procedure by which the Department could adopt the principal substantive, on-the-ground standards of a state's reclamation law as the federal standards for operations on federal coal leases in the State, as long as the states' requirements afforded "general protection of environmental quality and values at least as stringent as would occur under exclusive application of the federal

standards." 30 CFR 211.75(a). In an advance notice of proposed rulemaking, the Department explained what steps it would take to determine whether it would adopt the requirements of a State's reclamation law. 41 FR 27993 (1976). This rulemaking takes no action under this section, and does not affect the requirements of 30 CFR 211.40, or the standards the Department of the Interior will use to approve a mining plan.

The Department regards four elements as central to a Cooperative Agreement for the administration and enforcement of surface coal mine reclamation standards: Mine plans; inspections; enforcement provisions; and bonding requirements. The Department believes that the State of Utah is capable of administering and enforcing reclamation operations on federal coal lease in Utah in such a way that federal interests are protected.

Although the proposed Agreement grants the State the principal authority for administering and enforcing reclamation operations, we note the following. First, the First Coal Leasing Amendments Act of 1975, Pub. L. 94–377, requires the Secretary to approve the mining plan of a federal lessee. Article IV, section C of the Cooperative Agreement states the Secretary's duty to review and approve mining plans independently from state review and approval. The Agreement does avoid the application of conflicting standards by allowing the submission of one mining plan to the State and the Department.

Second, the Department retains its authority to establish the amount of the performance bond to be imposed. Article VII, section A avoids the imposition of double bonds by providing that the Department's bond requirement, if higher than the State's, will only be for the amount of the difference between the two amounts.

Variance procedures are treated in Article IV of this Agreement, which requires the Department to use, in Utah, its existing variance procedures.

The proposal contains the text of the Cooperative Agreement but it also contains proposed technical changes in 30 CFR 211.10 and 211.74(a) to conform those rules to the adoption of the Cooperative Agreement.

This proposed rulemaking does not explicitly amend 43 CFR Subpart 3041, but the Department wishes to state that the enforcement and administration provisions of that Subpart will be administered consistently with the changes in 30 CFR Part 211 proposed here.

The environmental impacts of this proposed action are discussed in the final Environmental Impact Statement, Surface Management of Coal Resources (43 CFR Subpart 3041) and Coal Mining Operation Regulations (30 CFR Part 211) (1976). NEPA does not require and the Department has not prepared a separate impact statement for this action.

The Department believes that this Cooperative Agreement can promote both coal production and proper surface coal mine reclamation by eliminating duplication in the administration and enforcement of reclamation laws.

The Department will accept and consider written comments on the proposed rulemaking until February 10, 1977. Comments should be directed to Deputy Under Secretary Lyons, Chairman, Task Force on the Determination of State Role in Federal Surface Coal Mine Programs, Department of the Interior, Washington, D.C. 20240.

Dated: January 4, 1977.

THOMAS S. KLEPPE,
*Secretary of the Interior.*

1. Accordingly, it is proposed that 30 CFR 211.10 be amended by the addition of a paragraph (e)(2) to read as follows:

**§ 211.10 Exploration and mining plans.**

* * * * *

(e) *States with § 211.75(b) agreements.* * * * (2) Utah. A Federal coal lessee in the State of Utah who must submit a mining plan or permit under both State and Federal law shall submit in lieu of the mining plan required in this section, a mining plan containing the information required by:

(i) Utah Code Ann., 1953, as amended, § 40–8–13.

(ii) Rule M–3, of Utah Division of Oil, Gas and Mining Rules and Regulations.

(iii) 30 CFR 211.10(c); and

(iv) A statement certifying that a copy of the plan or permit application has been given to both the Governor and the Secretary.

2. It is proposed that 30 CFR 211.74 be amended by the addition of a paragraph (g)(2) to read as follows:

**§ 211.74 Variances.**

* * * * *

(g) *States with § 211.75(b) agreements.* * * *

(2) *Utah.* A Federal coal lessee in the State of Utah shall request and receive variances from the State of Utah and the Secretary under the provisions of 30 CFR 211.74.

3. It is proposed that the Department enter into and approve a Cooperative Agreement to designate the State of Utah as the principal party to administer surface coal mine reclamation operations on Federal leases in Utah.

Cooperative Agreement Between the United States Department of the Interior and the State of Utah under Section 32 of the Mineral Leasing Act of 1920, 30 U.S.C. 189, section 307 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Section 1737 and 30 CFR 211.75(b).

This Agreement (referred to as the Cooperative Agreement) is made between the State of Utah, acting by and through its Governor (hereinafter referred to as the "State") and the United States Department of the Interior, acting by and through the Secretary of the Interior or his duly authorized representative (referred to as the "Secretary").

ARTICLE I

PURPOSE

This agreement provides for a cooperative program between the U.S. Department of the Interior and the State of Utah with respect to the administration and enforcement of surface coal reclamation operations conducted under coal leases issued by the Department of the Interior under the Mineral Leasing Act of 1920. The basic purpose of the agreement is to prevent duality of administration and enforcement of surface reclamation requirements by designating the State of Utah, wherever possible, as the principal entity to enforce reclamation laws and regulations in Utah.

ARTICLE II

EFFECTIVE DATE

The Cooperative Agreement is effective on the _____ day of the _____, 19____, and remains in effect until terminated as provided in Article IX.

ARTICLE III

REQUIREMENTS FOR COOPERATIVE AGREEMENT

The State of Utah affirms that it will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article upon which the approval of the Secretary is based.

A. *Responsible Administrative Agency.* The Utah Division of Oil, Gas and Mining of the Department of Natural Resources (hereinafter referred to as "State Agency") is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the State throughout the State of Utah.

B. *Authority of State Agency.* The State agency designated in Paragraph A of this Article has, and shall continue to have authority to carry out this Cooperative Agreement, on behalf of the State throughout the State of Utah.

C. *State Reclamation Law.* The State shall ensure that all mining plans approved under this agreement shall afford general protection of the environment at least as stringent as would occur under the exclusive application of 30 CFR Part 211, and that the standards used to approve a mining plan of a Federal lessee will not unreasonably impair coal mining that is in the overriding national interest.

D. *Effectiveness of State Procedures.* The procedures of the State shall be in the judgment of the Secretary substantially as effective for the purpose of enforcing the reclamation requirements of 30 CFR Part 211 as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The State affirms that the State Agency will inspect all mines located in the State, in accordance with minimum schedules in Article V.

F. *Enforcement.* The State affirms that it will enforce the Agreement in a manner that ensures effective environmental protection.

G. *Qualified Personnel.* The State Agency will have an adequate number of fully qualified personnel necessary for the enforcement of this Cooperative Agreement.

H. *Funds.* The State will devote adequate funds to the administration and enforcement of reclamation requirements in the State.

I. *Reports and records.* The State Agency shall make reports to the Secretary, containing information about its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Agency shall also make

available to the Secretary, upon request, information developed under this Cooperative Agreement.

The Secretary affirms that the Department of the Interior will comply with all the provisions of this Cooperative Agreement.

ARTICLE IV

MINE PLANS

Federal regulations, 30 CFR 211.10(b), (c), and State laws and regulations require the operator of lands leased, permitted or licensed for coal mining to receive approval of a mining plan or permit prior to conducting operations.

A. *Contents of mining plans and permits.* The State and the Secretary agree to require a federal coal lessee who must submit a mining plan or permit application under both State and federal law to submit a plan or permit with the following information:

1. The information required by: (a) Utah Code Ann., 1953, as amended, § 40–8–13; (b) Rule M–3, of Utah Division of Oil, Gas and Mining Rules and Regulations; (c) 30 CFR 211.10(c).

2. A statement certifying that a copy of the plan or permit has been given to both the State Agency and the Secretary.

If either the State or the Secretary require the operator to submit additional information, the operator shall submit the information to both the Governor and the Secretary. The operator will request variances from the mining plan in accordance with 30 CFR 211.-74, and shall file the request with the State Agency and the Secretary.

B. *Review of Plans.* The State Agency and the Secretary shall each review and analyze the adequacy of the plan or request for a variance from a plan or changes in an approved plan.

C. *Approval of Mining Plans.* The State Agency shall review the adequacy of the mining plan, any request for a variance as provided in 40–8–13–18, Utah Code Ann. 1953, as amended, or a request for a change in a mining plan, and shall notify the Secretary of its action. The Secretary shall then independently review and take final action on the mining plan as required by 30 CFR 211.10(d), a request for a variance as required by 30 CFR 211.74, or a change in an approved mining plan which was acted on by the State Agency. The Secretary shall notify the State Agency of his action, and the State Agency shall reconsider its action if necessary to comply with this Agreement.

ARTICLE V

INSPECTIONS

A. The State Agency shall inspect as authorized by Utah Code Ann., 1953, as amended, 40–8–6–17 as frequently as necessary, but at least quarterly, the operations area of all federal leases, permits and licenses where operations affecting the reclamation of mine lands are conducted or to be conducted, for the purpose of determining whether the operator is complying with all applicable laws, regulations and orders and all requirements of approved exploration or mining plans that affect the reclamation of mined lands.

B. The State Agency shall subsequent to conducting any inspection, file with the Secretary a report on (1) the general conditions of the lands under lease permit or license, (2) the manner in which the operations are being conducted, and (3) whether the operator is complying with applicable requirements. A copy of such report shall be furnished to the operator on request, and shall be made available for public inspection during normal business hours at the offices of the Mining Supervisor.

C. For the purpose of evaluating the manner in which the Cooperative Agreement is being carried out and to ensure that reclamation is being effectively performed, the Secretary may inspect from time to time mines within the State of Utah. Inspections by the Secretary may be made in association with a regular inspection by the State Agency.

D. The Secretary may conduct inspections to determine whether the operator is complying with requirements that are unrelated to reclamation.

ARTICLE VI

ENFORCEMENT

A. If the State Agency determines that the operator is not complying with a requirement that relates to the reclamation of lands disturbed by surface mining, he shall take such steps as required by Utah Code Ann., 1953, as amended, § 40–8–6–16.

B. If, in the judgment of the State Agency, an operator is conducting activities on lands subject to this Agreement which fail to comply with a requirement that relates to reclamation, and those activities threaten immediate and serious damage to the environment, the State shall order the immediate cessation of such activities, as authorized by Utah Ann. Code 1953, as amended, § 40–8–6.

C. The State shall notify the Secretary of all violations of applicable laws regarding reclamation including violations of federal laws and regulations or lease terms and of all actions taken under Utah Ann. Code, 1953, as amended, §§ 40–8–6–16.

D. This Article does not limit the Secretary's authority to seek cancellation of a Federal coal lease under Federal laws and regulations, or prevent the Secretary from taking appropriate steps to correct actions that violate Federal, but not State law.

E. Failure to adequately enforce the reclamation laws and regulations shall be grounds for termination of this Agreement.

ARTICLE VII

BONDS

A. *Amount and Responsibility.* The State Agency shall require all Federal coal lessees subject to the provisions of 30 CFR Part 211 to submit a bond as required by Utah Ann. Code, 1953, as amended, § 40–8–14. The Secretary shall reduce the federal bond required for reclamation purposes under 43 CFR 3041.3, and 30 CFR 211.3 by the amount of the bond required by the State Agency only if the release of all or any portion of the State's bond is conditioned on compliance with the requirements of the approved plan, and the amount released is appropriate to the work completed. Where the surface of the lands is not owned by the United States, the State Agency shall notify the surface owner and solicit and take into account his comments before recommending release of the bond.

B. *Notification.* Prior to releasing the bond required by Utah Code Ann., 1953, as amended, § 40–8–14 for lands the surface of which is owned by the Federal Government, the State Agency shall consult with and seek the advice and consent of the Secretary.

C. *Release of bond.* The State Agency shall hold the operator responsible and liable for successful reclamation as required by Utah Code Ann., 1953, § 40–8–16.

ARTICLE VIII

OPPORTUNITY TO COMPLY WITH COOPERATIVE AGREEMENT

The Secretary may, in his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State has failed to comply and shall specify and state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State has remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

ARTICLE IX

TERMINATION OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* This Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the State plan shall be terminated, but which date of termination shall not be less than 60 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary whenever the Secretary finds, after giving due notice to the State and affording the State an opportunity for a hearing:

1. That the State has failed to comply substantially with any provision of the Cooperative Agreement; or

2. That the State has failed to comply with any assurance given by the State upon which the Cooperative Agreement is based, or any condition or requirement which is specified in Article III; or

3. That State action unrelated to surface coal mine reclamation will unreasonably and substantially prevent the mining of federal coal.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law when no longer authorized by federal laws and regulations.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Agency specified in Article III.

2. Specify and set out in the written notice the grounds upon which he proposes to terminate the Cooperative Agreement.

3. Specify the date upon which and the place where the State will be afforded an opportunity for hearing and to show cause why the Cooperative Agreement should not be terminated by the Secretary. The date upon which such hearing shall be held shall be not less than 30 days from the date of such notice, and the place of hearing shall be in the State of Utah.

4. The Secretary shall also publish a notice in the Federal Register containing the items in 1–3 of this paragraph.

5. Within 30 days of the date of the written notice specifying the date of the hearing, the State shall file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in per-

son and present oral or written statements, and other documents relative to the proposed termination.

E. *Conduct of Hearing.* The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.* After a hearing has been held, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of the Cooperative Agreement, he shall notify the State Agency of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of the Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

ARTICLE X

REINSTATEMENT OF COOPERATIVE AGREEMENT

The Cooperative Agreement which has been terminated may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement plan and has remedied all defects in administration for which the Cooperative Agreement was terminated.

ARTICLE XI

AMENDMENTS OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be amended by mutual agreement of the State and Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after rulemaking and the party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

ARTICLE XII

CHANGES IN STATE OR FEDERAL STANDARDS

The Secretary of the Interior or the State of Utah may from time to time revise and promulgate new or revised reclamation requirements or enforcement and administration procedures. The Secretary and the Governor shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, each party has until the close of its next legislative session at which such legislation can be considered in which to make the changes. If such changes are not made, then the termination provision of Article IX may be invoked.

ARTICLE XIII

QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The State Agency shall be adequately staffed with, or have readily available to it an adequate number of qualified personnel to carry out fully the requirements of the Cooperative Agreement. The personnel of the State Agency shall be so qualified that the end result of their efforts is comparable to that which would have resulted from administration by Department of Interior personnel.

ARTICLE XIV

CONFLICT OF INTEREST

No member of the State Agency or agencies responsible for the administration of the State law and rules and regulations relating to this Cooperative Agreement shall participate in the review, analysis, administration, decision-making, or enforcement actions relating to any operation subject to this Cooperative Agreement if such person has, directly or indirectly, any financial interest in a company, partnership, organization, or corporation (parent or subsidiary) which owns, operates or has a financial interest in such operation subject to this Cooperative Agreement.

ARTICLE XV

EQUIPMENT AND LABORATORIES

The State Agency shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, analyses, can be performed or determined, and which are necessary to carry out the requirements of the Cooperative Agreement or have access to such facilities and personnel.

ARTICLE XVI

EXCHANGE OF INFORMATION

A. *Organizational and Functional Statement.* The State Agency and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall advise promptly the other in writing of changes in personnel, officials, heads of a department or division, or a change in the functions or duties of persons occupying the principal offices within the organization. The State Agency and the Secretary shall advise each other in writing the location of its various offices, addresses, telephone numbers, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and shall advise promptly of any changes in such.

B. *Laws, Rules and Regulations.* The State Agency and the Secretary shall provide to each other copies of their respective laws, rules, regulations and standards pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

ARTICLE XVII

RESERVATION OF RIGHTS

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act or the Constitution of the United States.

State of Utah,
SCOTT MATHESON,
*Governor of Utah.*

Department of the Interior,
THOMAS S. KLEPPE,
*Secretary of the Interior.*

[FR Doc.77-649 Filed 1-6-77;8:45 am]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### [ 32 CFR Part 242a ]

### BOARD OF REGENTS OF UNIFORMED SERVICES, UNIVERSITY OF THE HEALTH SCIENCES

### Public Meeting Procedures

*Correction*

In FR Doc. 76-37531 appearing at page 55724 of the issue for Wednesday, December 22, 1976, on page 55726, from the fifth, sixth, and seventh lines of § 242a.5 (b), first column, page 55726, delete the phrase "determine by a recorded vote that Board or committee, as applicable,".

## ENVIRONMENTAL PROTECTION AGENCY

### [ 40 CFR Part 22 ]

[FRL 668-3]

### ADMINISTRATIVE PRACTICES AND PROCEDURES

### Financial Assistance to Participants in Agency Proceedings; Advance Notice of Proposed Rulemaking

1. *Introduction.* On June 11, 1976, a petition for rulemaking to provide for agency reimbursement of the costs of public participation in EPA decision-making was filed with EPA by the Environmental Defense Fund (EDF), joined by Consumers Union and the Center for Auto Safety. On October 20, 1976, the Administrator wrote to EDF expressing his opinion that "EDF's proposal has merit and warrants EPA's serious consideration," and promising to establish a task force of agency employees to explore the question and prepare recommendations. Although no final agency decision has yet been made, upon further consideration the merits of EDF's proposal appear clear enough to justify issuing this Advance Notice of Proposed Rulemaking to solicit comment. These comments should provide information that could then be used to prepare, if appropriate, a Notice of Proposed Rulemaking setting forth the mechanics of a permanent program in some detail. No money will be disbursed for funding participation in EPA decision-making until rulemaking proceedings are completed and a final rule has been issued.

Comments on all aspects of the proposed program, and in particular on the questions specified in part 5 below, are invited. All comments received on or before March 8, 1977, will be considered. Comments should be addressed to the

General Counsel (A–130), Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460, Attention: Public Participation ANPRM.

This proposal addresses only the question of public participation in EPA proceedings other than rulemakings held under authority of section 6 of the Toxic Substances Control Act (TSCA), 90 Stat. 2003, 2020–27 (October 11,1976). Explicit statutory authority to compensate participants in such rulemakings has been delegated to EPA, and EPA intends to make use of that authority. However, if a program of compensation for participation in other agency activities is authorized, it is anticipated that it will be similar in many respects to the compensation program under TSCA.

2. *Policy considerations.* The past decade or so has seen a very great increase in participation in agency proceedings by representatives of interests without a direct financial stake in the outcome. By now there is a substantial body of comment on this development by judges, legal scholars, agency officials, Congressional committees, and individual Congressmen.[1] Most of it speaks very favorably both of the technical abilities of these representatives and of the contribution they have made to better agency decisions. They have often provided facts and arguments relevant to the statutory purpose that would not otherwise have been urged on the agency and which the agency might not have uncovered or fully appreciated on its own.

Such groups and individuals have been particularly active in EPA proceedings, and past and present EPA officials have testified to the value of their contribution.

The lack of a financial stake in the outcome, however, has meant that participation in agency proceedings by representatives of these interests has often been constrained for lack of funds. Even at EPA, participation by such groups in agency decisions to which they could potentially have made a valuable contribution has been spotty, particularly where highly technical areas are concerned.

Accordingly, the view has grown up, and is expressed in much of the literature, that informed decisions by an agency as to what the statutory purpose requires would be assisted by wider representation of these interests, and that public funds should be made available where necessary to that end.

3. *Legal authority.* No EPA statute other than TSCA explicitly authorizes the payment of appropriated funds to assist public participation in agency proceedings. However, the Comptroller General of the United States has decided that even in the absence of such explicit authority such expenditures are proper in some circumstances.

In an opinion dated February 19, 1976, rendered at the request of the General Counsel of the Nuclear Regulatory Commission (NRC) the Comptroller General stated as the basic principle governing his decision the long-standing position of his office that

> where an appropriation is made for a particular object, purpose, or program, it is available for expenses which are reasonably necessary and proper or incidental to the execution of the object, purpose or program for which the appropriation was made, except as to expenditures in contravention of law or for some purpose for which other appropriations are made specifically available. [Citations omitted.] Comptroller General's decision No. B–92288, Feb. 16, 1976 at 3.

The Comptroller General emphasized that under this test the agency concerned would have broad authority to make either a positive or a negative decision on public funding. Applying these principles, he stated his final conclusion in two slightly different forms which we presume are meant to be equivalent in substance:

> In view of [these principles], if NRC in the exercise of its administrative discretion, determines that it cannot make the required determination unless it extends financial assistance to certain interested parties who require it, and whose participation is essential to dispose of the matter before it, we would not object to use of its appropriated funds for this purpose.
> Id. at 4.
>
> • • • • •
>
> We hold only that NRC has the statutory authority to facilitate public participation in its proceedings by using its own funds to reimburse interveners when (1) it believes that such participation is required by statute or necessary to represent adequately opposing points of view on a matter and (2) when it finds that the intervenor is indigent or otherwise unable to bear the financial costs of participation in the proceedings.
> Id. at 7.

After this opinion was rendered, Congressman John Moss inquired of the Comptroller General whether the same result would apply to nine other agencies, including EPA. In a letter dated May 10, 1976, the Comptroller General replied that it would for the same reasons given in his formal opinion, and added "We would like to emphasize, however, that it is within the discretion of each individual agency to determine" whether the specified tests have been met.

EPA does not believe the Comptroller General means that funding is only authorized where without it the agency will be unable to make any decision at all, or unable to make a decision that will survive judicial review. Such tests are not the measure of the Agency's responsibility under its statutes. EPA's responsibility is rather to make the best decision possible with the time and resources available, and we believe it follows from this standard that EPA is authorized to fund participation whenever the funded participation, in EPA's judgment, is "necessary" or "essential" to that result. Indeed, any other reading would make the Comptroller General's opinion applicable to so few cases as to largely drain it of meaning.

Similarly, we do not believe that simply because a potential participant in an agency proceeding does have some resources which it might conceivably devote to that proceeding it should be held ineligible for funding. Such a view could lead to a "Catch-22" situation in which a group which might conceivably be eligible for funding in, for example, eight proceedings, and had enough resources of its own to participate adequately in three of them, might be denied funding for all eight because each of the eight might conceivably turn out to be one of the three in which it might choose to participate with its own resources. Instead, we believe that potential participants should be allowed to make a showing of what they would do without agency funding, and that agency funding should then be potentially available for any activity above that baseline.

4. *Draft regulation.* Although no final regulation giving permanent form to any EPA participation funding program will be promulgated, and no funds will be disbursed for that purpose, without a formal notice of proposed rulemaking and opportunity for comment on it, in this section we reproduce EDF's proposed regulation to give some advance idea of what such a proposal might contain. EPA does not endorse this regulation; it is proposed for preliminary comment only. Any final regulation would be the first regulation in a new Part 22 to Title 40 of the Code of Federal Regulations. This new Part would be entitled "Administrative Practices and Procedures."

EDF PROPOSAL

§ 22.1

(1) The Administrator may provide compensation for reasonable attorney's fees, expert witness fees, and other reasonable costs of participation incurred by eligible participants in any rulemaking, adjudicatory, or enforcement proceeding conducted pursuant to the Agency's authority, whenever public participation in such a proceeding promotes or can reasonably be expected to promote a full and fair determination of the issues involved in the proceeding.

(2) Any person is eligible to receive an award under this section for participation (whether or not as a party) in a rulemaking, adjudicatory, or enforcement proceeding if—

(i) The person represents an interest the representation of which contributes or can reasonably be expected to contribute substantially to the resolution of the subject matter of the proceeding, taking into account the number and complexity of the issues presented, the importance of public participation, and the need for representation of a fair balance of interests; and

(ii) (a) The economic interest of the person in the outcome of the proceeding is small in comparison to the costs of effective participation in the proceeding by that person or, in the case of a group or organization, the economic interest of the individual mem-

[1] The literature is well known and freely available and will not be analyzed in detail here. Full citations can be found in the FDA's republication of a petition parallel to this one, 41 FR 35855 et seq. (August 25, 1976), and in a volume of hearings on the subject. Hearings on S. 2715 before the Senate Subcommittee on Administrative Practice, 94th Cong., 2d Sess. (Jan. 30, 1976, February 6, 1976).

bers of such group or organization is small in comparison to the costs of effective participation in the proceedings; or

(ii) (b) The person demonstrates to the satisfaction of the Administrator that such person does not have sufficient resources available adequately to participate in the proceeding in the absence of an award under this section.

(3) (i) In order to facilitate public participation, the Administrator shall make a determination of the eligibility of a person for an award under this section, and the amount of such award, prior to the commencement of any proceeding, unless the Administrator makes an express written finding that such a determination cannot practically be made at that time.

(ii) Payment of fees and costs under this section shall be made within 90 days of the date on which a final decision or order disposing of the matters involved in the proceeding is made by the Administrator. If an eligible person establishes, in a manner to be prescribed by the Administrator, that its ability to participate in the proceeding will be impaired by the failure to receive funds prior to the conclusion of the proceeding, then the Administrator shall make the necessary advance payments to permit the person to participate or to continue to participate in the proceeding.

(iii) Reasonable attorney's fees, expert witness fees, and other reasonable costs of participation awarded under this section shall be based upon prevailing market rates for the kind and quality of service provided, but in no event shall expert witness fees exceed the rate of compensation (including fringe benefits and overhead) paid to EPA's expert witnesses, and other personnel with comparable experience and expertise.

5. *Questions.* Comment is requested on all aspects and implications of the funding proposal discussed above. Of particular importance however, are comments related to the detailed mechanical and policy problems of setting up and operating any actual compensation system. Whatever the general or theoretical merits of funding public participation in agency decision-making, EPA cannot responsibly take steps to establish a program to fund it until these questions have been answered in some detail, and in a way which provides a basis for concluding that the effort needed to administer it will not amount to an impractical burden. Those with an interest in seeing EPA proceed to the stage of practical implementation are therefore particularly advised to address the questions set forth below. If a decision to proceed further is then made, the answers will be used to prepare a detailed Notice of Proposed Rulemaking.

1. The budget for any program of compensating public participation is likely to be severely limited, particularly during the first few years. Accordingly, it will be necessary to set priorities for the use of what money is available. To help gather information on the basis of which such priorities can be established, all those who consider themselves potential recipients of funds under such a program are asked the following questions:

i. What EPA proceedings did you participate in during the last fiscal year? What was the nature and extent of your participation?

ii. If unlimited EPA funding for public participation in agency proceedings had been available during the past fiscal year, what agency proceedings would you have participated in? What would the nature and extent of your participation have been? How much agency funding would you have required for this level of participation?

iii. Please answer question ii on the assumption that the agency funding available was (a) a half (b) a quarter (c) an eighth (d) a sixteenth, of what you would have spent had funds been unlimited.

2. More generally, what standards of priority and eligibility for funding should be established under any compensation scheme? Should participation be restricted to or focused upon certain classes of agency proceedings? If so, what should they be and why? Should certain classes of proceedings be excluded or given lower priority, such as enforcement proceedings or informal meetings? If so, what should they be, and why?

Should all expenses be eligible for compensation, or should certain types of expense be excluded from the outset? If the latter, what should be excluded? Should certain types of expense (such as fees for expert witnesses) be more readily compensated than others? If so, what should they be?

How should applicants for funding be evaluated? Should any potential applicants be excluded from the beginning? Should any be treated particularly favorably? If so, what should the criteria be?

Commenters who have answered question 1 are encouraged to integrate their responses to that question into their answer to this one.

3. Details of administration must also be settled before any program can be implemented. In this connection:

i. It would seem that the program office[2] most directly involved with a particular proceeding should make decisions as to funding since it is in the best position to judge the contribution to the decision that such funding can make. Are there reasons why such an approach should not be adopted? What alternatives are there, and what are the arguments in favor of them?

ii. When should decisions on funding be made, and when should the money be disbursed—before a proceeding or shortly after its close? Is some combination of these approaches the best alternative? If so, what should it be?

iii. In general, what method of administering such a program can you suggest that would both hold costs of administration down to a small fraction of the money disbursed and at the same time be fair to all concerned and be perceived as fair to all concerned?

This Advance Notice of Proposed Rulemaking is issued under authority of Section 301(a) of the Clean Air Act, 42 U.S.C. 1857(a), Section 501(a) of the Federal Water Pollution Control Act, 33 U.S.C. 1361(a).

(Sec. 25(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 (w), and sec. 1450(a) of the Safe Drinking Water Act, 42 U.S.C. 300j-9, 7004 of the Solid Waste Disposal Act, 42 U.S.C. 6974, and 108 of the Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1418.)

Dated: January 3, 1977.

RUSSELL E. TRAIN,
*Administrator.*

[FR Doc.77-651 Filed 1-6-77;8:45 am]

[2] E.g., Office of Water Planning and Standards, Office of Noise Abatement and Control, Office of Pesticides Programs.

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## [40 CFR Part 52]

[FRL 667-7]

## APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Proposed Amendments to the Utah Transportation Control Plan

On June 22, 1973 (38 FR 16550) the Administrator disapproved the control strategy for carbon monoxide contained in the Utah transportation control plan which was submitted to EPA on April 16, 1973. The Administrator proposed a substitute plan for the attainment and maintenance of the national ambient air quality standards for carbon monoxide in the Wasatch Front Intrastate Air Quality Control Region on July 16, 1973 (38 FR 18964).

Following public hearings in Salt Lake City in July and August of 1973, the Administrator promulgated a transportation control plan for the Wasatch Front AQCR on November 27, 1973 (38 FR 32663).

The EPA plan included specific carbon monoxide reduction strategies for Ogden, Provo and Salt Lake City, and required the State to implement a retrofit and inspection/maintenance program in a four-county area.

Since the promulgation of the federal plan, the State has been working to revise its plan to incorporate more recent data on carbon monoxide emission reductions anticipated from the Federal Motor Vehicle Control Program and the retrofit and inspection/maintenance strategies. On September 7, 1976, EPA received Utah's revised transportation control plan which was adopted by the Utah Air Conservation Committee on July 29, 1976 and the State Board of Health on August 18, 1976. The revised plan includes a summary of ambient carbon monoxide concentrations in the Wasatch Front AQCR through 1975 and a control strategy which predicts that the national standards for carbon monoxide will be attained in the region by December 31, 1978. The second highest 8-hour carbon monoxide concentrations on which the control strategies are based were: Salt Lake City—22 ppm (1970), Ogden—22 ppm (1973), and Provo—20 ppm (1971). A summary of the transportation control strategies and the anticipated reductions in carbon monoxide emissions are presented in Table 1.

TABLE 1.—*Summary of the effect of the Utah transportation control plan by Dec. 31, 1978*

| Transportation control measure | Reduction in cargon monoxide emissions (percent) | | |
|---|---|---|---|
| | Salt Lake City | Ogden | Provo |
| 1. FMVCP | 42 | 47 | 48 |
| 2. Inspection and maintenance program | 4 | 4 | 4 |
| 3. Salt Lake City: | | | |
| (a) Reduce Main St. traffic | 3 | | |
| (b) Reduce traffic circulation | 8 | | |
| (c) Traffic flow improvements | 3 | | |
| (d) Mass transit improvements | 2 | | |
| 4. Ogden: | | | |
| (a) Traffic operations improvements | | 5 | |
| (b) 20th to 21st St. link to I-15 | | 1 | |
| (c) Mass transit improvements | | 5 | |
| (d) I-80 bypass | | 1 | |
| 5. Provo: | | | |
| (a) Traffic flow measures | | | 16 |
| (b) Mass transit improvements | | | 2 |
| Total reductions | 62 | 63 | 68 |
| Reductions required | 59 | 59 | 55 |

Many of the individual strategies for the cities have already been implemented, with only the traffic flow improvements in Ogden and Salt Lake City and the 20th–21st Street link to I–15 in Ogden yet to be completed. Based on the results of detailed retrofit studies conducted at high-altitude by the State of Colorado and EPA which indicated that the retrofit strategies would not achieve the emission reductions anticipated, the revised Utah plan has eliminated these strategies.

The Regional Administrator believes that based on currently published information, the revised Utah plan, when fully implemented, should result in the attainment and maintenance of the national standards for carbon monoxide throughout the Wasatch Front AQCR and that the schedule for implementing these strategies is as expeditious as practicable. Therefore, this notice proposes to approve the State's transportation control plan and revoke the current EPA plan. Before final action can be taken, however, the State needs to obtain authority to charge vehicle inspection fees and must also adopt regulations to implement the inspection/maintenance program contained in the revised plan. Although the emission reductions that are likely from several of the control measures are uncertain, recent information indicates that the carbon monoxide reduction achievable from inspection/maintenance is much greater than that estimated in the State plan. Consequently, the Agency will defer final action on the proposal until the State has had an opportunity to obtain the necessary authority and regulations.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Office of Regional Counsel, U.S. Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80295. All relevant comments received on or before January 31, 1977 will be considered. Copies of the revised State plan will be available for public inspection and copying at the address given above, at EPA's Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460, and at the EPA office located in Room 4223, Federal Building, 125 South State Street, Sale Lake City, Utah 84111. This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 1857c–5).

Dated: December 23, 1976.

ROGER WILLIAMS,
*Regional Administrator.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

### Subpart TT—Utah

1. In § 52.2320, paragraph (c), paragraph (5) is added as follows:

**§ 52.2320 Identification of plan.**

* * * * *

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

* * * * *

(5) Revised transportation control plan submitted August 31, 1976, by the Governor.

**§ 52.2335 [Revoked]**

2. Section 52.2335 is revoked.

**§ 52.2336 [Revoked]**

3. Section 52.2336 is revoked.

**§ 52.2338 [Revoked]**

4. Section 52.2337 is revoked.

**§ 52.2338 [Revoked]**

5. Section 52.2338 is revoked.

**§ 52.2339 [Revoked]**

6. Section 52.2339 is revoked.

**§ 52.2340 [Revoked]**

7. Section 52.2340 is revoked.

**§ 52.2341 [Revoked]**

8. Section 52.2341 is revoked.

**§ 52.2342 [Revoked]**

9. Section 52.2342 is revoked.

**§ 52.2343 [Revoked]**

10. Section 52.2343 is revoked.

[FR Doc.77-544 Filed 1-6-77;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

### Agricultural Marketing Service

### SHIPPERS ADVISORY COMMITTEE MARKETING ORDER NO. 905–7 CFR PART 905 REGULATING THE HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

#### Public Meeting

Pursuant to the provisions of 10(a)(2) of the Federal Advisory Committee (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on January 25, 1977.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802: telephone 813–682–3103.

Dated: January 3, 1977.

WILLIAM T. MANLEY,
*Deputy Administrator*
*Program Operations.*

[FR Doc.77–582 Filed 1–6–77;8:45 am]

### Food and Nutrition Service

### NATIONAL ADVISORY COUNCIL ON MATERNAL, INFANT AND FETAL NUTRITION

#### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition.
Date and time: February 9–10, 1977; 8:30 a.m.
Place: Holiday Inn, 175 Piedmont Avenue, Atlanta, Georgia.
Purpose of meeting: The Council will study and discuss various issues concerning the operation of the Special Supplemental Food Program for Women, Infants and Children (WIC).
Proposed agenda: The agenda will cover the WIC Program's proposed regulations, and issues related to Program operations to be dealt with in the Advisory Council's report to the Congress.
This meeting will be open to the public.

Persons wishing to attend the meeting as observers, or wishing to submit written comments, should write Bill Shaw, Special Supplemental Food Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–8421.

Dated: January 3, 1977.

RICHARD L. FELTNER,
*Assistant Secretary.*

[FR Doc.77–540 Filed 1–6–77;8:45 am]

### Commodity Credit Corporation

[Amdt. 3]

### SALES OF CERTAIN COMMODITIES

#### Monthly Sales List (Period July 1, 1976 Through May 31, 1977); CCC-Owned Commodities Notice to Buyers

The CCC Monthly Sales List for the period July 1, 1976 through May 31, 1977, published at 41 FR 29198 is amended as follows:

1. The last sentence of Section 1(b) entitled "General" is revised to read as follows:

Interest at 8 percent will be charged for delinquent payments on dairy product sales and on consignment and track grain sales.

2. Section 31 is added which reads as follows:

*Peanut Farmers Stock—Restricted Use Sales—Crushing or Export—(Segregation 1 lots)*

1. The minimum price is the market price but not less than the formula price which is 100 percent of the 1976 crop price support value (prior to deduction for storage, handling and inspection) for the applicable location type and quality, plus a markup. On December 6, 1976, a markup will begin to accumulate at the rate of $1.00 per net ton per week (farmers stock basis).

2. Pending final determination of 1976 price support values the following factor shall apply for sales purposes:

| Type | SMK dollars per percent net ton basis | OK dollars per percent net ton basis | LSK dollars per pound | ELK dollars per percent net ton basis |
|---|---|---|---|---|
| Runner | 5.803 | 1.40 | 0.07 | ---------- |
| Spanish | 5.803 | 1.40 | .07 | ---------- |
| Virginia | 5.919 | 2.00 | .10 | 0.63 |
| Valencia | 6.382 | 2.00 | .10 | ---------- |

3. Sales are made under announcement PV–P–FS–1. When stocks are available, lot lists or invitations to bid will be issued by peanut associations for submission of competitive bids each Monday to the Prairie Village ASCS Commodity Office.

4. Permissible uses of the peanuts, which are listed in more detail in announcement PV–P–FS–1, include the export of shelled peanuts, of any type, which grade U.S. Splits or U.S. No. 1 or better or "With Splits" grades as defined in Marketing Agreement for Peanuts No. 146, and the remaining kernels crushed domestically or exported for crushing if fragmented in accordance with PV–P–FS–1.

3. Section 32 is added which reads as follows:

*Peanuts, Farmers Stock—Restricted Use Sales—Domestic Crushing and Domestic Use of Oil (Segregation 1 and 2 lots)*

Competitive offer basis under Announcement PVP–DCO–1. Adjustments in the sales price, for oil and ammonia content, will be made after delivery. Proof of domestic utilization of peanut oil will be required per Announcement PVP–DCO–1.

When stocks are available, lot lists or invitations to bid will be issued by peanut associations for submission of bids each Monday to the Prairie Village ASCS Commodity Office.

4. Section 33 is added which reads as follows:

*Peanut Oil, Prime Crude—Restricted Use Sales—Domestic Use (Bulk—FOB origin—Carlot Quantities)*

Competitive offer basis under Announcement PVP–CPO–1 with issuance of invitations by and submission of bids to the Prairie Village ASCS Commodity Office. Proof of domestic utilization is required per Announcement PVP–CPO–1.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427).)

Effective date: 2:30 p.m. (EST) November 30, 1976.

Signed at Washington, D.C. on December 27, 1976.

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

[FR Doc.77–581 Filed 1–6–77;8:45 am]

### Rural Electrification Administration

### NORTHERN MICHIGAN ELECTRIC COOPERATIVE, INC., BOYNE CITY, MICHIGAN

#### 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 $135,000,000 to Northern Michigan Electric Cooperative, Inc., of Boyne City, Michigan. These loan funds will be used to finance the purchase of 11.22 percent of Detroit Edison Company's Enrico Fermi No. 2 nuclear powered 1100 MW generating unit and to construct approximately 48 miles of transmission line.

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. Clyde L. Johnson, Jr., General Manager, Northern Michigan Electric Cooperative, Inc., P.O. Box 138, Boyne City, Michigan 49712.

In order to be considered, proposals must be submitted on or before February 7, 1977, to Mr. Johnson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Northern Michigan Electric Cooperative, Inc., 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 28 day of December, 1976.

DAVID H. ASKEGAARD,
*Acting Administrator,*
*Rural Electrification Administration.*

[FR Doc.77-347 Filed 1-6-77;8:45 am]

## WOLVERINE ELECTRIC COOPERATIVE, INC., BIG RAPIDS, MICHIGAN

### 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 $106,000,000 to Wolverine Electric Cooperative, Inc., of Big Rapids, Michigan. These loan funds will be used to finance the purchase of 8.78 percent of Detroit Edison Company's Enrico Fermi No. 2 nuclear powered 1100 MW generating unit and to construct approximately 21 miles of transmission line.

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. John N. Keen, Manager, Wolverine Electric Cooperative, Inc., P.O. Box 1133, Big Rapids, Michigan 49307.

In order to be considered, proposals must be submitted on or before February 7, 1977, to Mr. Keen. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Wolverine Electric Cooperative, Inc., 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 28th day of December, 1976.

DAVID H. ASKEGAARD,
*Acting Administrator, Rural Electrification Administration.*

*Acting Administrator,*
*Rural Electrification Administration.*

[FR Doc.77-348 Filed 1-6-77;8:45 am]

## Office of the Secretary

## ADVISORY COMMITTEE ON CONTAINER STANDARDS FOR FRESH FRUITS AND VEGETABLES

### Establishment

Pursuant to section 9(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Office of Management and Budget, the Secretary of Agriculture has determined that it is in the public interest to establish an Advisory Committee on Container Standards for Fresh Fruits and Vegetables.

The purpose of this committee will be to study the problems associated with voluntary container standards and to recommend ways to reduce the number of different shipping containers used for fresh fruits and vegetables to encourage uniformity and consistency in commercial practices and to promote more efficient handling of said shipping containers. The committee will include representatives of all segments of the fresh fruit and vegetable industry including producers, packers, carriers, wholesalers, retailers and consumers.

Any comment on the establishment of this committee may be directed to Floyd F. Hedlund, Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 21, 1977.

All written submissions made pursuant to this notice shall be made available for public inspection at the Office of Director, Fruit and Vegetable Division, during regular business hours.

Dated: January 4, 1977.

J. PAUL BOLDUC,
*Assistant Secretary for Administration.*

[FR Doc.77-580 Filed 1-6-77;8:45 am]

## CIVIL AERONAUTICS BOARD

[Order 77-1-6; Docket 30252]

## BRITISH AIRWAYS

### Transatlantic Specific Commodity Rates; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of December, 1976.

On December 6, 1976, British Airways filed tariff revisions proposing several new specific commodity rates (SCR's) for traffic from the United Kingdom to the United States, to be effective January 5, 1977.[1] The rates, for items 2102 (Cloth), 6807 (Plastic Foil and/or Sheets) and 7047 (Decals), would be set at a level of 28 U.K. pence per kg., with a minimum weight of 4,000 kgs., from London, Glasgow, and Manchester to New York. Complaints requesting suspension pending investigation have been submitted by Pan American World Airways, Inc. (Pan American), Seaboard World Airlines, Inc. (Seaboard), and Trans World Airlines, Inc. (TWA).

In support of its proposal, British Airways alleges that the rates are necessary to move the affected commodities by air rather than surface; that in the last three months well over half the traffic that could be carried at these rates has reverted to surface transportation; and that all of these commodities are extremely dense (over 13 kgs. per cu. ft.) and would produce a much higher yield per cu. ft. than the regular, general container rates.

The complainants generally assert that British Airways' proposed SCR's are patently uneconomic, represent significant reductions (35-42 percent) from the rates currently applicable to these commodities, and would produce yields far below the U.S. carriers' costs of service; that the proposal runs directly counter to the Board's long-standing policy, repeatedly expressed in orders and policy statements, of urging the carriers to reduce reliance on discounted specific commodity rates; and that British Airways has provided no meaningful data or support for its allegations about the movement of this traffic on surface as opposed to air transportation. TWA adds, with supporting U.S. Commerce Department data, that over the last year air traffic, as a percent of the total U.K.-U.S. air/surface traffic in these commodities, has actually increased and thus, there has been no diversion to surface; and that the applicable surface rates for these items are still so far below even the reduced rates proposed by British Airways

[1] Filed by John M. Sampson, Agent, Tariff C.A.B. No. 19.

that the latter offer no serious generative value.

Upon consideration of the tariff filing, the complaints, and all other relevant matters, the Board has concluded that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the rates should be suspended pending investigation.

The Board, in its policy statements and in prior orders, has often urged the carriers to reduce their reliance on specific commodity rates to move so large a portion of international cargo traffic. Any new commodity rates should be introduced for the specific purpose of attracting new traffic to air, should have a strong generative potential with a minimum possibility of diverting traffic already moving at existing air rates, and should be priced at the maximum level possible, reflecting the value of air service to the shipper. The subject rates are proposed at levels which appear to be so significantly below the costs of service that we could accept them only upon the most convincing showing that they offer a real potential for generating new traffic with little possibility of diversion from existing rates. In this respect British Airways fails to justify adequately the reduced rates contemplated in the proposal.

The SCR's proposed by the carrier would produce yields ranging from 12.21 to 13.14 cents per revenue ton-mile (RTM), far below the U.S. carriers' transatlantic freighter costs which ranged from 23.15 to 32.04 cents per RTM for the year ended June 30, 1976, the latest period for which data are available. In fact, the proposed rates are even lower than the U.S. carriers' all-cargo cost per available ton-mile (ATM) and, therefore, appear to be unreasonably low on their face. In addition, while British Airways claims that half of the traffic in the relevant items has "reverted to surface" in the last three months, it has provided no supporting evidence, no comparison of surface and air rates, and no explanation why this traffic should shift from air transportation to surface means when the rates in either mode have not changed.[2] The complainants, on the other hand, have provided detailed data which indicate there is no reason to believe that there has been such a massive movement of this traffic from air to surface, or that the proposed rate reductions would generate any new traffic.

British Airways has furnished no estimates of the volume of traffic it expects to move on the proposed rates, or of the effects on load factor, existing traffic, or revenue. Even its allegation that the commodities involved are of unusually high density, and hence are entitled to a lower rate, is unsupported by any evidence.

In summary, British Airways has provided no basis whatsoever for the filing of such extremely low rates, which appear to have no rational foundation in costs or generative potential. The complaints have raised such serious doubts about the reasonableness of the SCR's here proposed that the Board has concluded the rates should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, 801, and 1002(j) thereof,

IT IS ORDERED THAT:

1. An investigation be instituted to determine whether the rates and provisions for Item Nos. 2102, 6807 and 7047 from Glasgow, Scotland, London, England and Manchester, England to New York, New York on 14th Revised Page 130, 18th Revised Page 134 and 21st Revised Page 136-A of Tariff C.A.B. No. 19, issued by John M. Sampson, Agent, and rules, regulations, or practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions and rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff rates and provisions specified in ordering paragraph 1 above are suspended and their use deferred from January 5, 1977 to and including January 4, 1978, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[3] and shall become effective on January 5, 1977;

4. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

5. Except to the extent granted herein, the complaints of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., in Dockets 30172, 30186, 30190, respectively, be and hereby are dismissed; and

6. Copies of this order be filed in the aforesaid tariffs and be served upon British Airways, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc.77-635 Filed 1-6-77; 8:45 am]

[2] These rates were previously filed several times, but rejected by the Board's Tariffs Section for technical violations of the Economic Regulations; on each occasion complaints were filed by the U.S. carriers. Armed with the almost certain knowledge that there again would be complaints filed, as well as their probable content, British Airways inexplicably presented a justification which was completely lacking in factual support and documentation for its allegations of the "need" for these extremely low rates.

[3] This order was submitted to the President on December 23, 1976.

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[Order 77-1-9; Docket 29751]

## PIEDMONT AVIATION INC.

### Removal of a One-Stop Restriction Between New York City and Tri-City, Tenn./Va.; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of January, 1977.

On September 7, 1976, Piedmont Aviation filed, in Docket 29751, an application for an order to show cause why its certificate of public convenience and necessity for Route 87 should not be amended so as to remove Piedmont's one-stop restriction between Tri-City, Tenn./Va.[1] and New York, N.Y.-Newark, N.J.[2]

On September 16, 1976, Allegheny Airlines, Inc., filed an answer in opposition to Piedmont's motion for an order to show cause. The Tri-City Airport Commission filed an answer on September 29, 1976, and requested that the Board defer action on the Piedmont application until sixty days following final decision in the *Service to Tri-City Case*, Docket 29014. On September 24, 1976, Piedmont filed a reply to the Allegheny answer together with a motion for leave to file an otherwise unauthorized document.[3]

In support of its application, Piedmont states that it now provides three round-trip flights between Tri-City and New York, two of these flights serve one intermediate point, and the third serves two intermediate points; that New York-Tri-City is a sizeable market with potential for growth; that removal of the restriction will permit Piedmont to convenience many passengers with its nonstop service; and that removal of the restriction will have little or no adverse impact on United, the carrier which holds unused nonstop authority in the market.

Piedmont anticipates that it will add a new flight on a nonstop basis, or that it will change one of its existing one-stop flights to a nonstop.

Upon consideration of the foregoing and all of the relevant facts, we have tentatively concluded that the public convenience and necessity require the removal of Piedmont's one-stop restric-

[1] The point appears as "Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn." on Piedmont's certificate. All of these cities are served through the same Tri-City airport and we will hereinafter refer to the point as "Tri-City," since that is its popular designation.

[2] Piedmont's current certificate was issued pursuant to Order 76-3-171, March 26, 1976. The one-stop restriction between Tri-City and New York City is listed in condition 4.

[3] We will grant the motion and receive Piedmont's reply.

tion in the Tri-City-New York market; that the application presents no questions of fact or law which require a hearing; and that all interested persons should be directed to show cause why the Board's tentative findings and conclusions herein should not be made final.[4]

In support of our ultimate determination, we make the following tentative findings and conclusions. The principal benefit which will derive from the grant of improved authority to Piedmont will be the provision of more convenient service between Tri-City and New York. On the basis of traffic data for the 12 months ended September 30, 1975, New York, with 26,190 true O&D passengers, is Tri-City's largest market without nonstop service.[5] Piedmont's present one and two-stop flights have an average elapsed time of 2 hours and 12 minutes. The modification proposed here will permit Piedmont to reduce travel time on its flights between Tri-City and New York by approximately 41 minutes.[6]

We further find that the relaxation proposed here is consistent with the Board's often reiterated general policy of eliminating or modifying certificate restrictions, the retention of which have been placed in issue, absent an affirmative showing that their continuance is required.[7] The authority requested involves no new stations or equipment for Piedmont and will permit the carrier more scheduling and operating flexibility.

Allegheny, in its answer, objects to the Board's taking any action on the Piedmont request at this time. Allegheny argues that the Board should deny the Piedmont petition or at least defer action upon it until final decision in the Service to Tri-City Case, Docket 29014. In Allegheny's opinion, if United is not deleted at Tri-City, pursuant to its request, which is now being heard in the Service to Tri-City Case, then the Board would not consider the need for a second nonstop authorization; if United is deleted, and Allegheny is authorized to serve Tri-City-Pittsburgh, then Allegheny will hold one-stop authority between Tri-City and New York and will be able to offer service in the market which will be equal to Piedmont's current best service. In these circumstances, Allegheny urges that the award of nonstop authority to one of two carriers holding one-stop authority without a hearing would be inappropriate. Allegheny also argues that Piedmont has offered insufficient evidence on which to base an award of new authority, especially in the absence of a hearing.

It is our tentative view that neither Allegheny nor the Tri-City Airport Commission has provided valid reasons for deferring action upon Piedmont's request. An initial decision in the Tri-City case has already been issued and the case is currently awaiting disposition by the Board. We are mindful of the possible overlap between that case and Piedmont's request for improved Tri-City-New York authority and we are capable of weighing all relevant matters in reaching our ultimate disposition of both proceedings.

We further tentatively find that the grant of Piedmont's application will have no significant effect on United, which has not filed in opposition to Piedmont's request. United holds unrestricted nonstop authority in the market, but currently offers a single two-stop round trip inaugurated in September 1976.[8]

Piedmont's unchallenged estimate is that only $38,498 of United's traffic revenue and less than $70,000 of the traffic revenue of other carriers would even be subject to diversion should the restriction in question be lifted. Consequently, we tentatively find that such slight possible diversion is more than outweighed by the carrier and public benefits—improved scheduling and equipment flexibility and expedited air service between Tri-City and New York—which should flow from the proposed action.[9]

Interested persons will be given thirty days from the date of the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to set forth their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

*Accordingly, it is ordered* That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Piedmont Aviation, Inc. for Route 87 so as to eliminate the one-stop restriction in condition 4 on flights between Tri-City, Tenn./Va. and New York, New York-Newark, N.J.; [10]

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein, shall, within thirty days after the date of the adoption of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [11]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. A copy of this order will be served upon Piedmont Aviation, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., Southern Airways, Inc., the Governor of New York, the Director of the New York Port Authority, the Aeronautics Division of the Virginia Corporation Commission, the Tennessee Aeronautics Commission, the Mayors of the Cities of New York, New York; Newark, New Jersey; Bristol, Kingsport, and Johnson City, Tennessee; and Bristol, Charlottesville, Lynchburg, and Roanoke, Virginia; and upon the Tri-City Airport Commission; and

6. The motion of Piedmont Aviation, Inc., for leave to file an otherwise unauthorized document be and it hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc. 77-634 Filed 1-6-77; 8:45 am]

[Docket 28213]

## YUSEN AIR & SEA SERVICE COMPANY, LTD., (JAPAN)

### Indirect Foreign Air Carrier Permit Renewal; Notice of Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Janet

[4] We further find that Piedmont is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements, thereunder.

[5] Civil Aeronautics Board Origin and Destination Survey, 1975, Table 8.

[6] Piedmont Exhibit P1-8.

[7] See e.g., Order 75-7-15, July 2, 1975; Order 74-7-63, July 16, 1974; Order 69-6-87, June 17, 1969. Thus, Piedmont's nonstop authority, if finalized, would be permissive in character giving carrier management the discretion to operate nonstop in accordance with traffic requirements.

[8] Prior to that time, United's flights serving Tri-City did not serve New York on a regular basis.

[9] Piedmont has submitted an evaluation of the environmental impact of its proposed new service. The evaluation indicates that the impact of the new service will be slight and that the preliminary findings do not show a need for further evaluation. Consequently, we also tentatively find and conclude that the Board action sought by the applicant will not result in a major federal action significantly affecting the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA).

[10] Any award of new route authority to Piedmont in the final order will be subsidy ineligible.

[11] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

D. Saxon to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

Dated at Washington, D.C., January 3, 1977.

HENRY M. SWITKAY,
*Acting Chief*
*Administrative Law Judge.*

[FR Doc.77-633 Filed 1-6-77;8:45 am]

## OFFICE OF THE FEDERAL REGISTER

### LEGAL DRAFTING WORKSHOP

#### Announcement

The Office of the Federal Register announces a legal drafting workshop beginning at 9:00 a.m. on Wednesday, January 26, 1977, and ending on Tuesday afternoon, February 1, 1977.

The workshop meets in the Federal Register Conference Room, Room 9409, 9th floor, 1100 L Street, NW, Washington, DC.

The workshop is open only to Federal agency personnel who draft regulations, preambles, or notices for publication in the FEDERAL REGISTER.

The workshop covers the following areas:

1. Legal drafting techniques—Preferred usage, Organization, Clarity;
2. Legal drafting exercises—Regulations, Preambles, Notices;
3. Review and discussion of documents for the use of legal drafting techniques and for substance;
4. How to comply with new preamble requirements ((1 CFR 18.12) effective date: April 1, 1977);
5. The regulatory process—Where has it been, Where is it going; and
6. The role of the FEDERAL REGISTER and how to use it.

The workshop schedule provides ample time for drafting assignments.

Space is extremely limited and reservations are required. Reservations may be made by calling Dean Smith at 202-523-5282.

FRED J. EMERY,
*Director, Office of the Federal Register.*

JANUARY 6, 1977.

[FR Doc.77-635 Filed 1-6-77;10:19 am]

## DEPARTMENT OF COMMERCE

### Bureau of the Census

### SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since June 30, 1976, for which tabulations were completed between December 1, 1976, and December 31, 1976.

Dated: January 3, 1977.

ROBERT L. HAGAN,
*Acting Director,*
*Bureau of the Census.*

| State/place or special area | County | Date of census | Population |
|---|---|---|---|
| Arkansas: | | | |
| Blue Mountain, city. | Logan | Oct. 4 | 157 |
| Central City, town. | Sebastian | Oct. 25 | 361 |
| McCrory, city | Woodruff | Oct. 8 | 1,896 |
| Illinois: | | | |
| Bourbonnais, village. | Kankakee | Oct. 28 | 10,620 |
| Harvard, city | McHenry | Oct. 6 | 5,156 |
| Marengo, city | do | Oct. 19 | 4,104 |
| Troy, city | Madison | Oct. 22 | 2,818 |
| Iowa: | | | |
| Asbury, town | Dubuque | Aug. 2 | 1,098 |
| Hartford, city | Warren | Sept. 22 | 801 |
| Michigan: | | | |
| Brighton, city | Livingston | Oct. 21 | 3,437 |
| Ida, township | Monroe | Oct. 16 | 4,086 |
| Lowell, township | Kent | Oct. 12 | 3,363 |
| Sterling Heights, city. | Macomb | Sept. 21 | 92,904 |
| Unadilla, township. | Livingston | Oct. 19 | 2,405 |
| Minnesota: Biwabik, city. | St. Louis | Oct. 12 | 1,483 |
| Missouri: Lake St. Louis, town. | St. Charles | do | 2,445 |
| North Carolina: Mint Hill, town. | Mecklenburg | July 12 | 4,099 |
| Pennsylvania: | | | |
| Bear Creek, township. | Luzerne | Oct. 4 | 2,450 |
| Hamilton, township. | Franklin | Oct. 13 | 5,675 |
| Murraysville, borough. | Westmoreland | Sept. 28 | 14,640 |
| Penn Lake Park, borough. | Luzerne | Oct. 7 | 178 |
| South Carolina: Greenville, city. | Greenville | Sept. 13 | 57,849 |
| South Dakota: Hot Springs, city. | Fall River | Oct. 18 | 4,728 |
| Texas: San Angelo, city—Annexed areas only. | Tom Green | do | 2,605 |
| Wisconsin: | | | |
| Boaz village | Richland | Nov. 3 | 145 |
| Sturgeon Bay, city. | Door | Oct. 21 | 7,764 |

[FR Doc.77-467 Filed 1-6-77;8:45 am]

### Domestic and International Business Administration

### PRESIDENT'S EXPORT COUNCIL TASK FORCE ON EXPORT PROMOTION

#### Termination

*Correction*

In FR Doc. 76-37975 appearing on page 56378 of the issue for Tuesday, December 28, 1976, the termination date in the last line of the first paragraph, reading "December 31, 1975", should read "December 31, 1976".

### CORNELL UNIVERSITY, ET AL

#### Consolidated Decision on Applications for Duty-Free Entry of Scientific Article: Correction

In the Notice of Consolidated Decision on Application for Duty-Free Entry of Scientific Articles appearing at page 55218 of the FEDERAL REGISTER of Friday, December 17, 1976, the following dockets should be deleted:

Docket Number: 76-00317. Applicant: IIT Research Institute, 10 West 35th Street, Chicago, Illinois 60616. Article: Mass Spectrometer, MAT 311A. Date of denial without prejudice to resubmission: July 14, 1976.

Docket Number: 76-00327. Applicant: Methodist Hospital of Indiana, Inc., 1604 North Capitol Avenue, Indianapolis, Indiana 64202. Article: Electron Microscope, Model EM 201C and attachments. Date of denial without prejudice to resubmission: July 9, 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.77-610 Filed 1-6-77;8:45 am]

### UNIVERSITY OF IOWA 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 55923 in the FEDERAL REGISTER of Thursday, December 23, 1976, the following correction should be made:

Docket Number: 77-00048 should be corrected to read:

Docket Number 77-00048. Applicant: University of Cincinnati, Dept. of Physics, Cincinnati, Ohio 45221. Article: Makrafoil Scanner (partially fabricated). * * *

(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.77-611 Filed 1-6-77;8:45 am]

### National Oceanic and Atmospheric Administration

### AQUARIUM OF CAPE COD, INC.

#### Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Aquarium of Cape Cod, Inc., Route 28, West Yarmouth, Massachusetts 02673, to take two (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for public display.

The requested dolphins will be taken by a professional collector from the Gulf of Mexico, by means of an encircling net. The dolphins will be transported to the facility via commercial freight and truck, with a qualified staff member of the collector accompanying the shipment.

The animals will be displayed in a pool 39 feet by 24 feet by 10 feet deep with a holding pool 15 feet by 15 feet by 10 feet deep.

The dolphins are desired to provide recreational and education benefits to the 110,000 visitors that visit the facility annually. The facility is operated for profit. The staff has 4 to 5 years experience working with marine mammals.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 7, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

ROBERT J. AYERS,
*Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.*

DECEMBER 15, 1976.

[FR Doc.77-561 Filed 1-6-77;8:45 am]

## SEA LIFE, INC.

### Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Sea Life, Inc., Makapua Point, Waimanalo, Hawaii 96795, to take four (4) pygmy killer whales (*Peresa attenuata*) and four (4) melon-headed whales (*Peponocephala electra*) for public display.

The animals will be captured in the waters off the Hawaiian Islands by Sea Life's collecting staff supervised by Dr. Shallenberger. Capture will be done by using a specially modified collecting boat by means of a hoop net.

The requested animals will be displayed at the facilities Ocean Science Theater. The display consists of a glass walled tank, 50 feet in diameter and 12 feet deep, with four connecting holding tanks, each 7 feet deep. In addition, Sea Life Park has several large cetacean pools ranging from 11,000 to 1.8 million gallons.

The display is for profit, open daily to the public with an annual attendance of 500,000 visitors .The staff has from five to ten years experience working with marine mammals.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 7, 1977. Those ndividuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

JANUARY 3, 1977.

MORRIS M. PALLOZZI,
*Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.*

[FR Doc.77-560 Filed 1-6-77;8:45 am]

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1977

#### Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed addition of the following commodity to Procurement List 1977, November 18, 1976 (41 FR 50975).

*Military Resale Item No. 901*

Broom, Mixed Fiber.

If the Committee approves the proposed addition, all entities of the Government will be required to procure the above commodity from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed addition may be filed with the Committee on or before February 7, 1977. Communications should be addressed to the Executive Dierctor, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER (July 7, 1977).

By the Committee.

C. W. FLETCHER,
*Executive Director.*

[FR Doc.77-615 Filed 1-6-77;8:45 am]

### PROCUREMENT LIST 1977

#### Proposed Deletions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77 of the proposed deletions of the following commodity from Procurement List 1977, November 18, 1976 (41 FR 50975).

*Class 7210*

Bedspring, 7210-00-559-5085, 7210-00-559-6025.

Comments and views regarding the proposed deletion may be filed with the Committee on or before February 7, 1977. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other

Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER (July 7, 1977).

By the Committee.

C. W. FLETCHER,
*Executive Director.*

[FR Doc.77-614 Filed 1-6-77;8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Availability

Environmental impact statements received by the Council on Environmental Quality from December 27 through December 30, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (February 21, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

*Final*

Clarkdale-Williams Highway, Coconino, Yavapai Counties, Ariz., December 29: Proposed is the construction of a new highway on National Forest land to extend State Route 279 from its present northern terminus near Clarkdale, Arizona, to a new terminus 23 miles south of Williams, Arizona at the Yavapai/Coconino county line. The highway extension would involve the construction of approximately 21 miles of new highway northwest from Clarkdale and would connect with the 23-mile section of a paved County Road S-211. Seven hundred acres of grazing land would be removed (125 pages). Comments made by: COE, FPC, DOI, DOT and State and local agencies. (ELR Order No. 61797.)

Selway-Bitteroot Wilderness Fire Management, Idaho, Montana, December 27: This statement discusses a proposal to allow some fires in the Selway-Bitterroot Wilderness (SBW) to go unsuppressed so that fire may more nearly play a natural role in shaping, maintaining, and directing ecosystem development in the SBW. The proposal will directly affect Bitterroot, Clearwater, Lolo, and Nez Perce National Forest personnel who have administrative responsibility in the SBW. The potential exists for adverse impacts on airshed and the social system including SBW users, permittees, and adjacent and included landowners (229 pages). Comments made by: HUD and State and local agencies, concerned citizens. (ELR Order No. 61784.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

*Draft*

Missouri R. Main Stem System, O&M, December 27: Proposed is the continued operation and maintenance of the Missouri River main stem system consisting of six major dams existing for the multipurposes of flood control, irrigation, hydroelectric power generation, navigation, municipal and industrial water supply, fish and wildlife enhancement, and water control. The states which are primarily affected are Montana, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Kansas, Iowa, Missouri, and Minnesota. (Omaha District) (225 pages). (ELR Order No. 61786.)

Lucky Peak Modification, Boise River, Idaho, December 28: The proposed action is to add hydroelectric power production to the existing Lucky Peak Dam, Idaho. This would involve the construction of a side tunnel from the existing outlet tunnel and the construction of a new powerhouse near the outlet. The powerhouse would contain five generating units having a total rated capacity of 75 megawatts. The project is located on the Boise River approximately 10 miles upstream from Boise. Effects include the possibility of a surge tank requirement which would adversely affect the aesthetics of the area. (Walla Walla District) (30 pages). (ELR Order No. 61791.)

George's R. Maintenance Dredging, Thomaston, Maine, December 27: The proposed action calls for maintenance dredging on George's River along the entire project length, restoring the channel to a depth of 10 feet mean low water, to accommodate present navigational needs. Approximately 11,000 cubic yards of material will be removed by hydraulic dredge. Adverse effects include the killing of immobile and slow moving biota in the immediate area to be dredged. Disturbance of the estuary bottom and suspension of sediments will also result. (New England Division) (30 pages). (ELR Order No. 61782.)

Yakima-Union Gap Flood Damage, Columbia R., Yakima County, Wash., December 27: The proposed project calls for the improvement of 7.3 miles of existing right and left bank levees along the Yakima River, extending from the confluence of the Naches and Yakima Rivers downstream to the Highway 24 Bridge. The project also involves the construction of new levees and flood control structures immediately downstream of the Highway 24 Bridge, including a 2.5 mile left bank levee and a 1.1 mile right bank levee. Effects resulting from construction on 58 acres of land include the elimination of about 17 acres of important wildlife habitat and also wildlife. (Seattle District) (160 pages). (ELR Order No. 61788.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

*Draft*

Norman Sewage Treatment Upgrade, Cleveland County, Okla., December 27: The City of Norman, Oklahoma has received Federal Grant Assistance for the enlargement and upgrading of the existing sewage treatment plant, enlargement of several existing lines that are overloaded, and extension of sewage collection facilities into areas outside the presently urbanized sections of the city. The first two portions of this project have been completed; the third has not. An EPA evaluation has determined that construction of sewage collection systems outside the urbanized sections of the city would be detrimental. The EPA has therefore decided to withdraw the remaining approved construction funds. (Region VI) (139 pages). (ELR Order No. 61789.)

*Final*

Emission Standards for New Light Duty Trucks, December 29: The EPA is proposing to set more stringent emission standards for new light duty trucks, and to enlarge the current light duty truck class to include trucks up to 500 pounds gross vehicle weight rating (GVWR). The proposed standards which would apply to trucks up to 8500 pounds GVWR are 1.7 grams/mile hydrocarbons, 18 g/m carbon monoxide, and 2.3 g/m oxides of nitrogen. The standards are being proposed for 1978 and later model light duty trucks. (120 pages).

Comments made by: DOD, DOT, ERDA, and State agencies, private companies. (ELR Order No. 61793.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

*Draft*

Clovis Heights/Cougar Estates No. 10-13 Development, Fresno County, Calif., December 27: Proposed is the ultimate development of a primarily vacant parcel of land into a 135 acre residential subdivision of slightly over 500 dwelling units to be designated "Clovis Heights." The first phase of 35 acres is to contain 136 units. Also proposed is the development of a second primarily vacant parcel into a residential subdivision of slightly over 500 dwelling units in four phases. This development is designated "Cougar Estates No. 10-13; the first phase of 35.4 acres is already being developed into 147 units. Conversion of vacant grazing and farming land to urbanized residential development will result (100 pages). (ELR Order No. 61785.)

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

*Draft*

Lowndes County Rural Water System Improvements, Lowndes County, Ala., December 27: Proposed is the extension of residential water service to several areas of the unincorporated Lowndes County area. This action will involve three separate projects: (1) Tri-System Improvements (interconnection of the Mosses, Corsby, and Black Belt Water Systems); (2) the Steep Creek Project (extension of water lines to rural residential developments east of Hayneville); and, (3) the Russell School Project (extension of water lines to rural residential developments southeast of Hayneville). Few adverse effects are anticipated (85 pages). (ELR Order No. 61783.)

Santa Cruz Riverpark, Tucson, Ariz., December 27: Proposed is a master plan for the Santa Cruz Riverpark in Tucson, Arizona, to be implemented over a ten to fifteen year period. The Riverpark is located west of Interstate highways I-10 and I-19 between the

north limits of the City of Tucson at Camino del Cerro and the south City limits at Los Reales Road. Five major categories of interest are included in the project: land use, recreation, water management, other resource management, and implementation. Impacts, both beneficial and adverse, are discussed at length (450 pages). (ELR Order No. 61790.)

*Final*

Lake Alma Project, Georgia (2), Alma-Bacon County, Ga., December 29: The purpose of the proposed project is to construct and develop a 1,400-acre public reservoir principally to provide water-oriented outdoor recreation opportunities in Alma-Bacon County, Georgia and the surrounding area. Adverse effects include erosion and slumping of the banks, sedimentation in the reservoir, and increased noise levels. Elimination and inundation of approximately 1,400 acres of bay and branch swamp habitat would also result (324 pages). Comments made by: AHP, USDA, COE, FPC, and DOI. (ELR Order No. 61792.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

NATIONAL PARK SERVICE

*Draft*

Tuskegee Institute Management Plan, Macon County, Ala., December 29: Proposed is the implementation of a general management plan for Tuskegee Institute National Historic site in Tuskegee, Alabama. The plan proposes to preserve and interpret this educational resource; protection and preservation of 22 buildings (21 on the historic Tuskegee campus and 1 adjacent to the campus) are involved. A proposal to acquire certain historic properties is also included. No adverse effects are anticipated (45 pages). (ELR Order No. 61796.)

*Final*

Electric Distribution Line, McKinley Park, Alaska, December 29: The National Park Service proposes to grant a right-of-way to Golden Valley Electric Association, Inc., for an electric distribution line to McKinley Park, Alaska, from its present terminus at Healy Roadhouse. The proposed action is for the purpose of providing commercial electric power to McKinley Park and eventually extending service south to Cantwell and Summit, Alaska. Approximately 3100 cubic yards of soil, parent material, and highway fill will be excavated and permafrost may be affected by vegetation clearing with resultant soil creep. Scenic resources will be adversely affected, and development resulting from commercial electric power will affect air quality (100 pp). Comments made by: AHP, USDA, DOI, DOT, EPA, and State agencies. (ELR Order No. 61798.)

INTERSTATE COMMERCE COMMISSION

*Draft*

South Bend—Chicago RR Abandonment, Indiana, and Illinois, December 30: Proposed is the granting of authority to the Chicago, South Shore and South Bend Railroad (South Shore) to discontinue its passenger train service between South Bend, Indiana, and Chicago, Illinois, a distance of 88 miles. Authority is also requested to abandon trackage rights over a portion of the Illinois Central Gulf Railroad between Kensington Station and Randolph Street, a distance of approximately 14.2 miles in Chicago. Discontinuance of all passenger train service would cause approximately 6,200 weekday and 3,100 weekend riders to seek other modes of transportation. (ELR Order No. 61800.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

*Draft*

Bear Creek Project, Rocky Mountain Energy Co., Converse County, Wyo., December 29: The proposed action is the issuance of approvals, permits, and licenses to the Rocky Mountain Energy Company for the implementation of the Bear Creek Project. This project consists of certain mining and milling operations involving uranium ore deposits located in Converse County, Wyoming. Mining of uranium from six known ore bodies will take place over a period of ten years; a mill with a nominal capacity of 1000 tons per day will be constructed and operated as long as ore is available. The waste material will be stored on site in an impoundment (200 pages) (ELR order No. 61795.

DEPARTMENT OF TRANSPORTATION

Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

*Final*

C. D. Lemons Field Runway Construction, Tupelo, Miss., Lee County, December 29: The statement concerns the construction of a new runway and related improvements at the C. D. Lemons Field in Tupelo. The project includes the acquisition of 284 acres of land, the construction of a new runway and air carrier apron, the expansion of the general aviation apron, the construction of an access road, the relocation of Jackson Street, and the installation of an instrument landing system. Adverse impacts of the project include the relocation of approximately 198 persons and increased noise and pollution levels due to larger jet aircraft use of the airport. (200 pages).

Comments made by: EPA, DOI, HUD, USDA, HEW, DOT and state and local agencies. (ELR Order Section 61799.)

FEDERAL HIGHWAY ADMINISTRATION

*Draft*

U.S. 275–U.S. 81, Norfolk, Madison County, Nebr., December 29: The proposed roadway improvement involves the upgrading and reconstruction of a segment of Norfolk Avenue and 13th Street in Norfolk, Nebraska. The segment of highway under consideration on Norfolk Ave. begins at 15th St. and extends approximately 0.55 miles easterly terminating immediately east of 9th St. The segment of highway on 13th St. begins immediately south of Pasewalk Ave. and extends approximately 1.27 miles northerly to Maple Ave. Improvements consist of widening both streets to four lanes with curb, medians, sidewalks, intersections, and driveways. One business establishment will be relocated. (Region 7) (75 pages). (ELR Order No. section 61787.)

U.S. COAST GUARD

*Draft*

LORAN–C Transmitting Sta., Northern Minnesota, Koochiching County, Minn. December 29: This project proposes to expand LORAN–C (Long Range Aid to Navigation) coverage to include the Great Lakes in accordance with the July 1974 Annex to the DOT's National Plan for Navigation, dated April, 1972. The Northern Minnesota LORAN–C transmitting station, a secondary station, will be used in conjunction with an existing LORAN–C master station at Dana, Indiana, and a secondary LORAN–C transmitting station in Seneca County, New York. Three sites have been proposed for the N. Minnesota station: International Falls, Manitou, and Baudette. (140 pages). (ELR Order No. 61794.)

DAVID TUNDERMAN,
*Acting General Counsel.*

[FR Doc.77–603 Filed 1–6–77;8:45 am]

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### GENERAL ADVISORY COMMITTEE

### Cancellation of Meeting

JANUARY 4, 1977.

Notice is hereby given that the meeting of the GAC's Solar Working Group which was scheduled for January 13, 1977, and published in the FEDERAL REGISTER on December 23, 1976, 41 FR 55930, has been cancelled. The meeting will be rescheduled at a later date, announcement of which will be published in the FEDERAL REGISTER.

HARRY L. PEEBLES,
*Deputy Advisory Committee Management Officer.*

[FR Doc.77–737 Filed 1–6–77;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 659–5]

### CALIFORNIA STATE MOTOR VEHICLE

### Pollution Control Standards Waiver of Federal Preemption

I. INTRODUCTION

On July 23, 1976, the Environmental Protection Agency (EPA), by notice published in the FEDERAL REGISTER (41 FR 30383), announced a public hearing pursuant to section 209(b) of the Clean Air Act, as amended (hereinafter the "Act") (42 U.S.C. 1857f–6a(b)). That hearing was called to consider a request by the State of California that the Administrator waive application of section 209(a) of the Act with respect to a number of actions taken to revise California's motor vehicle emissions control program. Section 209(b) of the Act requires the Administrator to grant such waiver, after opportunity for a public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is not, or does not appear to be, adequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame.

The California waiver request was by letter dated May 20, 1976. The letter de-

scribed seven actions taken by the California Air Resources Board (CARB), and sought waivers for such of those actions as the Administrator deemed to require a waiver prior to enforcement of the action by California. I determined that the following four items addressed in the letter are within the scope of waivers currently in effect, and therefore no new waiver was required:

(i) Multiplicative methane correction factor for hydrocarbon (HC) emissions, and clarification of the vehicle emission labeling requirement;

(ii) Emission standards for 1978 model year light duty trucks, insofar as these standards are the same as those in effect for the 1977 model year;

(iii) Revision of the assembly line test procedures for 1977 model year gasoline-powered passenger cars and light duty trucks; and

(iv) Emission standards for 1978 model year passenger cars, insofar as these standards are the same as those in effect for the 1977 model year.

These items involve revisions of a minor technical or administrative nature, as well as continuations of the present emission standards for an additional model year. This position was communicated to the CARB by letter dated July 16, 1976.

The public hearing was held in Los Angeles, California, on August 25 and 26, 1976, and the remaining three items of the May 20 letter were considered. The items addressed at the hearing were:

(i) Exhaust emission standards and test procedures for 1978 model year medium duty vehicles;

(ii) Application of the fuel evaporative emission standard and test procedure (SHED test) to 1978 and subsequent model year medium duty vehicles and heavy duty vehicles; and

(iii) Fill pipe and opening specifications for 1977 and subsequent model year gasoline-powered motor vehicles. The record was kept open until September 10, 1976, for the submission of written material, data or arguments by interested persons.

Today's decision will deal solely with the third item above, specifications for fill pipes and openings of motor vehicle fuel tanks. The first two items are still under consideration and a decision will be published as soon as a determination has been made.

I have determined that I cannot make the findings required for denial of the waiver under section 209(b), and therefore I am compelled to grant the requested waiver of Federal preemption for 1977 and subsequent model years. The record of the hearing and the other evidence available to me clearly reveal that compelling and extraordinary conditions exist in the State of California, that the requisite technology is currently available, and that there appears to be adequate lead time to permit manufacturers to comply with the California requirements. California's fill pipe specifications are more stringent than applicable Federal standards, since no Federal standards are currently in effect.

## II. Background

On March 24, 1976, the CARB adopted its "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks" (dated March 19, 1976) for all 1977 and subsequent model year gasoline-powered motor vehicles. The specifications were subsequently amended on August 5, 1976. These specifications place requirements on the construction and orientation of the fill pipe, as well as on the access allowed to the fill pipe by exterior portions of the vehicle such as body sheet metal, bumpers, and license plate frames. The purpose of these specifications is to achieve compatibility between vehicle fuel tank fill pipes and vapor recovery nozzles, so as to permit the recovery of gasoline vapors which are forced out of the fuel tank during the refueling process.

As stated by representatives of the CARB, the specifications basically require that:

(i) The fill pipe be flat, smooth, round in cross section, and less than 5.75 centimeters in diameter, in order to allow a vapor recovery nozzle to seal effectively;

(ii) There be a locking lip inside the fill pipe to allow a vapor recovery nozzle to latch adequately;

(iii) An access zone (i.e., a sufficient void space) be provided to allow the nozzle body and operator's hand to remain clear of vehicle body parts during refueling, so as to prevent binding and jamming of the nozzle; and

(iv) The angle that the nozzle spout makes with the horizontal, while latched to the fill pipe, be at least 15 degrees for 1978 and 1979 model year vehicles, and at least 30 degrees for 1980 and later model year vehicles, so as to prevent defeat of the nozzle's automatic shut-off mechanism (and consequent excess spillage). See Transcript of Public Hearing on California's Request for Waiver of Federal Preemption With Respect to Medium Duty Vehicles, Application of SHED Test Procedure, and Fill Pipe and Opening Specifications, August 25 and 26, 1976, at 316–17 (hereinafter "Tr.").

In their original form, the specifications provided that no new 1977 or later model year gasoline-powered motor vehicle could be sold, offered for sale, or registered in California unless such vehicle was in compliance with the fill pipe construction, orientation, and access requirements. A provision was included whereby a manufacturer could seek a waiver of the requirements for the 1977 model year on the basis of inadequate lead time, and seek an exemption for a subsequent model year on the basis of technological infeasibility. As a means of implementing this provision in an effective manner to deal with the significant lead time and technology problems expressed by various segments of the motor vehicle industry, the Executive Officer of the CARB, pursuant to the authority vested in him, issued a series of executive orders. These executive orders are an integral part of the specifications themselves, and they will be treated as such throughout this decision.

The two executive orders with which we will be concerned are Executive Order G–70–1, dated July 27, 1976, and Executive Order G–70–3, dated August 25, 1976. Executive Order G–70–1 granted a waiver from compliance with the fill pipe specifications to all 1977 model year vehicles. The only requirement placed upon 1977 model year vehicles is that vehicles which use leaded fuel must be capable of being refueled by any nozzle campatible with the fill pipe specifications, and vehicles which require unleaded fuel must be capable of being refueled by a nozzle which conforms to the "Alternate Nozzle Description" attached to the order. Executive Order G–70–1 also includes a provision whereby a manufacturer may seek an exemption from the fill pipe specifications for 1978 or subsequent model year vehicles if compliance is technologically infeasible despite the manufacturer's good faith efforts to develop the technology.

Executive Order G–70–3, dated August 25, 1976, establishes a schedule for achieving full compliance with the fill pipe specifications by the 1982 model year. Executive Order G–70–3 partially supersedes Executive Order G–70–1 for 1978 and subsequent model years. See Tr. at 356. Under the schedule provided in Executive Order G–70–3, full compliance for 1978 through 1981 model year vehicles is made coincident with scheduled changes to the vehicle's bumper or body panel surrounding the access to the fill pipe. As a result individual manufacturers will be required to comply with the fill pipe specifications at different times. More specifically, Executive Order G–70–3 provides that:

(i) Full compliance is required for all 1978 and later model year vehicles which have undergone changes to the relevant bumper or body panel subsequent to the 1977 model year, or which do not require any such changes to achieve compliance with the specifications;

(ii) 1978 and 1979 model year vehicles which require, but are not scheduled for, bumper or body panel changes to achieve compliance must be designed to be refueled by either the nozzle described in the attachment to Executive Order G–70–1 or every nozzle which is compatible with the fill pipe specifications, and there must be a positive fill angle when the nozzle is in the normal resting position; and

(iii) 1980 and 1981 model year vehicles which require, but are not scheduled for, bumper or body panel changes to achieve compliance must be designed to meet all aspects of the fill pipe specifications except that the fill angle may be less than 30 degrees, but not less than 15 degrees.

It should be noted that the exemption for technological infeasibility provided in Paragraph 5 of the fill pipe specifications (and in Executive Order G–70–1) is still available to the manufacturers for 1978 and subsequent model years. That is, a manufacturer may receive an

exemption from the fill pipe specifications even if a change is scheduled to the relevant bumper or body panel, provided that the manufacturer can demonstrate to the CARB that, despite his good faith efforts to develop the technology, it is technologically infeasible to comply with the specifications.

### III. Discussion

*Technology and Lead Time.* Due to the different considerations involved for motorcycles and other gasoline-powered motor vehicles, these two categories will be discussed separately.

With regard to all gasoline-powered motor vehicles except motorcycles, none of the manufacturers at the hearing raised any questions of technological feasibility. No manufacturer stated that technology is not currently available to meet the California specifications. The only significant issue in this area is whether there is adequate lead time within which to implement the required changes to the fill pipe and surrounding vehicle body parts. In considering this question, Executive Orders G–70–1 and G–70–3 are crucial to the waiver decision, since they eliminate what would otherwise be a serious lead time problem. Under Executive Order G–70–1, the only requirement being placed on 1977 model year vehicles is that they be capable of being refueled by specified nozzles. All the statements of the manufacturers on this issue indicated that there should be no problem in complying with this requirement. See Tr. at 312, 340, 367–69, 377.

As described earlier, Executive Order G–70–3 establishes a schedule for phasing 1978 through 1981 model year vehicles into full compliance coincident with scheduled changes to the bumper and body panel surrounding the fill pipe. Once again, none of the manufacturers stated that they could not comply with the requirements of Executive Order G–70–3. In fact, in most cases it is precisely this order which makes compliance with the fill pipe specifications feasible in a reasonable and cost effective manner. See Tr. at 301–03, 363. At the hearing the Ford Motor Company supported granting the requested waiver to California (see Tr. at 298) and stated that they could achieve full compliance with the fill pipe specifications as implemented by Executive Orders G–70–1 and G–70–3. See Tr. at 302–03. The General Motors Corporation similarly stated that they did not oppose the granting of the waiver (see Tr. at 357–58) and could achieve full compliance within the guidelines of the two executive orders. See Tr. at 360–63. The Chrysler Corporation, although disapproving of the entire regulatory mechanism chosen by California in this area of fill pipe specifications (see Tr. at 336–39, 341–43), nevertheless stated that they expected to be in full compliance with the specifications by the 1979 model year without the need for further exemptions under Executive Order G–70–3. See Tr. at 344–45. In written comments dated September 8, 1976, the American Honda Motor Company stated that their automobiles will be able to comply with the California requirements.

Regarding the cost of compliance with the fill pipe specifications, in general compliance does not require the use of new technology or additional materials. The principal costs are one time expenses associated with the modification or procurement of new production tooling. These costs can be minimized by allowing the vehicle manufacturer to bring each model line into compliance at a time when the vehicle is scheduled for other modifications to the bumper or body panel surrounding the fill pipe. Although the purpose of Executive Order G–70–3 was to reduce costs in this manner, some vehicles may nevertheless require modifications out of their normal cycle. The most detailed statements regarding costs were submitted by the Ford Motor Company. Before Executive Order G–70–3 was issued, Ford estimated that compliance would cost $8.9 million in the 1978 through 1980 model years. See Tr. at 296–97. This cost was primarily due to the unscheduled modifications that would be required. Ford also stated that $2.7 million could be saved if California used 1977, rather than 1976, as the base year in the cover letter accompanying Executive Order G–70–1. See id. Executive Order G–70–3 (which basically implemented the cover letter sent by the CARB to the manufacturers to accompany Executive Order G–70–1) did specify that the base year was to be 1977 and so the estimated cost to Ford will be $6.2 million over a period of three years. The General Motors Corporation did not provide any specific cost information, but stated that Executive Order G–70–3 does appear to permit compliance to be achieved in a cost effective manner. See Tr. at 363. The Chrysler Corporation did not supply a precise estimate of the cost of compliance, but expressed the expected cost as "hundreds of thousands" of dollars, responding to a question as to whether the cost would be more than one million dollars. See Tr. at 349.

With regard to the motorcycle industry, the situation concerning technology, lead time and cost is somewhat different. This is primarily due to the manner in which motorcycle fuel tanks are designed and refueled. As opposed to the procedure for other gasoline-powered motor vehicles, motorcycle refueling does not rely on the automatic shut-off mechanism on the fill nozzle. In the first place, most motorcycle fuel tanks straddle the frame of the motorcycle, and have the filler inlet directly over the frame with a very short fill pipe. Therefore, the fill nozzle can generally not be fully inserted and is consequently hand held. Furthermore, even where the nozzle can be fully inserted into the fill pipe, it extends into the tank itself so that the automatic shut-off mechanism would stop the flow of gasoline well before the tank was full, and often before it was even half full. Motorcycle refueling is not designed for unattended operation. The fuel level in the tank is verified visually, and the fill nozzle is gradually withdrawn until the tank is completely filled. See Tr. at 384–85. For these reasons, designing a system which would be effective to recover vapors from motorcycle fuel tanks during refueling presents problems.

The requisite technology for an effective design is not currently available, as was recognized at the hearing by representatives of the CARB. See Tr. at 319, 329. However, the CARB did offer two solutions to the motorcycle problem. These suggestions were to install a telescoping fill pipe on top of the fuel tank, or to relocate the fuel tank under the seat and use a fill pipe arrangement similar to that for automobiles. See Tr. at 317–18. The CARB felt that compliance with the specifications by motorcycles was possible within the framework of Executive Orders G–70–1 and G–70–3, since the effect of these orders would be to provide the lead time necessary for the motorcycle manufacturers to develop and apply the required technology. See Tr. at 319, 328–30. The CARB stated that the provisions of Executive Order G–70–3 are applicable to motorcycles. See Tr. at 323. The CARB further stated that they were not aware of any plans of the motorcycle manufacturers to change the designs of the fuel tanks prior to 1982, and therefore motorcycles would not have to make any changes to comply with the fill pipe specifications until the 1980 model year. See Tr. at 328–29.

In responding to the statements of the CARB, the Motorcycle Industry Council indicated that changes to motorcycle fuel tanks were expected to be implemented prior to the 1980 model year to accommodate new designs or safety considerations. See Tr. at 388, 395. The Council felt that the effect of Executive Order G–70–3 would be to prevent such changes and to freeze motorcycle fuel tank designs, since any change to the fuel tank in 1978 or 1979 would require full compliance with the fill pipe specifications. See Tr. at 388, 395–96.[1]

Concerning CARB's suggested solution of relocating the fuel tank under the seat, the Motorcycle Industry Council stated that this approach would require complete redesign of frame, engine and transmission configurations, a major design effort which would cost the motorcycle industry hundreds of millions of dollars. See Tr. at 388–89. Specific cost information for such an alternative was provided by the Yamaha International Corporation in a supplementary statement dated September 7, 1976. Yamaha estimated that it would take from twelve to

[1] What was not realized by the Council, though, was that the exemption for technological infeasibility provided in Executive Order G–70–1 and Paragraph 5 of the specifications is still available to a motorcycle manufacturer even if a change is made to the fuel tank. Of course, if this exemption were sought, the manufacturer would have to demonstrate to the CARB that compliance was technologically infeasible despite good faith efforts to overcome any problems.

fifteen years to redesign their entire model line, at a total cost of $67 million. In the written statement of the American Honda Motor Company, dated September 8, 1976, it was stated that such redesign of the motorcycle was not even possible for some models.

Both Honda and Yamah also commented on the CARB suggestion of a telescoping fill pipe. In a second supplementary statement dated September 7, 1976, Yamaha noted that such a design has not yet been developed, and said that there are serious safety considerations which must be examined. Honda commented that a considerable amount of time would be required to consider this alternative in the context of safety and design compatibility. Although not specifically mentioned by any of the manufacturers, one of the safety problems with this alternative would appear to be the possibiilty of spillage. With the fill pipe in its fully extended (telescoped) position, it would be possible for this extended portion itself to fill up with gasoline due to nozzle after-flow upon shutoff. When the fill pipe is then compressed into its closed position this fuel would be spilled, causing a potential safety hazard as well as creating a source of hydrocarbon emissions.

The only specific lead time information for motorcycles was provided by Yamaha. Yamaha stated that regardless of the approach taken, they do not believe that it is technologically feasible to comply with the fill pipe specifications before 1980. See Tr. at 401. They further stated that they were not aware that compliance would be possible even after 1980. See Tr. at 401–02.

The entire discussion of technology and lead time up to this point has been concerned with the technology necessary to achieve an "effective" design for moto cycle fill pipes. Effective technology means technology that is both likely to be used in the field by motorcycle owners and filling station attendants, and also will accomplish the purpose of permitting the recovery of gasoline vapors during the refueling process while allowing the motorcycle fuel tank to be completely filled. These considerations, however, are outside my permissible scope of inquiry in a California waiver situation. In keeping with the Congressional intent behind section 209(b) of the Act as stated in the previous motorcycle waiver decision (41 FR 44209, 44210, October 7, 1976), my determinations regarding the availability of the requisite technology do not extend into evaluating the effectiveness of any available technology. I therefore cannot deny a waiver request if technology is available to achieve compliance with the California requirements, regardless of whether this technology may be of questionable effectiveness.

There is technology currently available to the motorcycle industry which would permit motorcycles to comply with the California fill pipe specifications as early as the 1978 model year. This technology involves simply relocating the fuel tank opening off center so that the fill nozzle can be fully inserted into the tank without striking the center hump in the fuel tank. The only other modification which may be required would be to place a positioning bracket inside the filler inlet to retain the nozzle spout within the required orientation. The technology required to implement these changes is currently available, and in fact some motorcycles already have an off center filler inlet. This option of relocating the fuel tank opening was not given much discussion at the hearing (see Tr. at 401), most likely due to the fact that this is not generally considered a desirable option. Although this design would allow the fill nozzle to be fully inserted and sealed, the spout would extend at least three inches into the fuel tank. In this position the nozzle's automatic shut-off mechanism would stop the flow of gasoline well before the tank was full. Therefore in order to completely fill the tank, the nozzle would have to be unsealed and withdrawn so as to allow the continued flow of gasoline. In addition, since the automatic shut-off would occur very quickly (after dispensing one to three gallons of fuel), it is not likely that the operator would fully insert and seal the nozzle in the first place. Nevertheless, this option of relocating the fuel tank opening does appear to comply with the California fill pipe and opening specifications, and nothing prohibits a manufacturer from implementing this approach. Of all the suggested solutions for motorcycles, relocating the fuel tank opening is technologically the easiest and least expensive method.

It should also be noted that if a motorcycle manufacturer does not plan to make any changes to the fuel tank prior to the 1980 model year, under Executive Order G–70–3 the manufacturer will not have to comply with the fill pipe specifications. Furthermore, even if changes to the fuel tank are planned prior to the 1980 model year, a motorcycle manufacturer may apply to the CARB for an exemption from the fill pipe specifications.

Based upon all the information available to me, I cannot conclude that with respect to motorcycles the technology required to achieve compliance with the California fill pipe specifications cannot be developed and applied by the 1978 model year.

*Objections to granting the waiver.* Representatives of the Chrysler Corporation objected to the entire regulatory approach taken by the CARB in the area of fill pipe specifications. See Tr. at 336–39, 341–43. Specifically, Chrysler felt that that provisions for exemptions and waivers specified in Executive Orders G–70–1 and G–70–3 did not permit any realistic determination of available lead time to be made by the Administrator, as is required for consistency with section 202(a) of the Act. Chrysler took the position that a determination as to lead time must be made on an industry-wide basis, as opposed to individual manufacturers seeking exemptions for various model years from the CARB if certain criteria are met.

Additional questions were raised at the public hearing concerning whether, in granting this waiver, the Administrator would effectively be improperly transferring to the Executive Officer of the CARB the responsibility to determine whether adequate lead time exists. See Tr. at 301, 325–27, 361. On the other side, however, both Ford and General Motors stated that the executive orders represented a reasonable, flexible, and cost effective way of implementing the fill pipe specifications. See Tr. at 301–02, 362–63. As noted earlier, these executive orders solve what would otherwise be serious lead time problems.

After careful consideration of this issue, I find that I cannot agree with Chrysler's position. The implementation of the fill pipe specifications through the executive orders does not prevent me from making the required determination regarding lead time. The criteria for an exemption under Executive Order G–70–3, which relates compliance to required scheduled changes to the bumper and body panel surrounding the fill pipe, are sufficiently definite such that reasonable decisions regarding available lead time can be made for each manufacturer. See Tr. at 301–03, 343, 361–63. The unambiguous nature of these criteria prevents excessive discretion from being given to the Executive Officer of the CARB. Executive Order G–70–3 represents a sensible mechanism for achieving full compliance with the fill pipe specifications at the earliest possible date, while at the same time recognizing the realities of the motor vehicle production process and giving consideration to the economic factors involved. This executive order minimizes the impact that compliance with the specifications will have on motor vehicle manufacturers.

Various objections to this waiver request on behalf of the motorcycle industry were raised by the Motorcycle Industry Council and the Yamaha International Corporation, who contended that motorcycles should be excluded as a class from compliance with the fill pipe specifications. The Motorcycle Industry Council discussed the reasons why motorcycle fuel tanks were unsuited to developing any effective method for recovering gasoline vapors during refueling. See Tr. at 380–89. Yamaha presented data which demonstrated the extremely small contribution to air pollution caused by hydrocarbon vapors escaping from motorcycle fuel tanks during refueling, and discussed the cost effectiveness of compliance with the fill pipe specifications. See Tr. at 397–402. However, I have concluded that I cannot deny the requested waiver with respect to motorcycles on these grounds. As explained in detail in the previous waiver decision concerning motorcycle exhaust emission standards, 41 FR 44209 (October 7, 1976), arguments concerning the wisdom of California's actions, the cost effectiveness of compliance with the fill pipe specifica-

tions and the degree of improvements in air quality that will result, are all outside my permissible scope of inquiry. These matters are questions of public policy, which are left to California's judgment. As discussed earlier, questions concerning the effectiveness of the available technology are also within this category.

*Deferment of Federal Standards.* In the past year EPA has done preliminary work on developing Federal standards for fill pipes and openings. EPA has informally advised the affected industry that such Federal standards would not be issued if California adopted standards adequate for Federal purposes and if the industry utilized designs on a nationwide basis that comply with such standards.

On the assumption that the California specifications subject to this waiver are utilized by the manufacturers of gasoline-fueled light duty vehicles and light duty trucks on the same schedule as has been required in the State of California, EPA will indefinitely defer the issuance of Federal standards for these vehicles' fill pipes and openings. Should the nationwide compliance of these manufacturers obviate the need for the promulgation of Federal standards, such rulemaking will be foregone completely. EPA will monitor plans for utilization of filler-inlet designs on non-California vehicles and determine at some future date whether Federal action on this matter is necessary.

*Findings.* Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I hereby make the following findings.

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles.

2. The California fill pipe and opening specifications for 1977 and subsequent model year gasoline-powered motor vehicles are more stringent than applicable Federal standards, since no Federal standards are currently in effect.

3. Compelling and extraordinary condition continue to exist in the State of California. The State oxidant pollution problem remains the worst in the nation. The testimony of the representatives of the CARB revealed that unless a virtual shutdown of Los Angeles is assumed, no current projections indicate that compliance with the ambient air quality standards can be achieved for California's South Coast Air Basin, a region which contains five percent of the nation's population.

4. With respect to all 1977 and subsequent model year gasoline-powered motor vehicles, I cannot find that the California fill pipe and opening specifications, and accompanying enforcement procedures, are not consistent with section 202(a) of the Clean Air Act. Taking into account the cost of compliance, I find that the requisite technology is currently available and that there appears to be adequate lead time to permit the application of this technology so as to achieve compliance with the California requirements as implemented by Executive Orders G–70–1 and G–70–3.

## IV. Decision

Based upon the above discussion and findings, I hereby waive application of section 209(a) of the Act to the State of California with respect to section 2290 of Title 13, California Administrative Code, and "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks," dated March 19, 1976, as amended August 5, 1976, as implemented by Executive Order G–70–1, dated July 27, 1976, and Executive Order G–70–3, dated August 25, 1976, for all 1977 and subsequent model year gasoline-powered motor vehicles.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95814.

Dated: December 30, 1976.

Russell E. Train,
*Administrator.*

[FR Doc.77–655 Filed 1–6–77;8:45 am]

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[FRL 668–4]

## EMISSION STANDARDS FOR NEW LIGHT DUTY TRUCKS

### Availability of Final Environmental Impact Statement

Pursuant to the EPA procedures for the Voluntary Preparation of Environmental Impact Statements (39 FR 37419), the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the Emission Standards for New Light Duty Trucks.

The EPA has set more stringent emission standards for new light duty trucks, and has enlarged the current light duty truck class to include trucks up to 8500 pounds gross vehicle weight rating (GVWR). The emission standards which apply to trucks up to 8500 pounds GVWR are 1.7 grams/mile (g/m) hydrocarbons, 18 g/m carbon monoxide and 2.3 g/m oxides of nitrogen. The EPA has set these standards for 1979 and later model year light duty trucks.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on December 29, 1976. These standards become effective February 11, 1977 (see 41 FR 56316).

Copies of the FEIS are available for review and comment from: Public Information Center (PM–215), U.S. Environmental Protection Agency, Washington, DC 20460 (telephone: 202–755–0707).

Copies of the FEIS are available for public inspection at the following location:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.

Information copies of the FEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036. Please reference ELR No. 61793.

Copies of the FEIS have been sent to various Federal, State, and local agencies as well as interested individuals who made substantive comments on the draft EIS as outlined in the CEQ guidelines or who requested a copy of the FEIS.

Dated: January 4, 1977.

Rebecca W. Hammer,
*Director,*
*Office of Federal Activities.*

[FR Doc.77–653 Filed 1–6–77;8:45 am]

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[FRL 668–5]

## WASTEWATER TREATMENT FACILITIES, NORMAN, OKLAHOMA

### Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Wastewater Treatment Facilities, Norman, Oklahoma.

The City of Norman, Cleveland County, Oklahoma has received Federal Grant Assistance for the enlargement and upgrading of the existing sewage treatment plant, enlargement of several existing lines that are overloaded and extension of sewage collection facilities into areas outside the presently urbanized sections of the city. All of the facilities have been completed with the exception of that portion of the grant which would extend service outside the urbanized area and would replace five oxidation ponds and two lift stations.

The DEIS was transmitted to the Council on Environmental Quality (CEQ) on December 27, 1976. In accordance with CEQ's notice of availability, comments are due on February 21, 1977. Copies of the DEIS are available for review and comment from:

Mr. Clinton Spotts, Regional EIS Coordinator, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270 (telephone: 214 749–1236).

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region VI Library, 28th Floor, First International Building, 1201 Elm Street, Dallas, Texas 75270.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.

Information copies of the DEIS are available at cost (10 cents/page) from

the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036. Please reference ELR No. 61789.

Copies of the DEIS have been sent to various Federal, State and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: January 4, 1977.

REBECCA W. HANMER,
*Director,*
*Office of Federal Activities.*

[FR Doc.77-654 Filed 1-6-77;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

#### Iowa Public Service Company's Maynard Generating Station Powerplant 14; Negative Determination of Environmental Impact

Pursuant to 10 CFR 208.4 and 305.9, the FEA hereby gives notice that it has performed an analysis and review of the environmental impact of the proposed issuance of a Notice of Effectiveness for the prohibition order to Iowa Public Service Company's Maynard Generating Station, Powerplant 14.

On June 30, 1975, the FEA issued a prohibition order to the above-listed powerplant which prohibited the powerplant from burning natural gas or petroleum products as its primary energy source. The prohibition order provided, however, that in accordance with the requirements of 10 CFR Parts 303 and 305, the order would not become effective until either, (1) The Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that a particular powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119, or (2) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that a particular powerplant will be able to comply with all applicable air pollution requirements under section 119 of that Act; and, until FEA has performed an analysis of the environmental impact of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 305.9, and has served the powerplant the Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7(b).

The FEA has analyzed and reviewed the effect on the human environment of issuance of the Notice of Effectiveness, and has determined it is clear that issuance of a Notice of Effectiveness for the prohibition order to the above listed powerplant is not a "major Federal action significantly affecting the quality of the human environment." National Environmental Policy Act at 42 U.S.C. 4332(2)(C). Therefore pursuant to 10 CFR 208.4(c) FEA has determined that an environmental impact statement is not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessment upon which it is based are available upon request from the FEA Office of Communications and Public Affairs, Room 2140, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue, N.W., Washington, D.C.

Interested persons are invited to submit data, views, or arguments with respect to the negative determination and the associated environmental assessment to Executive Communications, Box, KA, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Negative Determination—Proposed NOE to Iowa Public Service Company's Maynard Generating Station, Powerplant 14." Fifteen copies should be submitted on or before January 27, 1977.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., December 29, 1976.

ERIC J. FYGI,
*Acting General Counsel,*
*Federal Energy Administration.*

[FR Doc.77-620 Filed 1-4-77;3:48 pm]

### RATE DESIGN INITIATIVES SUBCOMMITTEE OF THE STATE REGULATORY ADVISORY COMMITTEE

#### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat 770), notice is hereby given that the Rate Design Initiatives Subcommittee of the State Regulatory Advisory Committee will meet Monday, January 31, 1977, at 9:30 a.m., Room 3000A, FEA Headquarters Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C.

The objectives of this Subcommittee are to advise FEA on its preparation and analysis of electric utility rate design proposals which are to be submitted to the Congress pursuant to Title II, Section 203, Pub. L. 94-385, Energy Conservation and Production Act.

The agenda for the meeting is as follows:

1. FEA presentation of status report on preparation of the February 14 submittal to Congress and the Quantitative modeling contract.
2. Subcommittee discussion—current efforts, future needs.
3. Comments from the general public.

The meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 566-7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection and copying in the FEA Freedom of Information Office, Room 2107, FEA Headquarters, 12th & Pennsylvania Avenue, N.W., Washington, D.C.

Issued at Washington, D.C. on January 4, 1977.

MICHAEL F. BUTLER,
*General Counsel.*

[FR Doc.77-621 Filed 1-4-77;3:49 pm]

## FEDERAL MARITIME COMMISSION

### SECURITY FOR THE PROTECTION OF THE PUBLIC

#### Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provision of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Aegean Cruises, S.A., c/o Epirotiki Lines, Inc., 608 Fifth Avenue, New York, New York 10020.

Dated January 4, 1977.

FRANÇIS C. HURNEY,
*Secretary.*

[FR Doc.77-623 Filed 1-6-77;8:45 am]

### SECURITY FOR THE PROTECTION OF THE PUBLIC

#### Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate [Performance]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 9-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Aegean Cruises, S.A., c/o Epirotiki Lines, Inc., 608 Fifth Avenue, New York, New York 10020.

Dated: January 4, 1977.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.77-624 Filed 1-6-77;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. G–17014, et al]

### CIMARRON TRANSMISSION COMPANY, ET AL

### Filing of Pipeline Refund Reports and Refund Plans

DECEMBER 29, 1976.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket numbers, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 14, 1977. Copies of the respective filings are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

*Appendix*

| Company | Date of filing | Type of filing | Docket No. |
|---|---|---|---|
| Cimarron Transmission Co | June 7, 1976 | Report | G–17014. |
| Consolidated Gas Supply Corp | Nov. 22, 1976 | Plan | RP72–157. |
| Do | May 19, 1976 | do | RP72–157. |
| Mid-Louisiana Gas Co | Nov. 26, 1976 | Plan (revised) | AR67–1. |
| Northwest Pipeline Corp | Dec. 8, 1976 | Plan | RP74–95. |
| Southern Natural Gas Co | Aug. 2, 1976 | do | AR67–1, et al. |
| South Texas Natural Gas Gathering Co | Oct. 4, 1976 | do | AR64–2, et al. |
| Texas Eastern Transmission Corp | Nov. 29, 1976 | Report | RP70–29, et al. |
| Do | July 29, 1976 | Plan | AR64–2, et al., AR67–1, et al. |
| Texas Gas Transmission Corp | Nov. 15, 1976 | Report | RP76–17. |
| Transcontinental Gas Pipe Line Corp | Aug. 3, 1976 | Plan | RP73–3. |
| Columbia Gas Transmission Corp | Nov. 10, 1976 | Report | RP73–65. |

[FR Doc.77–495 Filed 1–6–77;8:45 am]

[Docket No. CI77–149]

### GULF OIL CORP.

### Application for Abandonment Authorization [1]

DECEMBER 30, 1976.

Take Notice that the Applicant 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 amendment whch are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 10, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time herein, if the Commission on its own review of the matter finds that an abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[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 ft³ | Pressure base |
|---|---|---|---|---|
| CI77-149..... (G-6813) B 12-12-76 | Gulf Oil Corp., P.O. Box 3725, Houston, Tex. 77001. | Michigan Wisconsin Pipe Line Co., Cameron Field, Cameron Parish, La. | (1) | ..... |

[1] Gulf to terminate deliveries to MichWis and to commence deliveries of this supply of gas to Texas Eastern Transmission Corp., under Gulf's rate schedule No. 278. Gulf states that its contract dated Nov. 6, 1953, was for a period from June 1, 1953, to June 1, 1976, at which time the contract terminated by its own terms.

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.

[FR Doc.77-494 Filed 1-6-77;8:45 am]

[Docket No. CS71-1134, et al]

## REX MONAHAN, ET AL

### Applications for "Small Producer" Certificates [1]

DECEMBER 30, 1976.

Take notice that each of the Applicants listed herein has failed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications 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 application should on or before January 17, 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 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

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 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 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 be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

| Docket No. | Date Filed | Applicant |
|---|---|---|
| CS71-1134.. (G-5077). | Nov. 26, 1976 | Rex Monahan, Room 12 I. & M. Bldg., Sterling, Colo. |
| CS75-470.. | Oct. 26, 1976 | Texas Oil & Gas Corp., et al., 730 15th St., NW., Washington, D.C. 20005. |
| CS76-233.. (CS72-1026). | Dec. 2, 1976 | Barber Oil Exploration, Inc., One Shell Plaza, Houston, Tex. 77002. |
| CS76-889.. | Dec. 6, 1976 | J. K. Fortner and William A. Snyder, d/b/a Kembill Oil Co., 3701 22d St., Great Bend, Kans. 67530. |
| CS77-164.. | Dec. 8, 1976 | Jar Timber Corp., 3635 Lemmon Ave., Suite 303, Dallas, Tex. 75219. |
| CS77-165..... | do..... | James R. Sowell, 3635 Lemmon Ave., Suite 303, Dallas, Tex. 75219. |
| CS77-166.. | Dec. 9, 1976 | A. S. Edgerton, 50 California St., San Francisco, Calif. 94111. |
| CS77-167..... | do..... | Susan H. Smith, 2568 East Shore Place, Reno, Nev. 89509. |
| CS77-168.. | Dec. 10, 1976 | McCloskey Gas Co., 76 Liberty Lane, Huntington, W. Va. 25705. |
| CS77-169..... | do..... | Robinson Gas Co., et al., 76 Liberty Lane, Huntington, W. Va. 25705. |
| CS77-170..... | do..... | Pinnacle Co., 940 Experson Bldg., Houston, Tex. 77002. |
| CS77-171..... | do..... | John Loeb, 42 Wall St., New York, N.Y. 10005. |
| CS77-172..... | do..... | ENI Exploration Program—1975, 1401 Bank of California Center, Seattle, Wash. 98164. |
| CS77-173..... | do..... | Century Oil & Gas Co., P.O. Box 94010, Oklahoma City, Okla. |
| CS77-174.. | Dec. 13, 1976 | Royal Resources Exploration, Inc., 1660 South Albion St., Suite 505, Denver, Colo. 80222. |
| CS77-175..... | do..... | James W. Hines, Jr., 36 Linda Isle, Newport Beach, Calif. 92660. |
| CS77-176..... | do..... | John W. Ramsey, P.O. Box 173, Carter, Okla. 73627. |
| CS77-177..... | do..... | Thomas H. Cleavenger, 112 South Michigan Ave., Chicago, Ill. 60603. |
| CS77-178..... | do..... | Rose Long McFarland, 1014 Mid-South Towers, Shreveport, La. 71101. |
| CS77-180..... | do..... | Albert S. Keston, c/o Aaron Shapiro, 1180 6th Ave., New York City, N.Y. 10036. |

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] This application is being renoticed to reflect that Texas Oil & Gas Corp., et al., acquired all of the outstanding common stock of Western Transmission Corp., a class C interstate pipeline company. Applicant requests a waiver of the Commission's regulations, sec. 157.40(a)(i), insofar as they might exclude from small producer status a producer that is affiliated with a jurisdictional pipeline company.

[2] Being renoticed to reflect that the sales which were being made on Nov. 11, 1976, under MACPET's (McKnight Petroleum Trust) small producer certificate issued in docket No. CS72-1026, are henceforth made by Barber Oil Exploration, Inc., under a small producer certificate issued in docket No. CS76-233.

[FR Doc.77-493 Filed 1-6-77;8:45 am]

# FEDERAL RESERVE SYSTEM

## FEDERAL OPEN MARKET COMMITTEE

### Domestic Policy Directive of November 16, 1976

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on November 16, 1976.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services in the fourth quarter may be falling somewhat below the third-quarter rate. In October retail sales increased little following a decrease in September. Industrial production and employment in manufacturing declined, in part because of strikes. After adjustment for strikes, total payroll employment in manufacturing establishments rose somewhat further. According to household survey data, the unemployment rate edged up from 7.8 to 7.9 per cent. The wholesale price index for all commodities rose less rapidly in October than in September as average prices of farm products and foods declined; however, average prices of industrial commodities rose sharply further. The advance in the index of average wage rates over recent months has remained somewhat below the rapid rate of increase during 1975.

The average value of the dollar against leading foreign currencies has remained steady in recent weeks, declining slightly against the German mark and associated European currencies but rising against the pound sterling and the lira. In September the U.S. foreign trade deficit widened again, and the third-quarter deficit was about double the average of the first two quarters of 1976.

$M_1$, which was about unchanged in September, expanded sharply in October. Growth in $M_2$ and $M_3$ accelerated as inflows of the time and savings deposits included in these broader aggregates continued exceptionally strong. Interest rates have fluctuated in a narrow range in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continued economic expansion, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the period ahead.

By order of the Federal Open Market Committee, December 29, 1976.

MURRAY ALTMANN,
*Deputy Secretary.*

[FR Doc.77-607 Filed 1-6-77;8:45 am]

## BANCO UNION, C.A.; CONSORCIO FINANCIERO UNION, S.A. AND UNION INTERNATIONAL CORP.

### Order Approving Formation of Bank Holding Companies

Banco Union, C.A., Caracas, Venezuela ("Banco Union"); Consorcio Financiero

[1] The Record of Policy Actions of the Committee for the meeting of November 16, 1976, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Union, S.A., Caracas, Venezuela ("Consorcio Financiero"); and Union International Corporation, Wilmington, Delaware ("Union International") have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of bank holding companies through acquisition directly or indirectly of all of the voting shares (less directors' qualifying shares) of Union Chelsea National Bank, New York, New York ("Bank"). Bank, a new bank recently chartered by the Comptroller of the Currency, proposes to purchase assets and assume liabilities of Chelsea National Bank, New York, New York ("Chelsea Bank").[1] Bank would be the successor to Chelsea Bank and, accordingly, the proposed acquisition of voting shares of Bank is treated herein as the proposed acquisition of the voting shares of Chelsea Bank. Union International proposes to acquire all of the voting shares of Bank. Banco Union would own 10 per cent of the shares of Union International; however, as a result of a voting agreement entered into with Consorcio, it would have the power to vote an additional 15 per cent of the shares of Union International.[2] Consorcio Financiero would own 90 per cent of the shares of Union International,[3] but as a result of the voting agreement would have the power to vote only 75 per cent of Union International shares.

Notice of the applications has been given to the Comptroller of the Currency in accordance with section 3(b) of the Act. The Comptroller has recommended approval of the applications. Published notice of the applications has been dispensed with because of the emergency situation that exists. Such notice is not required by the Act. The Board has considered the applications and the comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Banco Union, a Venezuelan commercial bank with total assets of approximately $1.1 billion and total deposits of approximately $1 billion, is the second largest commercial bank in Venezuela. Banco Union has 82 offices located throughout Venezuela and has two overseas offices, including an agency in New York City. Consorcio Financiero is a holding company with substantially the same shareholders as Banco Union and was formed to hold interests in mortgage banking and other companies formerly held by Banco Union. Consorcio Financiero has total assets of approximately $12.7 million. Union International is a United States company that has been formed for the purpose of holding the shares of Bank. Upon acquisition of Bank (deposits of approximately $28 million), Applicants would control .02 per cent of deposits in commercial banks in the State of New York.[4]

Chelsea Bank, whose assets and liabilities are to be acquired by Bank, is the 78th largest of 122 banking organizations in the relevant market.[5] Because of the nature of the business conducted at Banco Union's New York agency and the large number of intervening banks, it does not appear that any meaningful competition would be eliminated as a result of the proposal. On the other hand, consummation of the proposals should have a salutary effect on competition by restoring Chelsea Bank to a condition whereby it will be able to compete with other banking organizations in the market. On the basis of the record, the Board concludes that consummation of the proposals would not have a significant adverse effect on existing or potential competition in any relevant area and that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of Banco Union are regarded as generally satisfactory. Similar considerations with respect to Consorcio Financiero and Union International appear to be consistent with approval of the subject applications. Bank's financial resources and future prospects, absent consummation of the instant proposals, are unsatisfactory and additional funds are needed in order for Bank to be able to continue its operations. In this connection, Banco Union has agreed to directly or indirectly inject $6 million of additional capital into Bank. In addition, Banco Union will make a $6 million line of credit available to Union International to enable Union International to make such additional capital investments in Bank as may be necessary. Thus, banking factors lend weight toward approval of the applications. Although there will be no immediate change or increase in the services offered by Bank, consummation of the proposed transactions would preserve Bank as an alternative source of banking services. Thus, convenience and needs considerations lend significant weight toward approval of the applications. Accordingly, it is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the applications should be approved.

Pursuant to section 4(a)(2) of the Act, Applicants would have two years from the date on which they become bank holding companies in which to divest direct or indirect ownership or control of any companies engaged in impermissible nonbanking activities. Under section 4(c)(9) of the Act and section 225.4(g) of Regulation Y [12 CFR 225.4(g)] issued pursuant thereto, a "foreign bank holding company," as defined in the regulation,[6] is eligible for certain exemptions from the nonbanking prohibitions of the Act. Specifically, a foreign bank holding company may, without the Board's prior specific consent, retain and acquire shares of any company that is not engaged, directly or indirectly, in any activities in the United States except as shall be incidental to the international or foreign business of such company. It appears that Banco Union would qualify as a foreign bank holding company upon consummation of the proposed transactions. Based on the available information, however, it does not appear that Consorcio Financiero, as persently constituted, would qualify as a foreign bank holding company. Unless Consorcio Financiero can demonstrate to the Board that it is a "foreign bank holding company," and thus qualifies for the exemption of section 4(c)(9), it must, within two years of the date on which it becomes a bank holding company, either reduce its investments in foreign companies to less than 5 percent[7] or apply to the Board to retain its foreign investments pursuant to section 4(c)(13) of the Act.[8]

While Banco Union and Consorcio Financiero are primarily engaged in activities outside the United States, Banco Union presently owns 39 percent, and Consorcio Financiero owns 45 percent, of the voting shares of Administradora

[1] The Comptroller has declared that an emergency exists with respect to the condition of Chelsea Bank and, acting pursuant to 12 U.S.C. section 181, waived the requirement that the owners of two-thirds of Chelsea Bank's stock vote to approve the transaction.

[2] Banco Union has undertaken to apply to the proper Venezuelan authorities for permission to acquire all of the shares of Union International.

[3] Both Banco Union and Consorcio Financiero have agreed to maintain the voting agreement regarding 15 per cent of the shares of Union International, until the Board consents to termination of the arrangement.

[4] All banking data are as of December 31, 1975, unless otherwise indicated.

[5] The metropolitan New York market, the relevant geographic market for purposes of analyzing the competitive effects of the subject proposal, is defined to include the five boroughs of New York City, Nassau County, Westchester County, Putnam County, Rockland County, and western Suffolk County in New York, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, plus southwestern Fairfield County in Connecticut. Chelsea Bank's rank in the market is as of June 30, 1975.

[6] Section 225.4(g)(1)(iii) defines "foreign bank holding company" as a bank holding company "organized under the laws of a foreign country, more than half of whose consolidated assets are located, or consolidated revenues derived, outside the United States."

[7] Pursuant to section 4(c)(6) of the Act a bank holding company may hold up to 5 per cent of the outstanding voting shares of nonbanking companies.

[8] Bank holding companies that do not qualify as foreign bank holding companies under § 225.4(g) of Regulation Y must apply to retain or acquire shares of foreign companies under § 225.4(f) of Regulation Y implementing § 4(c)(13) of the Act. In general, under § 225.4(f) of Regulation Y, domestic bank holding companies are limited to owning and controlling shares of foreign companies that are engaged in international or foreign banking and other foreign or international financial operations. In contrast, under § 4(c)(9), a foreign bank holding company can own and control shares of any foreign company, regardless of the activities the company is engaged in, so long as it is only engaged in incidental activities in the United States.

Union, a Venezuelan company which indirectly engages in real estate management activities in the United States through its wholly-owned subsidiary Administradora Union Management Corp., Coral Gables, Florida ("Management Company"). It does not appear that any of the exemptive provisions of section 4 of the Act, including section 4(c)(9), are applicable to Applicants' indirect investments in Management Company. In accordance with section 4(a)(2) of the Act, Banco Union and Consorcio Financiero have agreed to, within two years from the date on which they become bank holding companies, either divest their ownership of shares of Management Company or Management Company will cease its United States activities.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[*] effective December 31, 1976.

THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.77-604 Filed 1-6-77;8:45 am]

## FIRST MARYLAND BANCORP

### Order Approving Acquisition of Bank

First Maryland Bancorp, Baltimore, Maryland ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent of the voting shares of The Hancock Bank, Hancock, Maryland ("Bank"). Subsequent to consummation of the proposed transaction, Applicant intends to merge Bank into Applicant's sole subsidiary bank, in the event the Comptroller of the Currency approves an appropriate application under the Bank Merger Act (12 U.S.C. 1828(c)).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of Mr. Donald Wolpe, a former stockholder of Bank ("Protestant"), and the Department of Licensing and Regulation of the State of Maryland (which recommended approval of the application), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

[*] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, and Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Partee.

Applicant, the third largest banking organization in Maryland, controls deposits of approximately $932 million, representing 10.7 percent of total deposits in commercial banks in the state.[1] Acquisition of Bank (deposits of $9.5 million) by Applicant would increase Applicant's share of deposits in the state by 0.1 percent and would not alter Applicant's rank among other banking organizations in the State of Maryland.

Bank's sole office is located in Hancock, Maryland. Hancock is located in Washington County, Maryland, and is only one-half mile north of the West Virginia-Maryland border and one mile south of the Pennsylvania-Maryland border. Protestant contends that the relevant geographic market in which to assess the competitive effects of the proposed acquisition is approximated by Washington County, Maryland. Washington County includes Hagerstown, where six branches of Applicant's only subsidiary bank, The First National Bank of Maryland, Baltimore, Maryland, are located. To support his contention that Hagerstown and the city of Hancock, where Bank is located, are in the same market, Protestant asserts that the two are approximately 25 miles apart and are connected by several roads including a four lane interstate highway. These roads are the only route from eastern Maryland to its four western counties. Protestant characterizes Hancock as a suburb of Hagerstown, and asserts that approximately 10 percent of its workers are employed in Hagerstown. Further, he notes that a large shopping center is located near the Hagerstown exist on the above-mentioned interstate highway and that Hancock residents visit the shopping center and travel to Hagerstown to shop or for entertainment. Finally, noting that standard metropolitan statistical areas ("SMSAs") are often used as the basis for analysis of geographic markets, Protestant states that a publication widely used by advertising and marketing managers treats Washington County as a potential SMSA. According to this source, 80 percent of the metropolitan areas that it has deemed potential SMSAs in the past eventually have been officially designated SMSAs.

In light of Protestant's assertions, the Federal Reserve Bank of Richmond conducted a field study of the Hancock and Hagerstown areas in order to define the relevant market. This study and other information of record indicate the following: Approximately 83 percent of the total dollar volume of Bank's demand deposits originates within a nine mile radius of Hancock. Hancock is approximately 27 miles west of Hagerstown. The two are connected primarily by a two lane highway, U.S. 40, and a four-lane highway, Interstate 70. U.S. 40 merges with Interstate 70 approximately 19 miles west of Hagerstown. The area west of Hagerstown beyond Clear Spring, Maryland (located approximately eight miles to the west of Hagerstown) is mountainous, sparsely populated, and unsuited for development. Although there has been some development immediately to the west of Hagerstown, the majority of growth has been directed to the north, south and east. Similarly, banking and business development in the Hancock area has been concentrated on a north-south axis. Of the banks outside of Hancock, the bank located closest to Hancock is five miles to the south in Berkeley Springs, West Virginia. In the area separating Hancock and Berkeley Springs is a large manufacturing plant. Most of the other businesses in the Hancock area are located on the road to Berkeley Springs, in Hancock itself, or to the north along Interstate 70.[2] Data generated by the Washington County Economic Development Commission ("Development Commission") indicates that the County's Planning Sector VI, which encompasses the Hancock area and consists of the westernmost 15 miles of Washington County, is the only sector of the county that experienced a decline in population between 1960 and 1970. The total population decrease for Sector VI during that period was 5.5 percent. By contrast, the population of the sector centered around Clear Spring increased by 7.7 percent.

The Development Commission has no information regarding commuting patterns in the County.[3] Officers of three Hagerstown banks that are major competitors of Applicant's subsidiary bank's branches in Hagerstown have stated that their respective banks derive little business from the Hancock area,[4] and thus it does not appear that a significant portion of Hancock consumers of banking services turn to Hagerstown banks for those services (other than for loans in excess of the lending limits of the Hancock banks). All three officers regarded Hancock as being outside of their market and felt that Applicant's proposed acquisition of Bank would have no competitive impact on their respective banks. Each of these bankers felt that their primary competitors, outside of the banks in Hagerstown itself, were located in southern Franklin County, Pennsylvania, in an area ten to 15 miles north of Hagerstown, and thus two of these bankers have recently opened, or are in the process of opening, branch offices north of Hagerstown. Accordingly, it does not appear that the proposed acquisition, if consummated, would have a direct or immediate effect upon competition in Hagerstown.

On the basis of the above and other information of record, the Board concludes that Hancock is located in a banking market separate from Hagerstown. The best approximation of the Hancock

[1] Unless otherwise indicated, all banking data are as of December 31, 1975.

[2] Interstate 70 turns north at Hancock.

[3] Even if Protestant's unsubstantiated assertion that 10 percent of Hancock's workforce is employed in Hagerstown is accepted, it would be insufficient to establish that Hancock and Hagerstown are in the same market.

[4] As discussed below, Applicant also derives little banking business from the Hancock area.

Banking Market appears to be the western portion of Washington County (excluding Clear Spring) and the northern half of Morgan County, West Virginia, including Berkeley Springs (approximately five miles south of Hancock). The Hagerstown Banking Market is approximated by the remainder of Washington County and the extreme southern portion of Franklin County, Pennsylvania.[5]

Bank, with deposits of $9.5 million, is the second largest of three banks in the Hancock market and holds 30.0 percent of the total deposits in commercial banks in that market.[6] Applicant, with total deposits of $69.9 million in the Hagerstown market, is the largest of 16 banking organizations in that market, and controls 18.6 percent of market deposits.[7] Five other banks in the market have deposits in excess of $30 million.

Bank's sole office is located 25 miles west of the closest branch of Applicant's subsidiary bank. Both Applicant and Bank currently derive negligible amounts of business from the service area[8] of the other. Applicant's subsidiary bank's Hagerstown offices acquire approximately 0.5 percent of their deposits and 0.7 percent of their loans from Bank's service area, while Bank derives approximately 2.8 percent of its deposits and 9.0 percent of its loans from Applicant's subsidiary bank's service areas throughout the state. These figures represent less than two percent in each case of the loans and deposits outstanding in the Hancock market and in the Hagerstown market and suggest that there is little existing competition between Applicant and Bank. On balance the Board concludes that the effects of the proposed transaction on existing competition would, at most, be slightly adverse and that there would be no adverse effects on the concentration of banking resources in any relevant area.

Protestant suggests that the Hancock area would not be attractive for de novo entry by a new bank unaffiliated with a bank holding company, but that de novo entry into the Hancock area could prove profitable for a bank holding company with an established Washington County presence such as Applicant. Moreover, Protestant argues, allowing Applicant to enter the Hancock market will discourage other banks from entering that market and will place the "remaining small competitior"[9] in Hancock in competition with Applicant's much larger organization.

The Board is unable to conclude that the Hancock market is attractive for de novo entry generally or in the manner described by Protestant. The median family income of the Hancock market in 1970 was $7,100. This figure compares unfavorably with the $8,800 median for the Hagerstown market and the State median of $11,100. More significantly, the population per banking office in the State is approximately 5,200, whereas the Hancock market has only approximately 1200 people per banking office. Coupling this income and population data with the Hancock market's declining population suggests that the market is quite unattractive for de novo entry. This data also undermines Protestant's tacit assumption that State and Federal bank chartering authorities would readily grant an application to open either a branch office or a new bank in the Hancock market. With regard to Protestant's assertion that consummation of the proposed transaction will discourage entry by others, it is the Board's judgment that Applicant's acquisition of Bank will not raise significant additional barriers to de novo entry in view of the fact that the market is already quite unattractive for such entry. In view of the unattractiveness of the Hancock market for de novo entry, it does not appear that Applicant is a potential entrant into the market other than by acquisition of Bank.[10] Thus, it does not appear that consummation of the proposed acquisition would eliminate a substantial prospect for potential competition between Applicant and Bank.[11]

The financial and managerial resources of Applicant and its subsidiaries are satisfactory and their future prospects appear favorable. The financial resources of Bank are also satisfactory and its future prospects are favorable. It appears, however, that the managerial strength of Applicant could be a significant benefit for Bank and the Board concludes that banking factors lend some weight toward approval of the application.

With regard to the convenience and needs of the community to be served, Protestant states that there is generally no need in the Hancock area for the additional services Applicant proposes to offer. Applicant has submitted additional information regarding these matters and it appears that residents of the Hancock market will benefit from the addition of higher lending limits,[12] trust services, individual retirement accounts, and credit card services, all currently unavailable from Hancock area banks. Accordingly, the Board concludes that considerations related to the convenience and needs of the community to be served lend weight toward approval of the application. Any slight anticompetitive effects associated with the proposed transaction are clearly outweighed by convenience and needs considerations and the Board finds that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[13] effective, December 29, 1976.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc.77-606 Filed 1-6-77;8:45 am]

[5] Although Protestant asserts that Washington County is the relevant market, complete application of Protestant's rationale for placing Hancock and Hagerstown in the same banking market would require the inclusion of additional banks in Franklin County, Pennsylvania, all of the banks in Martinsburg, West Virginia, and several banks in Frederick County, Maryland. Applicant's share of such a market would approximate seven percent and Bank's would approximate 0.9 percent. In view of Bank's size and the small amount of competition presently existing between Applicant and Bank, an acquisition of Bank by Applicant if such were the relevant market would not have significant adverse effects on either existing or potential competition or market concentration.

[6] As of June 30, 1975.

[7] As of June 30, 1975.

[8] A service area is that geographic area contiguous to an office from which approximately 80 percent of the dollar amount of that office's deposits from individuals, partnerships, and corporations is derived.

[9] Protestant's reference to the "remaining small competitor" in Hancock ignores the existence of the third (and largest) bank in the Hancock market which is located five miles to the south of Hancock in Berkeley Springs, West Virginia.

[10] Protestant's reliance on Old Kent Financial Corp./National Lumberman's Bank and Trust Co., 60 *Fed. Res. Bull.* 133 (1974), reconsideration 61 *Fed. Res. Bull.* 247 (1975) (denied on competitive grounds), is misplaced. In that case the Board found the relevant market to be capable of supporting *de novo* entry and Old Kent was regarded as a likely *de novo* entrant. Old Kent was located in an adjacent market in which its market share was 49 percent, as opposed to Applicant's 18.6 percent.

Western Michigan Corp./First National Bank of Cassopolis, 62 *Fed. Res. Bull.* 624 (1976) and Alabama Bancorporation/Muscle Shoals National Bank, 61 *Fed. Res. Bull.* 672 (1975), also cited by Protestant, are inapplicable as in each of those cases the Applicant was located in the same market as the bank to be acquired.

[11] The record in this matter does not indicate whether the smallest bank in the Hancock market is available for acquisition by Applicant. While such availability might initially seem probative of the feasibility of foothold entry into the market, the facts that the smallest bank holds deposits of $8.3 million compared to Bank's $9.2 million, that the market share of the smallest bank is 26.8 percent while Bank's is 30 percent, and that the smallest bank operates two offices in the market to Bank's one, resolve the foothold entry question in favor of Applicant.

[12] Bank is presently prohibited by law from making loans in excess of $55,000. The legal lending limit of Applicant's subsidiary bank is approximately $8 million. As indicated above, each of the three Hagerstown competitors of Applicant's subsidiary bank has attempted to meet a need on the part of Hancock customers for loans exceeding the lending limits of the Hancock area banks.

[13] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson and Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Partee.

## MANUFACTURERS NATIONAL CORP.

### Order Approving Acquisition of Bank

Manufacturers National Corporation, Detroit, Michigan, a bank holding com-

pany within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of National Bank of Southfield, Southfield, Michigan ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Michigan, controls four banks with aggregate deposits of approximately $2.5 billion, representing 8.3 per cent of the total deposits held by commercial banks in Michigan.[1] Acquisition of Bank ($83.4 million in deposits) would increase Applicant's share of Statewide deposits to 8.6 per cent but would not change Applicant's ranking in the State.

Bank, a subsidiary of NBS Financial Corporation, Southfield, Michigan ("NBS"), a registered bank holding company now in the process of liquidating its assets, is located in a northwest suburb of Detroit in the Detroit banking market. Bank controls 0.5 per cent of the total deposits in commercial banks in the relevant market[2] and, were it an independent institution, would be the 18th largest of 38 banking organizations operating in the market.[3] Applicant is the third largest banking organization in the relevant market, controlling two banks (aggregate deposits of aproximately $2.4 billion) and 15.1 per cent of the commercial bank deposits in the market. Consummation of the proposal would increase Applicant's market share to 15.6 per cent.

In view of the already high level of banking concentration existing in the Detroit banking market (the four largest banking organizations control about 71.5 per cent of the deposits), the Board views with serious concern the increase in concentration that would result from the consummation of this proposal, and regards such an increase as a significantly adverse factor in its consideration of this application.

In addition to the effects of the proposal on banking concentration in the Detroit market, the Board is of the view that the proposal would have substantially adverse effects on existing competition between Applicant and Bank. Bank is headquartered in the Detroit suburb of Southfield wherein it operates five of its six banking offices; its other branch is located in a nearby township. Applicant has two subsidiary banks, including its lead bank, in the Detroit market, and many of their offices are located in close proximity to Southfield. Consequently, consummation of this proposal would eliminate a significant amount of existing competition within the Detroit market.

In view of the foreging discussion and based on the facts of record, the Board concludes that the competitive effects of the proposal are substantially adverse. Under the standards set forth in section 3(c) of the Bank Holding Company Act, it is clear that the Board may not approve the subject proposal unless the Board finds that "the anticompetitve effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served." In assessing such considerations in light of the facts surrounding this proposal, the Board finds that the anticompetitive effects are clearly outweighed in the public interest.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are considered satisfactory and consistent with approval of this application. Bank's financial and managerial resources, absent consummation of the instant proposal, are less than satisfactory, and its future prospects are uncertain. Bank has suffered losses in its operations and, lacking the internal capability of reversing the adverse trend, it appears unlikely that Bank will be able to continue as a viable organization in serving the public. Under this proposal, Applicant has agreed to inject capital of $2 million and to provide significant managerial assistance to Bank. These actions would assure bank's continued viability and the availability of Bank as a source of banking services in the Detroit banking market. While the Board would prefer a less anticompetitive acquisition as a means of assuring the continuation of Bank as a vehicle for serving the convenience and needs of the public, it appears that such an alternative is not readily available. Therefore, the Board views the improved financial prospects of Bank and the convenience and needs considerations as lending significant weight toward approval of the application and clearly outweighing the substantially adverse competitive effects that would result from consummation of the proposal. Accordingly, it is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective December 30, 1976.

THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.77-605 Filed 1-6-77;8:45 am]

[1] All banking data are as of December 31, 1975.

[2] The Detroit banking market is the relevant banking market and is approximated by Macomb, Oakland, and Wayne Counties.

[3] With its two subsidiary banks, NBS has aggregate deposits of approximately $118.1 million and is the fifteenth largest banking organization in the market with 0.7 per cent of the market's deposits.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, and Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Partee.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Alcohol, Drug Abuse, and Mental Health Administration

### ADVISORY COMMITTEES

#### Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of February 1977:

Epidemiologic Studies Review Committee: February 7–8; 9:00 a.m., Brent Room, Old Town Holiday Inn, 480 King Street, Old Towne Alexandria, Va. Open—February 7, 9:00–10:00 a.m. Closed—Otherwise. Contact Mrs. Lavinia Walsh, Parklawn Building, Room 10C–09, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3774

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in the field of epidemiology and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., February 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

* * * * *

DRUG ABUSE TRAINING REVIEW COMMITTEE

Date and time: February 14–16; 8:30 a.m.

Place: 8th Floor Conference Room, One Central Plaza, 11300 Rockville Pike, Rockville, Maryland.

Type of meeting: Open—February 14, 8:30–9:00 a.m.; Closed—Otherwise.

Contact: Ms. Sally Connell, Rockwall Building, Room 640, 11400 Rockville Pike, Rockville, Maryland 20852, 301–443–6720.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 8:30 a.m. to 9:00 a.m., February 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

COMMUNITY ALCOHOLISM SERVICES REVIEW COMMITTEE

Date and time: February 14-18; 9:00 a.m.
Place: Conference Room I, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—February 14, 9:00-10:00 a.m.; Closed—Otherwise.
Contact: Mr. Sidney Leopold, Room 14C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4983.
Purpose: The Committee provides initial review of applications for community alcoholism services demonstration grants for the prevention of alcoholism and the treatment and rehabilitation of special population groups with drinking problems, such as cross-population, poverty, women and youth and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.
Agenda: From 9:00 a.m. to 10:00 a.m., February 14, the meeting will be open for discussion of administrative announcements. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

CRIME AND DELINQUENCY REVIEW COMMITTEE

Date and time: February 23-25; 9:00 a.m.
Place: Circle Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue, N.W., Washington, D.C.
Type of meeting: Open—February 23, 9:00-10:30 a.m.; Closed—Otherwise.
Contact: Carol Beall, Parklawn Building, Room 18C-04, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3728.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health interactions, and individual violent behavior and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:30 a.m., February 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

METROPOLITAN MENTAL HEALTH PROBLEMS REVIEW COMMITTEE

Date and time: February 24-25; 9:00 a.m.
Place: Cardinal Room, Holiday Inn, 1850 N. Fort Meyer Drive, Rosslyn, Virginia.
Type of meeting: Open—February 24, 9:00-9:30 a.m.; Closed—Otherwise.
Contact: Mrs. Phyllis Pinsow, Room 15-99, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3373.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to metropolitan mental health problems and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 9:30 a.m., February 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

JUVENILE PROBLEMS RESEARCH REVIEW COMMITTEE

Date and time: February 24-26; 9:00 a.m.
Place: Parlor A, The Burlington Hotel, Vermont Avenue at Thomas Circle, N.W., Washington, D.C.
Type of meeting: Open—February 24, 9:00-9:30 a.m.; Closed—Otherwise.
Contact: Mrs. Diana Souder, Parklawn Building, Room 10-104, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3566.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the developmental growth of juveniles and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 9:30 a.m., February 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

NEUROPSYCHOLOGY RESEARCH REVIEW COMMITTEE

Date and time: February 24-26; 9:00 a.m.
Place: Shenandoah Room, Ramada Inn, 1900 North Fort Meyer Drive, Arlington, Va.
Type of meeting: Open—February 24, 9:00-10:00 a.m.; Closed—Otherwise.
Contact: Mrs. Eileen Nugent, Parklawn Building, Room 10C-06, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3942.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to neuropsychology research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:00 a.m., February 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, NIAAA, Room 6C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3306. The NIDA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Ms. Mary Carol Kelly, Program Information Officer for Drug Abuse, NIDA, Room 814, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-6245. The NIMH Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3600.

Dated: January 3, 1977.

CAROLYN T. EVANS,
*Committee Management Officer Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc.77-564 Filed 1-6-77;8:45 am]

## INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

### Meeting

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

Date and time: January 25; 9:00 a.m.
Place: Conference Room "F," Parklawn Building, Rockville, Maryland.
Open meeting.
Contact: James Vaughan, Parklawn Building, Room 16C-17, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-2954.
Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.
Agenda: This meeting will be open to the public. The meeting will consist of presentations by working groups of their current and proposed activities and a discussion concerning future working group activities. Attendance by the public will be limited to space available.

Substantive program information may be obtained from the contact person listed above.

The NIAA Information Officer who will furnish summaries of the meeting and a roster of Committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3306.

Dated: January 3, 1977.

CAROLYN T. EVANS.
*Committee Management Officer Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc.77–563 Filed 1–6–77;8:45 am]

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## Office of Education

## NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

### Public Meetings

Notice is hereby given, pursuant to Public Law 92–463, that the next meetings of the National Advisory Council on Women's Educational Programs will be held from 8:30 a.m. to 12:30 p.m. on January 31, from 8:30 a.m. to 5:00 p.m. on February 1 and from 8:30 a.m. to 11:00 a.m. on February 2, 1977, in Room 370 of the New Federal Office Building at 915 2nd Avenue, Seattle, Washington. ceded by a meeting of the Executive Co The meeting of the Council will be preceded by a meeting of the Executive Committee from 3:00 p.m. to 6:00 p.m. on January 30, 1977, in Room 351 of the Olympic Hotel, Fourth Avenue at Seneca, Seattle, Washington. There will also be meetings of the Council's Federal Policy and Practices, Legislation and Program Committees from 2:00 p.m. to 5:30 p.m. on January 31, 1977 at the New Federal Office Building.

The National Advisory Council on Women's Educational Programs is established pursuant to Public Law 93–380 section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93–380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under section 408 of Public Law 93–380.

The meetings of the Council and of the Committees will be open to the public. The agenda for the Council meeting will include (1) Executive Director's Report; (2) discussion of draft regulations for the Women's Educational Equity Act; (3) discussion of the Council evaluation of the WEEA Program; (4) the Council's 1976 Annual Report; (5) presentations by members of the public; (6) committee reports; and (7) other business.

The agenda for the Executive Committee meeting will include preparation of the Council meeting.

The agenda for the Federal Policy and Practices Committee meeting will include discussion of the Council's reviews of the Education Division of HEW and of the Commissioner's Reports on Sexism.

The agenda for the Legislation Committee meeting will include discussion of the FY 1977 regulation for the Women's Educational Equity Act Program.

The agenda for the Program Committee will include discussion of the Council's evaluation of the Women's Educational Equity Act Program.

Records will be kept of all Council proceedings and will be available for inspection at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C. on January 5. 1976.

JOY R. SIMONSON,
*Executive Director.*

[FR Doc.77–618 Filed 1–6–77;8:45 am]

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## ARTS EDUCATION PROGRAM

### Closing Date for Receipt of Applications for Fiscal Year 1977

Notice is hereby given that, pursuant to the authority contained in section 409 of the Education Amendments of 1974, Pub. L. 93–380 (20 U.S.C. 1867), applications are being accepted from State and local educational agencies for arts education project grants.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 1, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grant and Procurement Management Division, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.566. 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 February 24, 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 by 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, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Application routing.* All local educational agency applicants must furnish an information copy of their application to the State educational agency of the State within which the applicant is located. This information copy must be submitted concurrently with the submission of the application to the U.S. Office of Education. The application submitted to the U.S. Office of Education must contain a statement that this has been accomplished. The State educational agency, in consultation with the State Alliance for Arts Education Committee, if any, has an opportunity to review and comment on the application. A State educational agency wishing to submit advice and comment on an LEA application originating within its State may do so by forwarding such advice and comment to the Arts and Humanities Staff, U.S. Office of Education, 400 Maryland Avenue, S.W. (Room 421, Reporters Building), Washington, D.C. 20202. If the State educational agency does not send comments on the application to the Commissioner within 30 days after receipt of the copy, it is considered to have waived the right to comment (45 CFR 160g.15).

D. *Application instructions and forms.* Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Arts and Humanities Staff, U.S. Office of Education, 400 Maryland Avenue, S.W. (Room 421, Reporters Building), Washington, D.C. 20202. (Telephone: 202–245–8912 or 202–245–9097)

E. *Program information.* It is expected that $750,000 in grants will be awarded to State and local educational agencies during Fiscal Year 1977. It is anticipated that up to 100 awards will be made and that grants will range from $5,000 to $10,000. No funds are reserved for the continuation awards, but a current grantee may submit an application which will be evaluated in competition with all other applications. Projects are up to one year in duration (45 CFR 160g.4).

F. *Applicable regulations.* The regulations applicable to the Arts Education Program are:

(1) The Office of Education General Provisions Regulations, which were published in the FEDERAL REGISTER on November 6, 1973, at 30653, as amended (45 CFR Parts 100, 100a, and appendices).

(2) The regulation for the Arts Education Program which was published in the FEDERAL REGISTER on April 26, 1976 at 17390 (45 CFR Part 160g).

(20 U.S.C. 1867.)

(Catalog of Federal Domestic Assistance Number 13.566, Arts Education Program.)

Dated: December 27, 1976.

JOHN W. EVANS,
*Acting*
*Commissioner of Education.*

[FR Doc.77-562 Filed 1-6-77;8:45 am]

## Food and Drug Administration

### ADVISORY COMMITTEE

### Meeting

This notice announces a forthcoming meeting of a public advisory committee 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 committee 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 meeting is announced:

| Committee name | Date, time, and place | Type of meeting and contact person |
|---|---|---|
| Ear, Nose, and Throat Panel. | Jan. 24 and 25, 9 a.m., Room 1813, FB-8, 200 C St., SW., Washington, D.C. | Open public hearing Jan. 24, 9 a.m. to 10 a.m.; open committee discussion Jan. 24, 10 a.m. to 4:30 p.m., Jan. 25, 9 a.m. to 4:30 p.m.; Harry R. Sanberman, P.E., (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226. |

*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 devices to be classified at this meeting 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 January 14, 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.* Completion and review of supplementary classification data sheets for middle ear implants, esophageal implants, nasal implants, laryngeal implants, facial implants, and ENT prosthetic materials, which include the following devices: Middle ear implants: Tubes for aeration and/or drainage of the middle ear, middle earmold (Teflon TM, Silastic TM, Supramid TM), ossicular replacement-incus and stapes with normal malleus, total ossicular replacement-sacculotomy tacks (Cody Tacks), and endolymphatic shunt tubes; esophageal implants; Esophageal stent and esophageal prosthesis; nasal implants: Columella—nasal struts and septal implants and teflon paste (for both nasopharyngeal and laryngeal applications); laryngeal implants: Laryngeal stent and laryngeal prosthesis; facial implants: Facial prosthesis—immobile implants (maxillofacial, crainofacial, and external otologic), and facial prosthesis—mobile implants (mandibular); prosthetic implant materials: Natural polymers (Gelfoam TM, Gelfilm TM), synthetic polymers (Plasti-Pore TM, Teflon TM, Silastic TM, polyethylene, polymethylmethacrylate, Dacron TM, and polyurethane); other prosthetic implant materials; Composite synthetic polymers (proplast TM) and metal materials (stainless steel, silver, tantalum, platinum, vitallium, titanium); miscellaneous ENT devices and implants: Tracheostomy tubes and tracheostomy tube cuffs, sutures—absorbable (gut, collagen, and some synthetic polymers), sutures—nonabsorbable (cotton, silk, nylon, linen, mersilene TM, polypropylene, stainless steel, and ethibond TM).

As time is available, the panel will also complete supplementary data sheets for the following devices: Hearing evaluation equipment: acoustic chambers, air conduction transducers, bone conduction transducers, hearing trumpets, mechanical noise generators, sisi adapters, tuning forks, hearing aid measurement systems, and hearing protective devices; physiological evaluation equipment: gustometers, nasomanometers, toynbee diagnostic tubes, and transilluminators; multiple function ENT equipment: Cuspidors, powered ENT examining/treatment chairs, ENT examining/treatment tables, ENT treatment units, and oral lavage units; ENT prosthetic devices (nonimplantable) and instruments: Otoplasty prosthesis, rhinoplasty prosthesis, cutting blocks, gelfoam punch; ossicular finger vise, piston cutting jigs, wire bending die, wire closure forceps, wire crimpers, and wire cutting scissors.

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, DC, area on the basis of the criteria of § 2.307 (21 CFR 2.307) of FDA's regulations relating to public advisory committees.

Dated: December 30, 1976.

WILLIAM F. RANDOLPH,
*Acting Associate*
*Commissioner for Compliance.*

[FR Doc.77-421 Filed 1-6-77;8:45 am]

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[Docket No. 76N-0458; DESI 11836]

### IMIPRAMINE HYDROCHLORIDE

### Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

The Food and Drug Administration is offering an opportunity for a hearing on indications previously reclassified from possibly effective to lacking substantial evidence of effectiveness for imipramine hydrochloride and announcing the conditions under which the drug products may be marketed on the basis of ap-

proved abbreviated new drug applications. Persons who wish to request a hearing may do so on or before February 7, 1977.

In a notice (DESI 11836; Docket No. FDC-D-219 (now Docket No. 76N-0458)) published in the FEDERAL REGISTER of August 26, 1970 (35 FR 13608), the Food and Drug Administration announced its conclusions that the drug products described below are effective, possibly effective, and lacking substantial evidence of effectiveness for their various labeled indications. The notice offered opportunity for hearing on the indications that, at that time, lacked substantial evidence of effectiveness. No one requested a hearing.

A followup notice published in the FEDERAL REGISTER of September 20, 1972 (37 FR 19390), reclassified the possibly effective indications to lacking substantial evidence of effectiveness. An opportunity for a hearing was not offered at that time for those indications, but is now offered in the notice below. The holder of the new drug applications has deleted all less-than-effective indications from the labeling.

NDA 11-836; Tofranil Tablets; and
NDA 11-838; Tofranil Ampuls, each containing imipramine hydrochloride; Geigy Pharmaceuticals, Division of Ciba-Geigy Corp., Saw Mill Rd., Ardsley, NY 10502.

Other drugs included in the above notices are not affected by this notice.

Accordingly, the notice of August 26, 1970 is amended to read as follows insofar as it pertains to the products named above.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder of the new drug applications specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug products are effective for the indication stated in the labeling conditions below. The drug products now lack substantial evidence of effectiveness for the indications reclassified from possibly effective to lacking substantial evidence of effectiveness in the September 20, 1972 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications.

1. *Form of drug.* The drug products are in tablet form suitable for oral administration or in sterile aqueous solution form suitable for parenteral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. Any indication other than that stated below must be supported by clinical evidence providing substantial evidence of effectiveness and submitted in a full new drug application except that manufacturing control information submitted should be that required under 21 CFR 314.1(f). The Indication is as follows:

For the relief of symptoms of depression. Endogenous depression is more likely to be alleviated than other depressive states.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that the holder of the application submits the following, if he has not previously done so, on or before March 8, 1977: (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c) to the extent required in abbreviated new drug applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)), must be obtained prior to marketing such product. The applications shall contain the information specified in 21 CFR 314.1(f), and for imipramine hydrochloride oral dosage forms, shall include data of the kind required for this drug at the time of submission of the application to show that it is biologically available in the formulation proposed for marketing. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the op-

portunity for a hearing, he shall file (1) on or before February 7, 1977, a written notice of appearance and request for hearing, and (2) on or before March 8, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 11836, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Neuropharmacological Drug Products (HFD–120), Rm. 10B–34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC–18), Rm. 4–62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: December 20, 1976.

J. RICHARD CROUT,
*Director, Bureau of Drugs.*

[FR Doc.77–323 Filed 1–6–77;8:45 am]

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[NADA 12–824V]

## MIDICEL ACETYL SUSPENSION

### Withdrawal of Approval of New Animal Drug Application

The Food and Drug Administration is withdrawing approval of a new animal drug application (NADA) for Midicel Acetyl Suspension, Veterinary; effective January 7, 1977.

Published elsewhere in this issue of the FEDERAL REGISTER is the revocation of § 520.2301 *Acetyl sulfamethoxypyridazine oral suspension* (21 CFR 520.2301), which provided for use of the product as approved in NADA 12–824V.

Parke, Davis & Co., Detroit, MI 48232 is the holder of NADA 12–824V, which provides for the use of Midicel Acetyl Suspension, Veterinary, for the treatment of sulfa-susceptible bacterial infections in dogs and cats.

On July 27, 1976, the applicant notified the agency that it ceased marketing the drug as of November 1975 and had no plans to market the drug in the future. On this basis it requested that the agency withdraw approval of the NADA and accordingly waived an opportunity for hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e)) and pursuant to authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of Veterinary Medicine (21 CFR 5.29) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the following notice is issued:

In accordance with § 514.115 (21 CFR 514.115), approval of NADA 12–824V and all supplements and amendments thereto is hereby withdrawn, effective January 7, 1977.

Dated: December 28, 1976.

FRED J. KINGMA,
*Acting Director,*
*Bureau of Veterinary Medicine.*

[FR Doc.77–325 Filed 1–6–77;8:45 am]

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[Docket No. 76N–0467]

## SAFETY OF CERTAIN FOOD INGREDIENTS

### Opportunity for Public Hearing

The Food and Drug Administration is announcing an opportunity for public hearing on the safety of certain food ingredients to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction. Requests to make oral presentations at the public hearing must be postmarked on or before February 7, 1977.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), about the safety of ingredients used in food to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients: Glycerophosphates (calcium, magnesium, manganese, potassium); magnesium salts (carbonate, chloride, hydroxide, oxide, phosphate (di-and tribasic), stearate, sulfate); hydroxides (potassium, sodium); sulfiting agents (potassium bisulfite, potassium metabisulfite, sodium bisulfite, sodium metabisulfite, sodium sulfite, sulfur dioxide). The public hearing will provide an opportunity, before the Select Committee reaches its final conclusions, for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053) and April 17, 1974 (39 FR 13796, 13798).

The Select Committee has reviewed all the available data and information on the categories of food ingredients listed above and has reached one of the five following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner

now practiced, uncertainties exist requiring that additional studies be conducted. (This conclusion has not been reached for any of the substances discussed in this notice.)

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced. (This conclusion has not been reached for any of the substances discussed in this notice.)

5. The information available is not sufficient to make a tentative conclusion. (This conclusion has not been reached for any of the substances discussed in this notice.)

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions.

| Substance | Select committee tentative conclusion | Scientific literature review | | Animal study report order No. and cost | Other information |
|---|---|---|---|---|---|
| | | Order No. | Cost | | |
| Glycerophosphates | | PB-228-543/AS | $3.75 | None | a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.<br>b. Letter dated Nov. 20, 1974, from N. G. Barker, The Delmark Co., Inc., Minneapolis, MN. |
| Calcium glycerophosphate | 1 | | | | |
| Calcium glycerophosphate (used in food-packaging materials). | 1 | | | | |
| Magnesium glycerophosphate (used in food-packaging materials). | 1 | | | | |
| Manganese glycerophosphate | 1 | | | | |
| Potassium glycerophosphate | 1 | | | | |
| Magnesium salts | | PB-228-50/AS | $5.50 | Mutagenic evaluation (tier 1) of magnesium oxide USP heavy power (73-77) by Litton Bionetics, Inc., under FDA contract (PB-245-472/AS, $3.75). | a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.<br>b. Letter dated June 22, 1961, from F. A. Cassidy, FDA.<br>c. Letter dated Apr. 13, 1962, from M. R. Stephens, FDA. |
| Magnesium carbonate | 1 | | | | |
| Magnesium chloride | 1 | | | | |
| Magnesium hydroxide | 1 | | | | |
| Magnesium oxide | 1 | | | | |
| Magnesium phosphate, dibasic | 1 | | | | |
| Magnesium phosphate, tribasic. | 1 | | | | |
| Magnesium stearate | 1 | | | | |
| Magnesium sulfate | 1 | | | | |
| Hydroxides | | PB-234-899/AS | $3.75 | None | a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949. |
| Potassium hydroxide | 1 | | | | |
| Sodium hydroxide | 1 | | | | |
| Sodium hydroxide (used in food packaging materials). | 1 | | | | |
| Sulfiting agents | | PB-221-217 | $6.00 | Mutagenic evaluation (tier 1) of potassium metabisulfite (71-21) by Litton Bionetics, Inc., under FDA contract (PB-245-485/AS, $3.75).<br>Teratologic evaluation of potassium metabisulfite (71-21) by Food and Drug Research Labs. Inc., under FDA contract (PB-245-529/AS, $3.75).<br>Mutagenic evaluation (host-mediated, dominant lethal and cytogenetic) of sodium bisulfite (71-20) by Litton Bionetics, Inc., under FDA contract (PB-245-456/AS, $5.25).<br>Teratologic evaluation of sodium bisulfite (71-20) by Food and Drug Research Labs., Inc., under FDA contract (PB-221-788, $3.75).<br>Mutagenic evaluation (host-mediated, dominant lethal and cytogenetic) of sodium metabisulfite (71-22) by Stanford Research Institute, under FDA contract (PB-221-825, $5.45).<br>Teratologic evaluation of sodium metabisulfite (71-22) by Food and Drug Research Labs., Inc., under FDA contract (PB-221-795, $3.75).<br>Mutagenic evaluation (tier 1) of sodium sulfite (73-43) by Litton Bionetics, Inc., under FDA contract (PB-245-488/AS, $3.75). | a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.<br>b. Letter dated June 11, 1976, from D. F. Dodgen, NAS.<br>c. "Investigation of the toxic and teratogenic effects of GRAS substances to the developing chick embryo: potassium metabisulfite," St. Louis University School of Medicine.<br>d. "Sodium bisulfite: Toxicity and teratogenicity studies in avian embryos," submitted to FDA by University of Arizona.<br>e. "Evaluation of chemicals for toxic and teratogenic effects using the chick embryo as the test system: Sodium metabisulfite," submitted to FDA by WARF Institute, Inc.<br>f. "Investigations of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: sodium sulfite," FDA in-house investigation. |
| Potassium bisulfite | 2 | | | | |
| Potassium metabisulfite | 2 | | | | |
| Sodium bisulfite | 2 | | | | |
| Sodium metabisulfite | 2 | | | | |
| Sodium sulfite | 2 | | | | |
| Sulfur dioxide | 2 | | | | |

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22151.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, its reviews with specific information from specialized sources, as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on (1) glycerophosphates (calcium, magnesium, manganese, potassium), (2) magnesium salts (carbonate, chloride, hydroxide, oxide, phosphate (di- and tribasic), stearate, sulfate), (3) hydroxides (potassium, sodium), and (4) sulfiting agents (potassium bisulfite, potassium metabisulfite, sodium bisulfite, sodium metabisulfite, sodium sulfite, sulfur dioxide) are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 "C" St. SW., Washington, DC 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the length of time requested to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each such request shall be sent to the Hearing Clerk, address noted above, and all such requests shall be placed on public display in that office. Any such request must be postmarked on or before February 7, 1977, and shall state the substances(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the

tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Due to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: December 30, 1976.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.77-422 Filed 1-6-77;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1023]

### PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

DECEMBER 30, 1976.

| Docket or RM No. | Rule No. | Subject | Date received |
|---|---|---|---|
| RM-2676 | Parts 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 Collot Guerard, Harvey J. Shulman, and Lawrence A. Cook attorneys for National Black Media Coalition, National Citizens Committee for Broadcasting, National Organization for Women, and Action for Children's Television. | Dec. 28, 1976 |
| 18875 | | Inquiry into policy to be followed in future licensing of facilities for overseas communications. | |
| | | Filed by Robert E. Conn, executive vice president for Western Union International, Inc. | Dec. 29, 1976 |
| | | Filed by Francis J. DeRosa and Charles M. Lehrhaupt; attorneys for RCA Global Communications, Inc. | Do. |
| 19995 | Sub. E, pt. 76. | Amendment of sub. F of pt. 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television systems. | |
| | | Filed by Sol Schildhause, attorney for Moscow TV Cable Co, Inc, and Pullman TV Cable Co, Inc. | Do. |

NOTE.—Oppositions to petitions for reconsideration must be filed on or before Jan. 24, 1977. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
*Secretary.*

[FR Doc.77-533 Filed 1-6-77;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Disaster Assistance Administration

[Docket No. NFD-383]

### NOTICE OF EMERGENCY DECLARATION

#### Amendment and Republishing of Amendments

On December 15, 1976, the Presdent directed the Secretary of Agriculture and the Administrator of the Federal Disaster Assistance Administration to cooperate in providing emergency livestock feed assistance in several States which have been declared emergency areas because of drought. On December 16, 1976, I designated certain counties in the States of Minnesota, Wisconsin, South Dakota, and North Dakota eligible for emergency livestock feed assistance. Notice of these designations appeared in the FEDERAL REGISTER on December 27, 1976 (41 FR 56240).

The Agricultural Stabilization and Conservation Service of the Department of Agriculture has notified us that an additional 24 counties in these four states should have been included among the counties in the original designation. Nine of these 24 counties were designated eligible for assistance effective December 27, 1976. As a result, I am amending the December 16, 1976, designations to include these 24 counties and am republishng the notices for convenience.

Accordingly, the notices dated December 16, 1976, and December 27, 1976, are rescinded and replaced by the following:

(FDAA-3013-EM)

#### MINNESOTA

##### Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Minnesota, dated June 17, 1976, and amended on June 28, 1976, August 27, 1976, and on Novemer 9, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

| | |
|---|---|
| Aitkin | Lac qui Parle |
| Becker | Lincoln |
| Beltrami | Lyon |
| Benton | Morrison |
| Big Stone | Otter Tail |
| Brown | Pope |
| Carlton | Redwood |
| Cass | Stearns |
| Chippewa | Stevens |
| Chisago | Swift |
| Clearwater | Todd |
| Crow Wing | Traverse |
| Douglas | Wadena |
| Hubbard | Yellow Medicine |
| Isanti | |

(FDAA-3014-EM)

#### WISCONSIN

##### Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Wisconsin, dated June 17, 1976, and amended on July 29, 1976, September 7, 1976, and on September 30, 1976, is hereby further amended to include the following counties among those counties determned to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

| | |
|---|---|
| Ashland | Marathon |
| Bayfield | Oneida |
| Burnett | Price |
| Clark | Rusk |
| Douglas | Sawyer |
| Florence | Shawano |
| Forest | Taylor |
| Iron | Washburn |
| Langlade | Waushara |
| Lincoln | Wood |

(FDAA-3015-EM)

#### SOUTH DAKOTA

##### Amendment to Notice of Emergency Declaration

Notice of emergency for the State of South Dakota dated June 17, 1976, and amended on July 8, 1976, and October 18, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

| | |
|---|---|
| Aurora | Faulk |
| Beadle | Grant |
| Brookings | Gregory |
| Brown | Hamlin |
| Brule | Hand |
| Buffalo | Hanson |
| Campbell | Hughes |
| Clark | Hyde |
| Codington | Jerauld |
| Corson | Kingsbury |
| Davison | Lake |
| Day | Lyman |
| Deuel | McCook |
| Dewey | McPherson |
| Douglas | Marshall |
| Edmunds | Mellette |

| | |
|---|---|
| Minor | Sully |
| Potter | Todd |
| Roberts | Tripp |
| Sanborn | Walworth |
| Shannon | Washabaugh |
| Spink | Ziebach |
| Stanley | |

(FDAA–3016–EM)

### NORTH DAKOTA

#### Amendment to Notice of Emergency Declaration

Notice of emergency for the State of North Dakota dated July 21, 1976, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of July 21, 1976:

The counties of:

| | |
|---|---|
| Dickey | McIntosh |
| Emmons | Ransom |
| LaMoure | Richland |
| Logan | Sargent |

The purpose of these designations is to provide emergency livestock feed assistance only in the aforementioned affected areas. The Effective date for this assistance is December 16, 1976.

Dated: December 30, 1976.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM E. CROCKETT,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc.77–612 Filed 1–6–77;8:45 am]

## Federal Insurance Administration

[Docket No. N–76–680]

### NATIONAL FLOOD INSURANCE PROGRAM; CONSULTATION WITH LOCAL OFFICIALS

#### Determination of Minimal Special Flood Hazard Areas

The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the Special Flood Hazard areas, that it is appropriate at this time to convert these communities to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

| Community | County | State |
|---|---|---|
| City of Cullman | Cullman | Alabama. |
| Town of Parker | Yuma | Arizona. |
| City of Foster City | San Mateo | California. |
| Town of: | | |
| Prospect | New Haven | Connecticut. |
| Bridgeville | Sussex | Delaware. |
| Cheswold | Kent | Do. |
| Felton | do | Do. |
| Middletown | New Castle | Do. |
| City of: | | |
| Grovetown | Columbia | Georgia. |
| Harlem | do | Do. |
| Leona | Doniphan | Kansas. |
| Pawnee Rock | Barton | Do. |
| Valley Center | Sedgwick | Do. |
| Town of: | | |
| Hebron | Oxford | Maine. |
| Brookview | Dorchester | Maryland. |
| Brunswick | Frederick | Do. |
| Village of Waterloo | Douglas | Nebraska. |
| Township of Rush | Northumberland. | Pennsylvania. |

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

Issued: December 17, 1976.

HOWARD B. CLARK,
*Acting Federal Insurance Administrator.*

[FR Doc.77–482 Filed 1–6–77;8:47 am]

# DEPARTMENT OF THE INTERIOR

## Geological Survey

### EARTHQUAKE STUDIES ADVISORY PANEL

#### Public Meeting

Pursuant to Pub. L. 92–463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning at 8:30 a.m. (local time) on Friday, February 4, 1977, and continuing through Saturday, February 5, 1977. The Advisory Panel will meet in U.S. Geological Survey Offices, Menlo Park, California 94025: on Friday in Conference Facility A, 345 Middlefield Road and on Saturday in Conference Room 8111, 275 Middlefield Road.

(1) *Purpose.* The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership.* The Advisory Panel is chaired by Professor Frank Press and is composed of persons drawn from the fields of geology, geophysics, engineering, rock mechanics, and socio-economics, primarily from the academic community.

(3) *Agenda.* Review of the studies of the Southern California land uplift and plans for the 1978 Fiscal year program.

For more detailed information about the meeting, please call Dr. Robert M. Hamilton, Chief, Office of Earthquake Studies, Reston, Virginia 22092 (703) 860–6472.

V. E. MCKELVEY,
*Director,*
*United States Geological Survey.*

[FR Doc.77–648 Filed 1–6–77;8:45 am]

## National Park Service

### APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

#### Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Mid-Atlantic Region of the Appalachian National Scenic Trail Advisory Council will be held at 9 a.m., e.s.t. on February 4, 1977, at Skylands Manor, Ringwood State Park, Ringwood, New Jersey.

The Council was originally established by Pub. L. 90–543 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration of the Appalachian National Scenic Trail. It was rechartered by the Secretary of the Interior on February 24, 1975, under the authority of Pub. L. 91–383.

The purpose of the Council is to provide for the free exchange of ideas between the National Park Service and the public, and to encourage suggestions and ideas from members of the public on problems and programs pertinent to the Appalachian National Scenic Trail. The purpose of this meeting is as follows: (1) To discuss the progress of State and Federal programs; (2) to review specific Trail protection priorities and strategies; (3) to discuss Trail corridor studies completed by the Appalachian Trail Conference and Pennsylvania State University; (4) to analyze the problems related to private property.

The meeting will be open to the public. However, space is limited to seats for 30 people. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements, may contact David A. Richie, Project Manager, Appalachian Trail Project Office, Charlestown Navy Yard, Boston, Massachusetts 02129, at area code 617–242–1730.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address, and at the headquarters of the Appalachian Trail Conference, Washington and Jackson Streets, Harpers Ferry, West Virginia 25425. Copies of the minutes may be obtained by writing to the Appalachian Trail Project Office in Boston.

Dated: December 13, 1976.

DAVID A. RICHIE,
*Project Manager,*
*North Atlantic Region.*

[FR Doc.77–707 Filed 1–6–77;8:45 am]

### APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

#### Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southern Region of the Appalachian National Scenic Trail Advisory Council will be held at 9 a.m., e.s.t. on January 22, 1977, at the headquarters of the National Forests in North Carolina, Asheville, North Carolina.

The Council was originally established by Pub. L. 90–543 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration of the Appalachian National Scenic Trail. It was rechartered by the Secretary of the Interior on February 24, 1975, under the authority of Pub. L. 91–383.

The purpose of the Council is to provide for the free exchange of ideas between the National Park Service and

the public, and to encourage suggestions and ideas from members of the public on problems and programs pertinent to the Appalachian National Scenic Trail. The purpose of this meeting is as follows: (1) To discuss the progress of State and Federal programs; (2) to review specific Trail protection priorities and strategies; (3) to discuss Trail corridor studies completed by the Appalachian Trail Conference and Pennsylvania State University; (4) to review the issues related to the designation of a protection zone for the Trail.

The meeting will be open to the public. However, space is limited to seats for 30 people. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements, may contact David A. Richie, Project Manager, Appalachian Trail Project Office, Charlestown Navy Yard, Boston, Massachusetts 02129, at area code 617–242–1730.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address, and at the Headquarters of the Appalachian Trail Conference, Washington and Jackson Streets, Harpers Ferry, West Virginia 25425. Copies of the minutes may be obtained by writing to the Appalachian Trail Project Office in Boston.

Dated: December 13, 1976.

DAVID A. RICHIE,
*Project Manager,*

[FR Doc.77-709 Filed 1-6-77;8:45 am]

## CUYAHOGA VALLEY NATIONAL RECREATION AREA ADVISORY COMMISSION

### Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held at 7:30 p.m., e.s.t., January 27, 1977, at the Bath Township Hall, 1241 North Cleveland-Massillon Road, Bath, Ohio.

The Commission was established by Pub. L. 93–555 to meet and consult with the Secretary of the Interior on matters relating to the development of the Cuyahoga Valley National Recreation Area and with respect to carrying out the provisions of the Pub. L.

The members of the Commission are as follows:

Mrs. Robert G. Warren (Chairman)
Mr. Courtney Burton
Mr. Norman A. Godwin
Mr. Donald W. Haskett
Mr. Robert L. Hunker
Mr. James S. Jackson
Mr. Melvin J. Robholz
Mrs. Roger Rossi
Mrs. George N. Seltzer
Ms. R. Robin Stillman
Mr. Barry K. Sugden
Mr. Robert W. Teater
Mr. William O. Walker

Matters to be discussed at this meeting include:

1. Report on park operations.
2. Status of land acquisition.
3. Recent legislation affecting the park.
4. Status of the General Management Plan.
5. Report on community relations.
6. Report on adverse land use.

The meeting will be open to the public. It is expected that about 100 persons in addition to members of the Commission will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from William C. Birdsell, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone 216–653–9036. Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road, (State Route 303), two miles east of Peninsula, Ohio.

Dated: December 22, 1976.

MERRILL D. BEAL,
*Regional Director,*
*Midwest Region.*

[FR Doc.77-708 Filed 1-6-77;8:45 am]

## INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

### Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10:00 a.m., C.s.t., on Friday, January 21, 1977, at the Indiana Dunes National Lakeshore Tremont Visitor Center, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Pub. L. 89–761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Harry W. Frey (Chairman)
Mrs. Anna R. Carlson
Mr. John A. Hillenbrand II
Mr. William L. Lieber
Mr. Lawrence Miller
Mr. John R. Schnurlein
Mr. Norman E. Tufford
Mr. George H. Williams (Secretarial Consultant)

Matters to be discussed at this meeting include:

1. In-depth interpretation of Pub. L. 94–549, an amending act that provides for the expansion of the Lakeshore and other purposes.
2. Status of Lakeshore construction contracts.
3. Report on the Little Calumet River Basin Recreational Development Program.
4. Explanation of NPS/Northern Indiana Public Service Company study agreement regarding fly ash and other pollutants in Cowles Bog area of Lakeshore.
5. Land Acquisition Report.
6. Discussion of future role of Advisory Commission.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to committee members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A, Chesterton, Indiana 46304, telephone area code 219, 926–7561.

Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated: December 20, 1976.

MERRILL D. BEAL,
*Regional Director, Midwest Region, National Park Service.*

[FR Doc.77-710 Filed 1-6-77;8:45 am]

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-26]

### CERTAIN SOLDIER-REMOVAL WICKS

### Postponement of Hearing Date

Notice is hereby given that the date for the commencement of the hearing in this proceeding is postponed until January 19, 1977 at 10:00 a.m. The hearing will be held in Room 610 Bicentennial Building, 600 E Street, NW., Washington, D.C. and will continue daily until completed.

This hearing was originally scheduled to commence on January 11, 1977, by order of the undersigned Presiding Officer issued December 13, 1976. (41 FR 54998, December 16, 1976.) Certain facts regarding the respondents' status have been brought to the attention of the Presiding Officer which require the parties' review and perhaps comment by them. This postponement is being ordered to permit the parties to review such factual developments and to file whatever motions or responses to motions which they may deem appropriate. Accordingly, the Presiding Officer is taking under advisement the motions currently pending before him which relate to further extensions of time.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this Notice in the FEDERAL REGISTER.

Issued January 3, 1977.

Judge MYRON R. RENICK,
*Presiding Officer.*

[FR Doc.77-646 Filed 1-6-77;8:45 am]

## GOVERNMENT IN THE SUNSHINE

### Meeting

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on January 14, 1977, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436. The Commission plans to consider the following agenda items in open session:

1. Agenda for the week of January 24, 1977;
2. Minutes of December 28 and 30, 1976;
3. Reorganization;
4. Briefing by the staff on sugar (Inv. TA–201–16);
5. Memorandum from Mr. Wallington, Chief, Financial Management, dated December 28, 1976—1977 travel budget: recommendation that the statutory limitation on travel expenditures be raised;
6. Mushrooms (TA–201–17)—consideration of draft determination (see action jacket GC–76–162);
7. Any other items left over from previous agenda.

If you have any questions concerning the agenda for the January 14, 1977. Commission meeting, please contact the Secretary to the Commission at 202–523–0161. Access to documents to be considered by the Commission at the meeting is provided for in Subpart C of the Commission's rules (19 CFR 201.17–201.21).

On the authority of 19 U.S.C. 1335 and in conformity with proposed 19 CFR 201.39(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: January 4, 1977.

By order of the Commission.

KENNETH R. MASON,
*Secretary.*

[FR Doc.77–647 Filed 1–6–77;8:45 am]

## DEPARTMENT OF LABOR

### Employment and Training Administration

### FEDERAL SUPPLEMENT BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

#### Availability of Federal Supplemental Benefits in the State of Arkansas

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Arkansas, effective December 26, 1976.

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State, that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Arkansas has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending December 11, 1976, and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a) and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Arkansas for the week ending on December 11, 1976, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on December 26, 1976.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Arkansas which terminated with the week ending on October 9, 1976, as announced in the notice published in the FEDERAL REGISTER on October 15, 1976, at 41 FR 45636. Immediately following the end of the prior Federal Supplemental Benefit Period, there was an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period. Because the new Federal Supplemental Benefit Period began prior to the end of the 13-week period, the individual additional eligibility periods terminated immediately prior to the beginning of the new benefit period.

Any individual who qualified for an additional eligibility period will be en-

titled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or a 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Arkansas, or who wish to inquire about their rights under this program, should contact the nearest State Employment Office of the Arkansas Department of Labor in their locality.

Signed at Washington, D.C., on January 4, 1977.

WILLIAM H. KOLBERG,
*Assistant Secretary for Employment and Training.*

[FR Doc.77-657 Filed 1-6-77;8:45 am]

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## Occupational Safety and Health Administration

## ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

### Appointment of Members

This is to announce the appointment of members to the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The membership of the Committee and the categories represented are as follows:

EMPLOYEE

Melvin J. Boyle, Assistant to the International Brotherhood of Electrical Workers, 1125 Fifteenth Street NW., Washington, D.C. 20005.

Paul H. Connelley, Safety Director, United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue, Washington, D.C. 20001.

Robert E. P. Cooney, General Vice President, International Association of Bridge, Structural and Ornamental Iron Workers, 400 First Street, N.W., Washington, D.C. 20001.

Robert M. Farrell, Safety Director, International Union of Operating Engineers, 6200 Joliet Road, Countryside, Illinois 60525.

Joe M. Short, Director, Education and Training, Laborers International Union of North America, 905 Sixteenth Street, N.W., Washington, D.C. 20006.

EMPLOYER

Wayne L. Christensen, Corporate Safety Director, The Rust Engineering Company, P.O. Box 101, Birmingham, Alabama 35201.

Richard L. Daley, Director of Safety and Environmental Services, Morrison-Knudsen Company, Post Office Box 7808, Boise, Idaho 83729.

Robert E. Linck, President, Warren-Ehret-Linck Company, Luzerne and E Streets, Philadelphia, Pennsylvania, 19124.

Frederick M. Livingston, Jr., Corporate Safety Director, Turner Construction Company, 150 East 42nd Street, New York, New York 10017.

Harold E. Van Werden, President, Van Werden Construction Company, Inc., 2928 Lovers Lane, Kalamazoo, Michigan 49001.

PUBLIC

Michael S. Baram, Associate Professor, Civil Engineering, Massachusetts Institute of Technology, Building 48, Room 335, Cambridge, Massachusetts 02139.

Fred L. Ottoboni, Coordinating Engineer, State of California Department of Health, 2151 Berkeley Way, Berkeley, California 94704.

STATE

Clifford W. Farmer, Supervising Engineer, Construction, California State Department of Industrial Relations, 3986 Lonesome Pine Road, Redwood City, California 94102.

E. I. "Bud" Malone, Commissioner, Department of Labor and Industry, State of Minnesota, Space Center Bldg., 5th Floor, 444 Lafayette Road, St. Paul, Minnesota, 55101.

FEDERAL

Thomas L. Anania, Chief, Industrial Hygiene Services, National Institute for Occupational Safety and Health, 514 Post Office Building, Cincinnati, Ohio 45202.

Messrs, Baram, Christensen, Linck and Ottoboni are new members; all others are reappointments.

The members were selected on the basis of their experience and competence in the field of construction safety and health and will serve until June 30, 1978. Mr. Clifford W. Farmer will serve as Committee Chairman.

Signed at Washington, D.C. this 20th day of December 1976.

W. J. USERY Jr.,
*Secretary of Labor.*

[FR Doc.77-659 Filed 7-6-77;8:45 am]

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## Pension and Welfare Benefit Programs

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

## EMPLOYEE BENEFIT PLANS

[Application Nos. D-183, D-301, D-419, D-459, D-466 and D-473]

### Notice of Pendency of Proposed Class Exemption Requested by the National Association of Pension Consultants and Administrators, Inc., the Investment Company Institute, and Others.

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed class exemption from the restrictions of sections 406(a)(1)(A) through (D) and 406(b) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code. The pending class exemption was requested in applications submitted by the National Association of Pension Consultants and Administrators, Inc. (NAPCA) (D-183); jointly by the American Council of Life Insurance (ACLI) [1], the National Association of Life Underwriters (NALU) and the Association for Advanced Life Underwriting (AALU) (D-301); the Investment Company Institute (ICI) (D-419 and D-466); jointly by Marsh & McLennan Companies, Inc. and Johnson & Higgins (M & M) (D-459); and jointly by Investors Diversified Services, Inc. and American General Capital Distributors, Inc. (D-473).

The pending class exemption would exempt from the prohibited transactions provisions: (1) The receipt of sales commissions from an insurance company, directly or indirectly, by an insurance agent or broker or a pension consultant [2] in connection with the purchase of insurance contracts or annuities with employee benefit plan assets when such insurance agent or broker or pension consultant is a service provider or a fiduciary with respect to the plan; (2) the receipt of sales commissions by a mutual fund principal underwriter in connection with the purchase of mutual fund shares with plan assets when such principal underwriter is a plan fiduciary or service provider; (3) the execution by an insurance agent or broker or a pension consultant of the purchase of insurance with plan assets from an insurance company when such insurance agent or broker or pension consultant is a service provider or fiduciary with respect to the plan and, in connection with the execution of such transaction, is acting as the agent of the insurance company; (4) the purchase of insurance with plan assets from an insurance company which is a party in interest or disqualified person (including a fiduciary) with respect to the plan solely by reason of providing services, directly or indirectly, to the plan (e.g., in connection with an insurance company-sponsored master or prototype plan which has been adopted as the plan) or by reason of a relationship described in section 3(14)(G), (H) or (I) of the Act or section 4975(e)(2)(G), (H) or (I) of the Code to an insurance agent or broker or pension consultant who provides services to or is a fiduciary with respect to the plan; and (5) the purchase of mutual fund shares with plan assets from, or the sale of mutual fund shares to, a principal underwriter with respect to the mutual fund, where the principal underwriter or mutual fund, or both, are parties in interest or disqualified persons (including fiduciaries) with respect to the plan by reason of providing services, directly or indirectly, to the plan (e.g., in connection with a mutual fund-sponsored master or prototype plan which is adopted as the plan).

The applications for class exemption were filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the proce-

[1] The American Council of Life Insurance is the successor to the American Life Insurance Association.

[2] All references to the terms "insurance agent or broker", "pension consultant", "insurance company", "principal underwriter", "fiduciary" and "service provider" include such persons and any affiliates thereof. The term "affiliate" is defined in section IV (d) of the pending class exemption, and would include, for example, an employee of an insurance agency or pension consulting firm or a corporation of which an insurance agent or pension consultant is an employee.

dures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722.

Numerous applications have also been received for individual exemptions covering transactions of the type described in this proposed class exemption. All such transactions will be exempted if they satisfy the terms and conditions of the proposed class exemption. As stated in section 3.04 of ERISA Proc. 75–1 and Rev. Proc. 75–26, an application for an individual exemption will not ordinarily be considered separately if a class exemption which may encompass the transaction described in the application for an individual exemption is under consideration by the Department and the Service. Accordingly, the agencies are notifying directly each applicant for an individual exemption of the fact that such applicant's application is not being considered separately from this proposed class exemption, that such application will ordinarily be closed, and, therefore, that such applicant's comments with respect to this pending class exemption are sought by the agencies.

PREAMBLE

*Summary of representations.* The applications contain representations with regard to the pending class exemption, which are summarized below. Interested persons are referred to the applications on file with the Department and the Service for the complete representations of the applicants.

*Pension consultants.* The applications submitted by NAPCA and by Marsh & McLennan Companies, Inc. and Johnson & Higgins request class exemptions to permit pension consultants who are fiduciaries with respect to plans (as defined in section 3(21) of the Act and section 4975(e)(3) of the Code) to receive commissions from insurance companies in connection with the purchase of insurance by such plans. The applicant's represent that pension consultants provide a wide variety of administrative, consulting and advisory services to plans. These services include, among others; advice on the cost of various types of benefits; advice on the structure of plan management and operations; advice on the types of funding media available to provide particular plan benefits; actuarial evaluations; designing funding media, plan investment objectives and policies, administrative policies, forms, etc.; and numerous administrative support services. The provision of some of these services in individual cases could cause a pension consultant to become a plan fiduciary.

Customarily, pension consultants are compensated for the provision of their services to plans through the receipt of fees from plans, plan sponsors or other persons or by means of the receipt of initial and renewal sales commissions on the sale of insurance products to such plans. The applicants represent that if and when pension consultants are plan fiduciaries, a question exists whether the receipt of insurance sales commissions by such persons violates section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code, which prohibit plan fiduciaries from receiving consideration for their own personal accounts from any party (e.g., an insurance company) dealing with the plan in connection with a transaction involving plan assets. A question also exists whether such a pension consultant, who is also a plan fiduciary, would be in violation of section 406(b)(1) and (2) of the Act and section 4975(c)(1)(E) of the Code when acting as agent of an insurance company in connection with the purchase of insurance by the plan. Section 406(b)(1) of the Act and section 4975(c)(1)(E) of the Code prohibit a plan fiduciary from dealing with the income or assets of the plan in his own interest or for his own account. Section 406(b)(2) of the Act prohibits a plan fiduciary from representing a party whose interests are adverse to the interests of the plan or its participants and beneficiaries in connection with a transaction involving the plan.

The applicants further represent that the provision of services to plans by pension consultants is exempt from the prohibited transaction provisions pursuant to section 508(b)(2) of the Act and section 4975(d)(2) of the Code, and that the receipt of insurance sales commissions, and the sale of insurance to plans, by most pension consultants when they are plan fiduciaries, is exempt until June 30, 1977 pursuant to the transitional rules of sections 414(c)(4) and 2003(c)(2)(D) of the Act, as interpreted in ERISA IB 75–1 and IRS TIR–1329 (issued December 31, 1974).

The applicants state that they believe that if their requested exemptions are not granted, the normal business practices of pension consultants will be restricted, and that this will result in a constriction in the variety of consulting and administrative services that would be available to plans. The applicants represent that this would be highly disruptive of plan operations and would lead to increased plan administrative and operating costs.

*Insurance agents and brokers.* The applications submitted by NAPCA, M & M, and jointly by the ACLI, NALU and AALU request a class exemption to permit life insurance agents and brokers to continue to sell insurance to plans with respect to which such agents or brokers are fiduciaries or otherwise parties in interest or disqualified persons by reason of the consultative and advisory services performed for plans by such agents or brokers.

In this connection, the applicants have also requested that the Department and the Service rule that the normal sales presentation and recommendations made by an insurance agent or broker to a plan or a plan fiduciary will not be considered to constitute the rendering of investment advice for a fee so as to classify such agent or broker as a fiduciary.[3] However, the applicants represent that, even if their requested ruling is issued, the consultative or advisory services performed for plans by insurance agents and brokers are such that in particular cases the agent or broker would become a plan fiduciary.

In this regard, the applicants represent that insurance agents and brokers customarily provide a variety of administrative and consultative services to plans, besides the sale of insurance products. Among other things, these services include: describing available funding media; advice on procedures for obtaining Service approval of plans; communicating plan details to employees and obtaining necessary employee information for initial plan operation; actuarial services; preparation of plan reports and plan operating procedures; and advice on termination procedures. If the plan is not funded through insurance company products, the agent or broker will normally be compensated through the payment of a fee. If insurance products are involved, the agent or broker is fully or partially compensated through commissions on the sale of insurance to the plan. Such commissions are paid by the insurance companies whose products are sold to the plan.

The applicants further represent that where the agent or broker is a plain fiduciary, such insurance sales commissions could be considered to constitute consideration for the agent's or broker's own personal account from a party (i.e., the insurance company) dealing with the plan in connection with a transaction involving the assets of the plan, in violation of section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code. In addition, such agent or broker could be deemed to be self-dealing in violation of section 406(b)(1) of the Act and 4975(c)(1)(E) of the Code and to be acting on behalf of an adverse party in connection with such transactions in contravention of section 406(b)(2) of the Act.

Although the applicants state that they believe that many of the "prohibited transactions" described above are exempt from the prohibitions and excise taxes of the Act and the Code for the period from January 1, 1975 through June 30, 1977 by reason of the transitional rules of sections 414(c)(4) and 2003(c)(2)(D) of the Act, they represent that a class exemption is necessary to permit these transactions to continue subsequent to June 30, 1977. In addition, because the transitional rules of section 414(c)(4) and 2003(c)(2)(D) of the Act are not available for agents and brokers who are not considered to have furnished the type of services involved as of June 30, 1974,

[3] For a discussion of this question, see the section of the Preamble entitled "Definition of Fiduciary," infra. reports and plan operating procedures; and advice on termination procedures. If the plan is not funded through insurance company products, the agent or broker will normally be compensated through the payment of a fee. If insurance products are involved, the agent or broker is fully or partially compensated through commissions on the sale of insurance to the plan. Such commissions are paid by the insurance companies whose products are sold to the plan.

the applicants have requested that the pending class exemption be effective as of January 1, 1975, the effective date of the prohibited transaction provisions of the Act and the Code.

In support of their exemption request, the applicants represent that, without an exemption, insurance agents and brokers will be precluded from receiving their customary form of compensation for the furnishing of services to plans (i.e., sales commissions) and would, therefore, be compelled to curtail the provision of many of the services that they currently provide to plans. The applicants contend that these developments would severely disrupt long established business practices and relationships and would create hardships for plans, plan sponsors and plan participants. The applicants note that such hardships would be most severe for insured plans of small employers which have commonly relied heavily on the services of insurance agents and brokers because the limited resources of such plans do not permit them to retain consultants.

For essentially the same reasons outlined above, the applicants have also requested an exemption to permit an insurance company to sell insurance to a plan when such insurance company is a party in interest or disqualified person (including a fiduciary) with respect to the plan by reason of providing services, directly or indirectly, to the plan or by a reason of a relationship described in section 3(14) (G), (H) or (I) of the Act or section 4975(e)(2) (G), (H) or (I) of the Code to an insurance agent or broker who provides services to or is a fiduciary with respect to the plan.

*Mutual fund principal underwriters.* On October 31, 1975, notice was published in the FEDERAL REGISTER (40 FR 50845) of the granting of class exemptions (Prohibited Transaction Exemption 75–1) for certain transactions involving plans and certain broker-dealers, reporting dealers and banks. One of these class exemptions permits, among other things, the purchase and sale of securities, including mutual fund shares, by a plan from or to a broker-dealer which is a party in interest or disqualified person (other than a fiduciary) with respect to the plan by virtue of providing services to the plan. This class exemption also covers, as of January 1, 1975, the purchase and sale of mutual fund shares by a plan from or to a broker-dealer which is a plan fiduciary, provided that such broker-dealer is not a principal underwriter for, or affiliated with, such mutual fund, and the receipt of commissions by such fiduciary/broker-dealer is in connection with the purchase of mutual fund shares by plans.

The applications submitted by the ICI and by Investors Diversified Services, Inc. and American General Capital Distributors, Inc., request a class exemption to permit mutual fund principal underwriters (and their affiliates) to purchase or sell shares of the mutual fund from and to plans with respect to which such principal underwriters are fiduciaries, and to permit such fiduciary principal underwriters (and their affiliates) to receive sales commissions in connection with such plan purchases of mutual fund shares. The requested exemption would cover not only the prohibitions of sections 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code, but also the provisions of section 406(a)(1) (A) through (D) of the Act and sections 4975(c)(1) (A) through (D) of the Code, which prohibit, among other things, the sale of property between a plan and a party in interest or disqualified person. The applicants represent that if their requested exemption is granted, it will remove unwarranted discrimination between the sale of mutual fund shares effected by broker-dealers who are plan fiduciaries and who are unrelated to mutual funds (which sales are covered by Prohibited Transaction Exemption 75–1) and sales made directly by mutual fund principal underwriters who are plan fiduciaries.

In this regard, the applicants have made a request, similar to that made in the NAPCA, M&M and ACLI, NALU and AALU applications, that the Department and the Service rule that the normal sales presentation and recommendations made by a mutual fund principal underwriter or an employee thereof to a plan or a plan fiduciary will not be considered to constitute the rendering of investment advice for a fee so as to classify such person as a fiduciary.

Notwithstanding the issuance of such a ruling, the applicants represent that a class exemption is still necessary for those situations in which a mutual fund principal underwriter or an affiliate thereof is a plan fiduciary. In support of this request, the applicants note that the distribution of mutual fund shares to plans and other investors through principal underwriter direct sales forces has been a standard and customary practice for over forty years and that the activities of mutual funds, their investment advisers and their principal underwriters, and the sale of mutual fund shares to investors, is closely regulated by the Securities and Exchange Commission under the Investment Company Act of 1940, the Securities Act of 1933, the Investment Advisers Act of 1940, and the Securities Exchange Act of 1934.

The applicants also represent that mutual fund principal underwriter direct sales forces normally recommend mutual fund shares as the funding medium for small employee benefit plans which can neither afford to retain professional investment managers nor otherwise obtain diversification of assets. These sales forces often recommend and sell mutual fund shares to employee benefit plans which are not readily serviced by regular retail broker-dealers or other financial institutions. If the requested exemption is not granted, the applicants represent that these plans would be foreclosed from continuing to receive these services, and that this would result in substantial hardship and economic loss for such plans.

For essentially the same reasons outlined above, the ICI has also requested, in Application D–466, an interpretation of the applicable provisions of the Act and the Code or, in the alternative, an exemption to permit the purchase or sale of mutual fund shares from or to a principal underwriter with respect to the mutual fund, where the principal underwriter or mutual fund, or both, may be parties in interest or disqualified persons (including fiduciaries) with respect to the plan because they may be considered to be providing services, directly or indirectly, to the plan (e.g., in connection with a mutual fund-sponsored master or prototype plan which is adopted as the plan).

Regarding Application D–466 filed by the ICI, and the joint application of the ACLI, NALU and AALU insofar as it relates to the question of whether a sponsor of a master or prototype plan may be considered to be a service provider or fiduciary with respect to the plan, the Department and the Service wish to emphasize that the proposal of a class exemptions to permit the purchase or sale of mutual fund shares or insurance contracts or annuities from or to the principal underwriter or insurance company when the principal underwriter, mutual fund or insurance company is the sponsor of the master or prototype plan is not intended to reflect a decision on this question by the Department and the Service. Rather, the class exemption, to the extent that it covers the master and prototype plan situation, is proposed, in part, to eliminate the adverse effects under the prohibited transaction provisions for plans and their participants and beneficiaries that may be caused by any uncertainties regarding the resolution of this question. Thus, to the extent that an insurance company, mutual fund or principal underwriter of a mutual fund may be considered to be a service provider or fiduciary as a result of services performed in connection with a master or prototype plan that it sponsors, the exemption provides relief from the prohibited transaction provisions of section 406 of the Act and section 4975(c)(1) of the Code for the purchase of insurance contracts or annuities from the insurance company or the purchase or sale of mutual fund shares from or to the mutual fund or principal underwriter.

*Definition of "Fiduciary."* Several of the applicants for class exemption have requested that the Department and the Service rule that the normal sales presentation and recommendations made to a plan or a plan fiduciary by an insurance agent or broker, pension consultant, or a mutual fund principal underwriter, or an employee thereof, will not be considered to constitute the rendering of investment advice for a fee so as to classify such agent or broker, pension consultant, or principal underwriter, or employee thereof, as a "fiduciary." Section 3(21)(A)(ii) of the Act and section 4975(e)(3)(B) of the Code define the term "fiduciary" with respect to a plan as a person who "renders investment advice

for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so."

By notices published in the FEDERAL REGISTER (40 FR 50840, 50842) on October 31, 1975, the Service and the Department adopted regulations, 26 CFR 54.4975–9(c) and 29 CFR 2510.3–21(c), clarifying the applicability of the definition of the term "fiduciary" to persons who render investment advice to plans. As here relevant, those regulations provide:

(c) *Investment Advice.* (1) A person shall be deemed to be rendering "investment advice" to an employee benefit plan • • • only if:

(i) Such person renders advice to the plan as to the value of securities or other property, or makes recommendations as to the advisability of investing in, purchasing, or selling securities or other property; and

(ii) Such person either directly or indirectly (e.g., through or together with any affiliate)—

(A) Has discretionary authority or control, whether or not pursuant to agreement, arrangement or understanding, with respect to purchasing or selling securities or other property for the plan; or

(B) Renders any advice described in paragraph (c)(1)(i) of this section on a regular basis to the plan pursuant to a mutual agreement, arrangement or understanding, written or otherwise, between such person and the plan or a fiduciary with respect to the plan, that such services will serve as a primary basis for investment decisions with respect to plan assets, and that such person will render individualized investment advice to the plan based on the particular needs of the plan regarding such matters as, among other things, investment policies or strategy, overall portfolio composition, or diversification of plan investments.

The advice and recommendations made to plans and plan fiduciaries by insurance agents and brokers, pension consultants, and mutual fund principal underwriters (or their employees) regarding plan purchases of insurance contracts or annuities or mutual fund shares come within the type of advice described in paragraph (c)(1)(i) of the regulations cited above and could constitute "investment advice" so as to classify the persons who furnish such advice as "fiduciaries" if it is rendered under the circumstances described in either paragraph (c)(1)(ii)(A) or paragraph (c)(1)(ii)(B) of such regulations. A determination whether such advice constitutes "investment advice" under these regulations and section 3(21)(A)(ii) of the Act and section 4975(e)(3)(B) of the Code can be made only on a case-by-case basis.

In addition, the Department and the Service stated in the preamble sections of the notices announcing the adoption of the regulations that, until a more definitive statement is issued, the phrase "fee or other compensation, direct or indirect" for the rendering of investment advice for purposes of section 3(21)(A)(ii) of the Act and section 4975(e)(3)(B) of the Code should be deemed to include all fees or other compensation incidental to the transaction in which the investment advice to the plan has been rendered or will be rendered, and may therefore include insurance and mutual fund sales commissions. The Department and the Service have not modified or revised this position, notwithstanding the contrary views expressed in several of the applications for class exemption.

*Exemption for services.* Section 408(b)(2) of the Act and section 4975(d)(2) of the Code provide an exemption from the prohibited transaction provisions for, as here relevant, the provision of services to plans by parties in interest and disqualified persons if certain conditions are met. By notices published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31838, 31874), the Service and the Department proposed regulations, 26 CFR 54.4975–6 and 29 CFR 2550.408b–2, designed to clarify the scope and conditions of these statutory exemptions.

Among other things, the proposed regulations indicate that the statutory exemptions cover all parties in interest and disqualified persons, including plan fiduciaries. Thus, the services provided to plans by persons who are insurance agents or brokers, pension consultants, or mutual fund principal underwriters would be covered by the exemption set forth in section 408(b)(2) of the Act and section 4975(d)(2) of the Code, whether or not such persons are plan fiduciaries, if the arrangements under which such persons provide services to plans satisfy the provisions of the regulations under sections 408(b)(2) of the Act and 4975(d)(2) of the Code. To the extent that an insurance agent or broker, pension consultant, or mutual fund principal underwriter is not a fiduciary, he or she may rely on the statutory exemption contained in sections 408(b)(2) of the Act and 4975(d)(2) of the Code or on this exemption, if granted.

The proposed regulations also provide that the statutory exemption covers only the furnishing of services and not the prohibitions against certain fiduciary conduct described in section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code that might be present in the arrangement for the furnishing of services to a plan. The proposed regulations indicate, however, that if the arrangements for the provision of services to a plan by a fiduciary are arranged and approved on behalf of the plan by a second fiduciary who is independent of and unrelated to the fiduciary providing the services, the fiduciary/service provider would not be considered to be dealing with plan assets in his own interest or for his own account in contravention of section 406(b)(1) of the Act and section 4975(c)(1)(E) of the Code. Interested persons are directed, however, to the notice of hearing on the proposed regulations under section 408(b)(2) of the Act and section 4975(d)(2) of the Code and this pending class exemption, which notice appears elsewhere in this issue of the FEDERAL REGISTER, for a further explanation of the views of the Department and the Service with respect to the effect of the approval of a second fiduciary in situations where the fiduciary/service provider might be considered to be dealing with plan assets in his own interest or for his own account.

In connection with this notice of pendency of exemption, the Department and the Service wish to emphasize that satisfaction of the conditions of the pending class exemption will not permit a breach of the general fiduciary responsibility provisions of section 404 of the Act or excuse a violation of the "exclusive benefit of employees" requirement contained in section 401(a) of the Code. Such breach or violation might occur, for example, if a fiduciary with respect to the plan recommends or causes the plan to select a funding medium or investment which, under the particular circumstances, is not suitable for the plan. Thus, in the circumstances of a given case, an insurance agent who is a fiduciary with respect to a plan might be found to have breached his fiduciary responsibilities under section 404 of the Act and to have caused the plan to violate section 401(a) of the Code if he caused the plan to purchase individual insurance or annuity policies or other high commission products when similar benefits or protections could have been secured at a lesser cost to the plan (i.e., for lower premiums) under a group policy.

Further, while receipt of the disclosure required by the conditions of the exemption set forth below is expected to aid plan fiduciaries to evaluate recommendations made by persons selling insurance or mutual fund shares to the plan, such fiduciaries must still determine that the purchase of any insurance product or mutual fund shares for the plan satisfies the general fiduciary responsibility provisions of section 404(a)(1) of the Act. Such determination would require the evaluation of various factors not addressed in this exemption, such as, for example, whether the insurance product or mutual fund shares are an appropriate funding medium or investment for the particular plan involved.

*General information.* The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the

employer maintaining the plan and their beneficiaries.

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plan or plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan or plans.

(3) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(5) The applications for exemption referred to herein are available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C., 20210 and in the Internal Revenue Service National Office Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

All interested persons are invited to submit written comments on the pending class exemption set forth herein. In order to receive consideration, such comments should be received by the Department of Labor on or before January 27, 1977.

By notice appearing elsewhere in this issue of the FEDERAL REGISTER, the Department and the Service have announced that a public hearing will be held on February 14, 1977 with respect to the proposed class exemption and with respect to proposed regulations of the Department and the Service under sections 408(b)(2), 408(b)(4), 408(b)(6), 408(c)(2) and 414(c)(4) of the Act and sections 4975(d)(2), (4), (6) and (10) of the Code and 2003(c)(2)(D) of the Act, published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31838, 31874). These proposed regulations relate to the provision of services and office space to plans, the investment of plan assets in bank deposits, the provision of bank ancillary services to plans, and the transitional rule for the provision of services to plans until June 30, 1977.

All written comments on the pending class exemption (at least six copies) should be addressed to Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room C-4526, Washington, D.C., 20216, Attention: Application No. D-183. All such comments will be made part of the record, and will be available for public inspection at the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20210, and at the Internal Revenue Service National Office Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

PENDING EXEMPTION

Based on the applications referred to above, the Department and the Service have under consideration the granting of the following class exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722:

*Section I—Introduction.* Effective January 1, 1975, the restrictions of sections 406(a)(1)(A) through (D) and 406(b) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to the transactions described in section II of this exemption, provided that the conditions set forth in section III of this exemption are met.

*Section II—Transactions.* (a) The receipt of sales commissions from an insurance company, directly or indirectly, by an insurance agent or broker or a pension consultant in connection with the purchase of insurance contracts or annuities with plan assets when such insurance agent or broker or pension consultant is a service provider or fiduciary with respect to the plan.

(b) The receipt of sales commissions by a principal underwriter for an investment company registered under the Investment Company Act of 1940 (hereinafter referred to as a "mutual fund") in connection with the purchase of mutual fund shares with plan assets when such principal underwriter is a fiduciary or service provider with respect to the plan.

(c) The execution by an insurance agent or broker or pension consultant of a transaction for the purchase of insurance contracts or annuities with plan assets from an insurance company when such insurance agent or broker or pension consultant is a fiduciary or service provider with respect to the plan and, in connection with the execution of such transaction, is acting as the agent of the insurance company.

(d) The purchase of insurance contracts or annuities with plan assets from an insurance company which is a party in interest or disqualified person (including a fiduciary) with respect to the plan solely by reason of providing services directly or indirectly to the plan, or which, by reason of a relationship described in section 3(14)(G), (H) or (I) of the Act or section 4975(e)(2)(G), (H) or (I) of the Code to an insurance agent or broker or a pension consultant, is a service provider or a fiduciary with respect to the plan.

(e) The purchase of mutual fund shares with plan assets from, or the sale of such shares to, a mutual fund or a principal underwriter with respect to a mutual fund, when such mutual fund or principal underwriter, or both, are parties in interest or disqualified persons (including fiduciaries) with respect to the plan by reason of providing services, directly or indirectly, to the plan.

*Section III—Conditions.* (a) The insurance agent or broker, pension consultant, insurance company, mutual fund or principal underwriter referred to in any of the paragraphs of section II above does not have any authority on behalf of the plan to retain or terminate the provision of services of such insurance agent or broker, pension consultant, insurance company, mutual fund or principal underwriter for the plan.

(b) Each of the transactions described in section II above, and any transactions in connection therewith for the purchase of insurance contracts or annuities or mutual fund shares with plan assets or the sale of mutual fund shares, is:

(1) On terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be; and

(2) Prior to the execution of the transaction, approved in writing on behalf of the plan by a fiduciary who is not an affiliate of the insurance agent or broker, pension consultant, insurance company, mutual fund, mutual fund principal underwriter, or mutual fund investment adviser and who does not receive, directly or indirectly, any compensation or other consideration for his or her own personal account in connection with any such transaction. Such approval must be based, in part, on the information disclosed pursuant to paragraph (e) of this section.

(c) The total of all fees and other consideration received by such insurance agent or broker, insurance company, pension consultant, or mutual fund principal underwriter for the rendering of services to the plan, plus commissions received in connection with the purchase of insurance contracts or annuities or mutual fund shares with plan assets, is not in excess of "reasonable compensation" within the contemplation of sections 408(b)(2) and 408(c)(2) of the Act and sections 4975(d)(2) and 4975(d)(10) of the Code.

(d) With respect to any purchase of insurance contracts or annuities or mutual fund shares referred to in paragraphs (a), (b) and (c) of section II above, the insurance agent or broker, pension consultant, or mutual fund principal underwriter referred to in any of such paragraphs:

(1) Is a party in interest or disqualified person (including a fiduciary) with respect to the plan solely by reason of the provision of consultative, administrative or investment advisory services to the plan; and

(2) Effects the purchase of insurance or mutual fund shares in the ordinary course of its business as an insurance agent or broker, pension consultant, or mutual fund principal underwriter.

(e) With respect to any purchase of insurance contracts or annuities or mutual fund shares referred to in paragraphs (a), (b) and (c) of section II above, or any contract or agreement for such a purchase which is executed more than 60 days after the date of granting of this exemption, the insurance agent or brok-

er, pension consultant or mutual fund principal underwriter provides to the fiduciary referred to in paragraph (b)(2) of this section, prior to the written approval described in paragraph (b)(2), written disclosure of the following information and such fiduciary acknowledges receipt of such written disclosure in writing:

(1) The names of all insurance companies and mutual funds with respect to which such insurance agent or broker, pension consultant or mutual fund principal underwriter is an affiliate, and a description of the nature of such affiliation.

(2) The amount of any sales commissions that will be received, directly or indirectly, by the soliciting agent in connection with the purchase of any insurance contracts or annuities or mutual fund shares which are recommended by the soliciting agent for purchase with plan assets. In the case of insurance, commissions should be disclosed as a percentage of gross premium payments for both first-year sales commissions and renewal commissions, if any. In the case of mutual funds, sales commissions should be disclosed as a percentage of the dollar amount of the plan't investment.

(3) With respect to any insurance contracts or annuities or mutual fund shares which are recommended by the soliciting agent, (i) if the soliciting agent has received any special instructions with respect to soliciting purchases of such contracts, annuities or shares (other than with respect to describing the characteristics of such contracts, annuities or shares) from any insurance agent or broker, pension consultant, insurance company, mutual fund, or principal underwriter, a description of such instructions, (ii) if the soliciting agent has a special incentive arrangement (other than the receipt of sales commissions) in connection with the sale of such insurance contracts or annuities or mutual fund shares, a statement that the soliciting agent has such an arrangement and, if requested by the aforementioned fiduciary, a description of such arrangement, and (iii) if the soliciting agent or an insurance agent or broker, pension consultant or mutual fund principal underwriter for which the soliciting agent is an employee has, for any of its three taxable years prior to the making of such recommendation by the soliciting agent, received more than 20 percent of its gross commissions from all sales of insurance or mutual fund shares for any such year from the insurance company or mutual fund whose insurance contract, annuity or shares are recommended, the soliciting agent must disclose such facts.

Once the disclosures required by this paragraph (e) have been made to the fiduciary described in paragraph (b)(2) of this section with respect to the purchase of insurance contracts or annuities or mutual fund shares, no further disclosure need be made with respect to additional purchases of such contracts, annuities, or shares with plan assets within three years subsequent to such disclosure, unless the commission or special incentive arrangement with respect to such additional sales of such contracts, annuities or shares is materially different from that for which the disclosure was made, or the contract, annuity or mutual fund is materially different from that for which the disclosure was made.

(f) Such records as are necessary to enable the persons described in paragraph (g) of this section to determine whether the conditions of this exemption have been met shall be maintained for a period of six years from the date of any transaction described in section II above, except that:

(1) This paragraph (f) and paragraph (g) below shall not apply to transactions effected prior to 60 days subsequent to the date of granting of this exemption; and

(2) A prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, or of such insurance agent or broker, pension consultant, mutual fund principal underwriter or insurance company, such records are lost or destroyed prior to the end of such six-year period.

For transactions described in paragraphs (a) and (c) of section II above, such records shall be maintained by the insuranace agent or broker or pension consultant; for transactions described in paragraphs (b) and (e) of section II above, such records shall be maintained by the principal underwriter of the mutual fund; and for transactions described in paragraph (d) of section II above, such records shall be maintained by the insurance company.

(g) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (f) of this section are unconditionally available for examination during normal business hours by duly authorized employees or representatives of (1) the Department ofof Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any employee organization any of whose members are covered by the plan.

*Section IV—Definitions.* For purposes of this exemption:

(a) The term "principal underwriter" is defined in the same manner as that term is defined in section 2(a)(29) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(29)).

(b) The terms "fiduciary", "service provider", "insurance agent or broker," "pension consultant", "insurance company", "mutual fund", and "principal underwriter" include such persons and any affiliates thereof.

(c) The term "soliciting agent" means the individual who solicits the purchase of the insurance contract or annuity or the purchase of mutual fund shares.

(d) The term "affiliate" of a person includes:

(1) Any person directly or indirectly controlling, controlled by, or under common control with such person;

(2) Any officer, director, partner, employee or relative of such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

(e) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(f) the term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

(g) The term "special incentive arrangement" means an arrangement whereby consideration is available or payable (directly or indirectly) to a soliciting agent because of the insurance agent's or broker's, pension consultant's, or mutual fund principal underwriter's contractual relationship with an insurance company or mutual fund, and not an arrangement whereby consideration is available to any soliciting agent who sells a product of that insurance company or mutual fund.

Signed at Washington, D.C., this 22d day of December, 1976.

DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

WILLIAM J. CHADWICK,
*Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.*

[FR Doc.76-38233 Filed 12-28-76;8:45 am]

(NOTE.—This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

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## Office of Federal Contract Compliance Programs

## FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

### Meeting

On January 28, 1976, The Secretary of Labor announced in the FEDERAL REGISTER (41 CFR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. The first meeting of this Advisory Committee was held on February 27, 1976 (41 CFR 5880).

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the ninth meeting of the above committee has been scheduled for 10:00 A.M. on January 31, 1977, in Room S-3215 (A.B.C.), New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

The agenda for the January 31, meeting calls for the continued effectiveness of Affirmative Action Programs in Higher Education.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's

Executive Secretary: David G. Speck, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs, New U.S. Department of Labor Building, Room C-3325, Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of January, 1977.

DR. DAVID G. SPECK,
*Executive Secretary.*

[FR Doc.77-658 Filed 1-6-77;8:45 am]

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## Office of the Secretary

[TA-W-1,458]

### ALLIED CHEMICAL 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 Semet-Solvay Division, Detroit Mich., of Allied Chemical Corp., Morristown, New Jersey (TA-W-1,458). 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 coke produced by Allied Chemical 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 17, 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 17, 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.77-660 Filed 1-6-77;8:45 am]

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[TA-W-1,454]

### ARMCO 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 Sand Springs Works, Sand Springs, Oklahoma of Armco Steel Corporation, Middletown, Ohio (TA-W-1,454). 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 coke produced by Armco 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 17, 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 17, 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.77-661 Filed 1-6-77;8:45 am]

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[TA-W-1,455]

### ARMCO 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 Marion Works, Marion, Ohio, of Armco Steel Corporation, Middletown, Ohio (TA-W-1,455). 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 bars, rebars, fenceposts & sign posts produced by Armco Steel Corporation or an appropirate 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 subdivison. The investigation will further relate, as appropirate, 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 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigaton to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 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.77-662 Filed 1-6-77;8:45 am]

[TA-W-1,456]

## ARMCO 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 Ambridge Works, Ambridge, Pa. of Armco Steel Corp., Middletown, Ohio (TA-W-1,456). 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 & alloy seamless tube and couplings produced by Armco 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 17, 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 17, 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.77-663 Filed 1-6-77;8:45 am]

[TA-W-1,465]

## ARMCO STEEL CORP.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 Ashland Works, Ashland, Kentucky of Armco Steel Corporation, Middletown, Ohio (TA-W-1,465). 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 sheets, plates strip slabs, & galvanized sheets, coils, and billets produced by Armco 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-664 Filed 1-6-77;8:45 am]

[TA-W-1,482]

## CALUMET STEEL CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 Calumet Steel Company, Chicago Heights, Illinois (TA-W-1,482). 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 hot rolled carbon steel bars, rounds, squares, angles and flats produced by Calumet 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-665 Filed 1-6-77;8:45 am]

TA-W-1,459

## CYCLOPS 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 Mansfield, Ohio plant of Cyclops Corporation, Pittsburgh, Pa. (TA-W-1,459). 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 rolled carbon, silicon and stainless sheets produced by Cyclops 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 17, 1977.

Interest 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 17, 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.77-666 Filed 1-6-77;8:45 am]

[TA-W-1,353]

## HUNT VALVE COMPANY, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 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 Hunt Valve Company, Inc., Salem, Ohio (TA-W-1,353). 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 and stainless steel auto and hand hydraulic and water valves produced by Hunt Valve Company, 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 17, 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 17, 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 1st day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-667 Filed 1-6-77;8:45 am]

[TA-W-1,475]

## INTERLAKE, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 the Riverdale, Illinois plant of Interlake, Inc., Oakbrook, Illinois (TA-W-1,475). 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 basic steel produced by Interlake, 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 17, 1977.

Interested persons are inivted 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-668 Filed 1-6-77;8:45 am]

[TA-W-1,476]

## INTERLAKE, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 the Newport Works, Newport, Kentucky of Interlake, Inc., Oakbrook, Ill. (TA-W-1,476). 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 basic steel produced by Interlake, 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-669 Filed 1-6-77;8:45 am]

[TA-W-1,477]

## INTERLAKE, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 the Chicago, Illinois plant of Interlake, Inc., Oakbrook, Ill. (TA-W-1,477). 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 molten iron produced by Interlake, 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 17, 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 17, 1977.

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Signed at Washington, D.C., this 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-670 Filed 1-6-77;8:45 am]

[TA-W-1,478]

## INTERLAKE, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 Toledo, Ohio plant of Interlake, Inc., Oakbrok, Ill. (TA-W-1,478). 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 molten iron produced by Interlake, 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-671 Filed 1-6-77;8:45 am]

[TA-W-1,479]

## JONES & LAUGHLIN STEEL CORP.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 Hazelwood, Pennsylvania plant of Jones & Laughlin Steel Corp., Pittsburgh, Pa. (TA-W-1,479). 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 cold finished bars produced by Jones & 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 of 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-672 Filed 1-6-77;8:45 am]

[TA-W-1,480]

## JONES & LAUGHLIN STEEL CORP.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 Hennepin, Illinois plant of Jones & Laughlin Steel Corporation, Pittsburgh, Pa. (TA-W-1,480). 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 flat rolled products produced by Jones & 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 shown below, not later than January 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-673 Filed 1-6-77;8:45 am]

[TA-W-1,481]

## JONES & LAUGHLIN STEEL CORP.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 Cleveland, Ohio plant of Jones & Laughlin Steel Corporation, Pittsburgh, Pa. (TA-W-1,481). 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 products produced by Jones & 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 shown below, not later than January 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 77-674 Filed 1-6-77;8:45 am]

[TA-W-1,466]

## KOPPERS COMPANY, INC.

### 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 Woodward, Alabama plant of the Organic Materials Div. of Koppers Company, Inc., Pittsburgh, Pennsylvania (TA-W-1,466). Accordingly, the Director 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 coke produced by Koppers Company, 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 acordance 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 17, 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 17, 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.77-675 Filed 1-6-77;8:45 am]

[TA-W-1,467]

## KOPPERS COMPANY, INC.

### 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 Erie, Pa. plant of the Organic Materials Div. of Koppers Company, Inc., Pittsburgh, Pennsylvania (TA-W-1,467). 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 coke produced by Koppers Company, 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 show below, not later than January 17, 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 17, 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.77-676 Filed 1-6-77;8:45 am]

[TA-W-1,461]

## LACLEDE STEEL CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 Alton, Illinois plant of Laclede Steel Company, St. Louis, Missouri (TA-W-1,461). 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 products, pipes, small sizes of sheets and strips produced by Laclede 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of*
*Trade Adjustment Assistance.*

[FR Doc.77-677 Filed 1-6-77;8:45 am]

[TA-W-1,462]

## LACLEDE STEEL CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 Madison, Illinois plant of Laclede Steel Company, St. Louis, Missouri (TA-W-1,462). 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 reinforcing bars produced by Laclede 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. HOOKS,
*Director, Office of*
*Trade Adjustment Assistance.*

[FR Doc.77-678 Filed 1-6-77;8:45 am]

[TA-W-1,351]

## MUELER CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 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 the Chattanooga, Tenn. plant of Mueler Co., Decatur, Illinois (TA-W-1,351). 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 firehydrants 7 other waterworks products produced by Mueler Co. 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 17, 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 17, 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 1st day of December 1976.

MARVIN M. FOOKS,
*Director, Office of*
*Trade Adjustment Assistance.*

[FR Doc.77-679 Filed 1-6-77;8:45 am]

[TA-W-1,453]

## PHILADELPHIA COKE COMPANY, INC.

### 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 Philadelphia Coke Company, Inc., Philadelphia, Pa. a wholly owned subsidiary of Eastern Gas & Fuel Associates, Boston, Mass (TA-W-1,453). According, 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 coke produced by Philadelphia Coke Company, 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 17, 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 17, 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.77-680 Filed 1-6-77;8:45 am]

[TA-W-1,380]

## SONDRA, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 29, 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 Sondra, Incorporated, Allentown, Pennsylvania (TA-W-1,380). 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 women's and mens' slacks, women's tops, dresses, leotards, shirts, shorts, etc. produced by Sondra, 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 17, 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 17, 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 7th day of December 1976.

DOMINIC SORRENTINO,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-681 Filed 1-6-77;8:45 am]

[TA-W-1,142]

## STANDARD GLOVE CO. OF N.J., INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976, the Department of Labor received a petition dated September 29, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers on behalf of the workers and former workers of Standard Glove Co. of N.J., Inc., Newark, New Jersey (TA-W-1,142). 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 work gloves produced by Standard Glove Co. of N.J., 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 17, 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 17, 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 5th day of October 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-682 Filed 1-6-77;8:45 am]

[TA-W-1,460]

## TIMKIN 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 The Timkin Company, Canton, Ohio (TA-W-1,460). 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 ingots, blooms, billets, tube rounds, seamless tubing, wire rods, bars, tool steel, taper roller carbon bearings produced by The Timkin 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 17, 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 17, 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.77-683 Filed 1-6-77;8:45 am]

[TA-W-1,474]

## TITANIUM METALS CORP. OF AMERICA

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 the Standard Steel Div., Burnham, Pa. of Titanium Metals Corp., of America, Pittsburgh, Pa. (TA-W-1,474). 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 railroad wheels and angles and rings produced by Titanium Metals Corp. of America 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 77-684 Filed 1-6-77;8:45 am]

[TA-W-1,473]

## UNION ELECTRIC STEEL CORP.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 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 Union Electric Steel Corp. Carnegie, Pa. (TA-W-1,473). 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 finished forged hardened steel rolls produced by Union Electric 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-685 Filed 1-6-77;8:45 am]

[TA-W-1,431]

## 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 Clairton, Pennsylvania plant of U.S. Steel Corp., Pittsburgh, Pa. (TA-W-1,431). 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 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Direcor, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 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.77-686 Filed 1-6-77;8:45 am]

[TA-W-1,443]

**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 McDonald, Ohio plant of U.S. Steel Corporation, Pittsburgh, Pa., (TA-W-1,443). 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 17, 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 17, 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.77-687 Filed 1-6-77;8:45 am]

[TA-W-1,443]

**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 McDonald, Ohio plant of U.S. Steel Corporation, Pittsburgh, Pa., (TA-W-1,443). 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 related, 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.

Pursurant 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 17, 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 17, 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.77-688 Filed 1-6-77;8:45 am]

[TA-W-1,444]

**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 McKeesport, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,444). 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 17, 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 17, 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. 20200.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
*Acting Director, Office of Trade Adjustment Assistance.*

[TA-W-1,445]

## 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 McKees Rocks, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,445). 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 17, 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 17, 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.77-690 Filed 1-6-77;8:45 am]

[TA-W-1,446]

## U.S. STEEL CORP.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment

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 Pittsburg, California plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,446). 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 Supart 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 17, 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 17, 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.77-691 Filed 1-6-77;8:45 am]

[TA-W-1,447]

## 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 Provo, Utah plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,447). 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 17, 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 17, 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.77-692 Filed 1-6-77;8:45 am]

[TA-W-1,448]

## 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 Rankin, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,448). 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 17, 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 17, 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.77-693 Filed 1-6-77;8:45 am]

[TA-W-1,449]

## 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 Torrance, California plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,449). 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 17, 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 17, 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 1975.

DOMINIC SORRENTINO,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-694 Filed 1-6-77;8:45 am]

[TA-W-1,451]

## 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 Bessemer, Alabama plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,451). 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 of 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 17, 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 17, 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.77-695 Filed 1-6-77;8:45 am]

[TA-W-1,452]

## U.S. STEEL CORPORATION

### 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 Fairfield, Alabama plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,452). 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 & 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 17, 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 17, 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.

DOMINIC SORRENTINO,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-696 Filed 1-6-77;8:45 am]

[TA-W-1,468]

## WHEELING PITTSBURGH STEEL CORPORATION

### 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 the Ohio Valley plant, Steubenville, Ohio of Wheeling Pittsburgh Steel Corp., Pittsburgh, Pa. (TA-W-1,468). 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 strip steel, coated coils, pig iron, ingots, slabs & cold rolled coils produced by Wheeling Pittsburgh 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 17, 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 17, 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.77-697 Filed 1-6-77;8:45 am]

[TW-W-1,469]

## WHEELING PITTSBURGH 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 the Ohio Valley plant, Follansbee, West Virginia of Wheeling Pittsburgh Steel Corp., Pittsburgh, Pa. (TA-W-1,469).

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 strip steel and coated coils produced by Wheeling Pittsburgh 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 17, 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 17, 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.77-698 Filed 1-6-77;8:45 am]

[TA-W-1,470]

## WHEELING PITTSBURGH 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 the Ohio Valley plant, Yorkville, Ohio of Wheeling Pittsburgh Steel Corp., Pittsburgh, Pa. (TA-W-1,470).

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 tin and black plate, tin foil steel and cold rolled steel produced by Wheeling Pittsburgh 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 17, 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 17, 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.77-699 Filed 1-6-77;8:45 am]

[TA-W-1,471]

## WHEELING PITTSBURGH 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 the Ohio Valley plant, Mingo Junction, Ohio of Wheeling Pittsburgh Steel Corporation, Pittsburgh, Pa. (TA-W-1,471). 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 slabs & rolled coils produced by Wheeling Pittsburgh 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 17, 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 17, 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.77-700 Filed 1-6-77;8:45 am]

[TA-W-1,472]

## WHEELING PITTSBURGH 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 the Ohio Valley plant, Benwood, West Virginia of Wheeling Pittsburgh Steel Corporation, Pittsburgh, Pa. (TA-W-1,472). 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 black and galvanized standard, structural and line pipes, welding castings, conduits and electrical metallic tubing produced by Wheeling Pittsburgh 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 17, 1977.

Interested persons are inivted 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 17, 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.77-701 Filed 1-6-77;8:45 am]

[TA-W-1,463]

### YOUNGSTOWN SHEET AND TUBE CO.

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On December 20, 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 East Chicago, Indiana plant of Youngstown Sheet and Tube Co., Youngstown, Ohio (TA-W-1,463). 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 basic steel produced by Youngstown Sheet and Tube 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 17, 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 17, 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 20th day of December 1976.

MARVIN M. FOOKS,
*Director, Office of Trade Adjustment Assistance.*

[FR Doc.77-702 Filed 1-6-77;8:45 am]

## NATIONAL CENTER FOR PRODUCTIVITY AND QUALITY OF WORKING LIFE

### NATIONAL CENTER FOR PRODUCTIVITY OF QUALITY OF WORKING LIFE BOARD OF DIRECTORS

**Meeting**

JANUARY 5, 1977.

Notice is hereby given of a meeting of the Board of Directors of the National Center for Productivity and Quality of Working Life established by the National Productivity and Quality of Working Life Act of 1975 (Pub. L. 94-136). The Board is presently composed of 23 members representing business, labor, the Federal Government, State and local governments, institutions of higher education and others from the private and public sectors.

The Directors will meet January 12, 1977 at 9:30 a.m. in the Old Executive Office Building. The proposed agenda for the meeting which will adjourn at 12:00 p.m. is a discussion of a draft statement on productivity issues.

To receive additional information, and changes, if any, to the agenda, interested persons of the public should contact: Charles E. Courtney, National Center for Productivity and Quality of Working Life, 2000 M Street, N.W. at 202-254-9890.

GEORGE M. KUPER,
*Executive Director.*

[FR Doc.77-808 Filed 1-6-77;8:45 am]

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

### ARCHITECTURE PLUS ENVIRONMENTAL ARTS ADVISORY PANEL

**Renewal**

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Architecture Plus Environmental Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Architecture Plus Environmental Arts Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Architecture Plus Environmental Arts Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-670 Filed 1-6-77;8:45 am]

### DANCE ADVISORY PANEL

**Renewal**

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Dance Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Dance Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Dance Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-671 Filed 1-6-77;8:45 am]

### EXPANSION ARTS ADVISORY PANEL

**Renewal**

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Expansion Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Expansion Arts Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Expansion Arts Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-572 Filed 1-6-77;8:45 am]

## FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

### Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Federal Graphics Evaluation Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Federal Graphics Evaluation Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Federal Graphics Evaluation Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-573 Filed 1-6-77;8:45 am]

## LITERATURE ADVISORY PANEL

### Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Literature Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Literature Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Literature Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-574 Filed 1-6-77;8:45 am]

## MUSEUM ADVISORY PANEL

### Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Museum Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Museum Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Museum Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-575 Filed 1-6-77;8:45 am]

## MUSIC ADVISORY PANEL

### Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Music Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Music Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Music Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-576 Filed 1-6-77;8:45 am]

## PUBLIC MEDIA ADVISORY PANEL

### Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Public Media Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Public Media Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Public Media Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-577 Filed 1-6-77;8:45 am]

## THEATRE ADVISORY PANEL

### Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Theatre Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Theatre Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Theatre Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-578 Filed 1-6-77;8:45 am]

## VISUAL ARTS ADVISORY PANEL

### Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Visual Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Visual Arts Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Visual Arts Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-579 Filed 1-6-77;8:45 am]

## VISUAL ARTS ADVISORY PANEL

### Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel (Master Craftsmen Apprenticeships) to the National Council on the Arts will be held on January 24-25, 1976 from 9:30 a.m.-6:00 p.m., in Room 1115, Columbia Plaza Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-650 Filed 1-6-77;8:45 am]

## EXPANSION ARTS ADVISORY PANEL

### Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will be held on January 19, 1977, from 9:00-5:30, in Room 1425, Columbia Plaza Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.77-813 Filed 1-6-77;8:45 am]

# NATIONAL SCIENCE FOUNDATION

## ADVISORY PANEL FOR MEMORY AND COGNITIVE PROCESSES

### Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Memory & Cognitive Processes.
Date and time: January 31 and February 1, 1977 9:00 A.M. each day.
Place: National Science Foundation, 1800 G Street, NW, Washington, D.C., Room 338.
Type of meeting: Closed.
Contact person: Dr. Joseph L. Young, Program Director for Memory and Cognitive Processes, Room 320, National Science Foundation, Washington, D.C., Telephone: 202-634-1583.
Purpose of panel: To provide advice and recommendations concerning support for research in Memory and Cognitive Processes.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
*Acting Committee Management Officer.*

JANUARY 3, 1977.

[FR Doc.77-557 Filed 1-6-77;8:45 am]

## FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

### Meeting

The next meeting of the Federal Scientific and Technical Information Managers will be held on Wednesday, January 12, 1977, from 9:30 a.m.-12 noon, at the Office of Telecommunications, 1325 G Street, NW, Forum Room, Second Floor. The theme of this meeting will be the "Developments in Computers and Telecommunications Technology: What Impacts on S&T Communication?"

These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

These meetings are designed solely for the benefit of Federal employees and officers, and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further information should notify Mr. Andrew A. Aines, Division of Science Information, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, telephone: (202) 632-5836.

Dated: December 29, 1976.

LEE G. BURCHINAL,
*Director, Division of Science Information.*

[FR Doc.77-553 Filed 1-6-77;8:45 am]

## SUBPANEL FOR THE COMPREHENSIVE ASSISTANCE TO UNDERGRADUATE SCIENCE EDUCATION PROGRAM (CAUSE); ADVISORY PANEL FOR SCIENCE EDUCATION PROJECTS

### Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: SubPanel for the Comprehensive Assistance to Undergraduate Science Education Program (CAUSE) Advisory Panel on Science Education Projects

Date and time: January 30, 1977—7:30 p.m.—9:30 p.m. January 31, 1977—7:30 a.m.—5:00 p.m. February 1, 1977—7:30 a.m.—5:00 p.m.

Place: Biltmore Hotel, 515 South Olive Street, Los Angeles, California.

Type of Meeting: Closed.

Contact person: Dr. John A. Maccini, Program Director, CAUSE, Room W–408, National Science Foundation, Washington, D.C. 20550, Tel: 202–282–7736.

Purpose of panel: To provide advice and recommendations concerning support for the CAUSE Program.

Agenda: To review and evaluate specific science education proposals as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
*Acting Committee Management Officer.*

JANUARY 3, 1977.

[FR Doc. 77–558 Filed 1–6–77;8:45 am]

## SUBPANEL FOR THE RESEARCH INITIATION AND SUPPORT PROGRAM, (RIAS); ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel for the Research Initiation and Support Program (RIAS); Advisory Panel on Science Education Projects

Date and time: January 27, 1977—7:30 p.m.–9:30 p.m. January 28, 1977—8:30 a.m.–5:00 p.m. January 29, 1977—8:30 a.m.–3:00 p.m.

Place: Quality Inn—Pentagon City, 300 Army Navy Drive, Arlington, Virginia

Type of meeting: Closed.

Contact person: Dr. Alfred F. Borg, Program Director, RIAS, Room W–420, National Science Foundation, Washington, D.C. 20550, Tel: 202–282–7777.

Purpose of panel: To provide advice and recommendations concerning support for the RIAS Program.

Agenda: To review and evaluate specific science education proposals as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(b) of P.L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
*Acting Committee Management Officer.*

JANUARY 4, 1977.

[FR Doc.77–585 Filed 1–6–77;8:45 am]

# SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–13118; File No. SR–Amex–76–32]

## AMERICAN STOCK EXCHANGE, INC.

### Proposed Rule Change; Self-Regulatory Organization

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 American Stock Exchange, Inc. (the "Amex") filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed addition to the Amex's Constitution provides:

WRITTEN CONSENT TO ACTION WITHOUT MEETING

Any action required or permitted to be taken by the Board or any committee thereof may be taken without a meeting if all members of the Board or such committee consent in writing to the adoption of a resolution authorizing such action.

STATEMENT OF BASIS AND PURPOSE

The purpose of this proposed change is to enable the Board or any of its committees to take action between regularly scheduled meetings without the necessity of calling a special meeting where unanimity is available among Board or committee members. The new section being added to the Amex's Constitution is consistent with the provisions of the New York Not-For-Profit Corporation Law, which allow action by written consent only if specifically authorized in a corporation's charter documents.

The proposed amendment is based upon section 6(b)(1) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975, and will facilitate procedural aspects of Board and committee action in certain situations.

No comments were solicited or received with respect to the proposed amendment.

The Amex has determined that the proposed addition to its Constitution will not impose any burden on competition.

On or before February 11, 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, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

DECEMBER 29, 1976.

[FR Doc.77–644 Filed 1–6–77;8:45 am]

[Release No. 34–13119; File No. SR–CBOE–1976–25]

## CHICAGO BOARD OPTIONS EXCHANGE, INC.

### Proposed Rule Change; Self-Regulatory Organizations

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 17, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

(Brackets indicate deletions; *italics*, new material.)

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

DISCIPLINARY JURISDICTION

Rule 17.1 A member *or a person associated with a member* [, Approved Person or person registered under Chapter IX of these Rules] (the "Respondent") who [has violated] *is alleged to have violated or aided and abetted a violation of any provision of the Securities Exchange Act of 1934, as amended ("Exchange Act"), the rules and regulations promulgated thereunder, or any constitutional provisions* by-law or rule of the Exchange or of the Clearing Corporation *or any interpretation thereof* or resolution of the Board of the Exchange or of the Clearing Corporation regulating the conduct of business on the Exchange [may be expelled, suspended or disciplined] *shall be subject to the disciplinary jurisdiction of the Exchange under this Chapter, and after notice and opportunity for a hearing may be appropriately disciplined by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member or any other fitting sanction,* in accordance with provisions of the Chapter.

An individual member, nominee of [Approved Person] *other person associated with a member organization* may be charged with any violation committed by [his] employees *under his supervision* or by the member organization with which he is associated, as though such violation were his own. A member organization may be charged with any violation committed by its employees or by a member or [Approved Person] *other person* who is associated with such member organization, as though such violation were its own.

* * * *Interpretations and Policies*

.01 *Any member or person associated with a member shall be subject to the disciplinary jurisdiction of the Exchange for a period of one year following such person's termination of membership or association with a member: Provided however, That within such period the Exchange serves written notice to such former member or associated person that the Exchange is making inquiry into a specified matter or matters which occurred prior to the termination of such person's status as a member or person associated with a member.*

.02 *A summary suspension or other action taken pursuant to Chapter XVI of the Rules shall not be deemed to be disciplinary action under this Chapter, and the provisions of this Chapter shall not be applicable to such action.*

COMPLAINT AND INVESTIGATION

Rule 17.2 (a) *Initiation of Investigation.* The *Exchange* [Department of Compliance] shall investigate possible violations within the disciplinary jurisdiction of the Exchange upon order of the Board, the Business Conduct Committee, the President or [the Compliance Director] *other Exchange officials designated by the President* or upon receipt of a complaint alleging such violations filed by a member or by any other person alleging injury as a result of such violations (the "Complainant"). All complaints shall be in writing signed by the Complainant and shall specify in reasonable detail the facts constituting the violation, including the specific *statutes,* by-laws, rules, *interpretations* or resolutions allegedly violated.

(b) Report. In every instance where an investigation has been instituted as a result of a complaint received by the Exchange, and in every other instance in which an investigation results in a finding that there are reasonable grounds to believe that a violation has been committed, the *Exchange staff* [Department of Compliance] shall submit a written report of its investigation to the Business Conduct Committee.

CHARGES

Rule 17.3. (a) Determination Not to Initiate Charges. Whenever it shall appear to the Business Conduct Committee from the report of the *staff of the Exchange* [Department of Compliance] that no probable cause exists for finding a violation within the disciplinary jurisdiction of the Exchange, or whenever the Business Conduct Committee otherwise determines that no further proceedings are warranted, it shall issue a written statement to that effect setting forth its reasons for such finding. A copy of the statement shall be sent to the Complainant, if any.

(b) Initiation of Charges. Whenever it shall appear to the Business Conduct Committee from the report of the *staff of the Exchange* [Department of Compliance] that there is probable cause for finding a violation within the *disciplinary* jurisdiction of the Exchange and that further proceedings are warranted, the Business Conduct Committee shall direct the *staff of the Exchange* [Department of Compliance] to prepare a statement of charges against the person or organization alleged to have committed a violation (the "Respondent") specifying the acts in which the Respondent is charged to have engaged and setting forth the specific *provisions of the Securities Exchange Act of 1934, as amended, rules and regulations promulgated thereunder, constitutional provisions, by-laws, rules, interpretations* or resolutions of which such acts are in violation. A copy of the charges shall be served upon the Respondent in accordance with Rule 17.11. *The Complainant, if any, shall be notified if further proceedings are warranted.*

HEARING

Rule 17.5 (a) Participants. Subject to Rule 17.6 of this Chapter concerning summary proceedings, a hearing on the charges shall be held before one or more members of the Business Conduct Committee, a senior officer of the Exchange, or a special sub-committee consisting of *one or more* members of the Business Conduct Committee and *one or more* senior Exchange officers. Any other person possessing expertise over matters to be considered at the hearing may participate in the hearing in a capacity agreed upon by the Respondent and the Business Conduct Committee. The person or persons conducting the hearing shall exercise the authority of the Business Conduct Committee in respect of matters pertaining to the hearing and for purposes of this Chapter shall be referred to as the "Panel." A representative of the *Exchange* [Department of Compliance] and the Respondent shall be the parties to the hearing. [In addition, the Panel shall determine whether and to what extent any other interested persons may participate as parties to the hearing.] Where a member organization is a party, it shall be represented by one of its members (including nominees) at the hearing.

(b) Notice and List of Documents. Parties shall be given at least 15 days notice of the time and place of the hearing and a statement of the matters to be considered therein. All documentary evidence intended to be presented in the hearing by the Respondent, [the Compliance Officer] *the Exchange,* or any other party must be received by the Panel at least eight days in advance of the hearing or it may not be presented in the hearing [or relied on by the Panel in its determinations]. The parties shall [be furnished] *furnish each other* with a list of all documents submitted for the record not less than four days in advance of the hearing, and the documents themselves shall be made available to the parties for inspection and copying.

(c) Conduct of Hearing. The Panel shall determine all questions concerning the admissibility of evidence and shall otherwise regulate the conduct of the hearing. Formal rules of evidence shall not apply. The charges shall be presented by *a representative of the Exchange* [the Compliance Officer] who, along with Respondent *and any other party,* may present evidence and produce witnesses[.] *who shall testify under oath and are subject to being* [Witnesses may be] questioned by the Panel *and the other parties.* [as well as by the Compliance Officer and the Respondent.] The Respondent *and intervening parties are* [is] *entitled* to be represented by counsel who may participate fully in the hearing. [Additional parties may participate to the extent permitted by the Panel.] A transcript of the hearing shall be made and shall become parts of the record.

* * * *Interpretations and Policies*

.01 *Intervention. Any person not otherwise a party may intervene as a party to the hearing upon demonstrating to the satisfaction of the Panel that he has an interest in the subject of the hearing and that the disposition of the matter, may, as a practical matter, impair or impede his ability to protect that interest. Also, the panel may in its discretion permit a person to intervene as a party to the hearing when the person's claim or defense and the main action have questions*

of law or fact in common. *Any person wishing to intervene as a party to a hearing shall file with the Panel a notice requesting the right to intervene, stating the grounds therefor, and setting forth the claim or defense for which intervention is sought.*

.02 *The panel, in exercising its decretion concerning intervention shall take into consideration whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.*

OFFERS OF SETTLEMENT

Rule 17.7. At any time during the course of any proceeding under this Chapter, the Respondent may submit to the Business Conduct Committee a written offer of settlement which shall contain a proposed stipulation of facts and shall consent to a specified penalty. Where the Business Conduct Committee accepts an offer of settlement, it shall issue a decision, including findings and conclusions and imposing a penalty, consistent with the terms of such offer. Where the Business Conduct Committee rejects an offer of settlement, *it shall notify the Respondent and* the matter shall proceed as if such offer had not been made, and the offer and all documents relating thereto shall not become part of the record. A decision of the Business Conduct Committee issued upon acceptance of an offer of settlement as well as the determination of the Committee whether to accept or reject such an offer shall be final, [except as provided in Rule 17.9(c) of this Chapter] and the Respondent may not seek review thereof.

DECISION

Rule 17.8. Following a hearing conducted pursuant to Rule 17.5 of this Chapter, the Panel shall prepare a decision in writing, based solely on the record, determining whether the Respondent has committed a violation and imposing the penalty, if any, therefor. Where the Panel is not composed of *at least a majority* [all] of the members of the Business Conduct Committee, its determination shall be automatically reviewed by [the full] *a majority of the* Committee, which may accept or modify the determination or remand the matter for additional findings or supplemental proceedings. The decision shall include a statement of findings and conclusions, with the reasons therefor, upon all material issues presented on the record. Where a penalty is imposed, the decision shall include a statement specifying the acts or practices in which the Respondent [may be] *has been* found to have engaged and setting forth the specific *provisions of the Securities Exchange Act of 1934; as amended, rules and regulations promulgated thereunder,* constitutional provisions, by-laws, rules, *interpretations* or resolutions of which the acts are deemed to be in violation. The Respondent shall be promptly sent a copy of the decision.

REVIEW

Rule 17.9. (a) Petition. The Respondent shall have 10 days after service of notice of a decision made pursuant to Rule 17.8 of this chapter to petition for review thereof. Such petition shall be in writing and shall specify the findings and conclusions to which exceptions are taken together with reasons for such exceptions. Any objections to a decision not specified by written exception shall be considered to have been abandoned [and may be disregarded].

(b) (No Change)

(c) Review on Motion of Board. The Board may on its own initiative order review of a decision made pursuant to Rules 17.6 or 17.8 [or a rejection of an offer of settlement made pursuant to Rule 17.7] of this Chapter within 30 days after notice of the decision has been served on the Respondent. Such review shall be conducted in accordance with the procedure set forth in paragraph (b) of this Rule.

JUDGMENT AND PENALTY

Rule 17.10. (a) Penalties. [In disciplining violations pursuant to this Chapter,] *Members and persons associated with members shall (subject to any rule or order of the Securities and Exchange Commission) be appropriately disciplined by* the Business Conduct Committee *for violations under these Rules by expulsion, suspension, limitation of activities, functions and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction.* [may censure or impose a fine on the Respondent, suspend his membership, approval, or registration, for a definite period or until he has complied with specified requirements and obtained reinstatement pursuant to Rule 16.3 of the Rules, order the suspension or termination of any business connections with any employee or affiliate or organization, terminate the Respondent's membership, approval or registration, or impose any other penalty considered appropriate under the circumstances.]

EXCHANGE STATEMENT OF BASIS AND PURPOSE

*Rule 17.1.* The Amendment to Rule 17.1 brings the rule into conformity with the provisions of Sections 6(b)(1), 6(b)(6) and 6(d)(1) of the 1934 Act governing the disciplinary jurisdiction of exchanges by extending the Exchange's disciplinary jurisdiction to persons associated with members, by bringing within such jurisdiction violations of the 1934 Act and by otherwise conforming the terminology of the rule to that of the 1934 Act.

Furthermore, the purpose of the amendments is to specifically subject persons to the Exchange's disciplinary jurisdiction within one year after such person's termination of membership or association with a member for acts committed during the period of his membership or membership association. In addition, the amendment makes it clear that the provisions of Chapter XVII do not apply to actions taken in accordance with Chapter XVI of the Exchange's Rules.

*Rule 17.2.* The purpose of the proposed amendment to this rule is to enlarge the category of Exchange officials having authority to order investigation of possible violations. Such an amendment will give the Exchange greater freedom in organizing its administration of disciplinary matters.

*Rule 17.3.* The proposed amendment to this rule reflects the amendment discussed under Rule 17.2 whereby departments of the Exchange other than the Compliance Department may have responsibility for disciplinary investigations and the initiation of charges.

*Rule 17.5.* The proposed interpretation to this rule clarifies the procedures to be followed in permitting persons to intervene as parties in disciplinary hearings.

*Rule 17.7.* The proposed amendment requires that the Business Conduct Committee notify the Respondent when it rejects an offer of settlement. Although this has been the practice in the past, it has not been a formal part of the Exchange's disciplinary procedures.

*Rule 17.8.* The proposed amendment to this rules provides for a review by a majority of the members of the Business Conduct Committee of all decisions by hearing Panels composed of less than a majority of the members of the Committee. This amendment was proposed in an effort to expedite the disciplinary process and at the same time ensure that disciplinary decisions involving Respondents are exposed to the knowledge and expertise of a representative number of the Business Conduct Committee members.

*Rule 17.9.* The proposed amendment primarily deletes review on motion of the Board of Directors of rejections of offers of settlement. As a practical matter, such review has not occurred, and provision for it merely serves to delay the prompt completion of disciplinary actions. Such an amendment will serve to expedite the processing of a disciplinary case, and also, maintain the opportunity for review of Business Conduct Committee decisions by the Board of Directors.

*Rule 17.10.* The proposed amendment brings this rule into conformity with the language of section 6(b)(6) of the 1934 Act.

Pursuant to the requirements of sections 6(b)(1), 6(b)(6) and 6(d)(1) of the 1934 Act, the Exchange has proposed amendments to that chapter of its Rules which concerns disciplinary procedures, jurisdiction, penalties and review of Business Conduct Committee decisions regarding members and persons associated with members.

Comments were not solicited from members on the proposed rules change.

The Exchange does not believe the proposed rules change will impose any burden upon competition.

On or before February 11, 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, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and 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 January 31, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

DECEMBER 29, 1976.

[FR Doc.77-638 Filed 1-6-77;8:45 am]

[811-2222]

## FIDELITY CONVERTIBLE & SENIOR SECURITIES FUND, INC.

### Filing of Application for an Order Declaring That Fidelity Convertible & Senior Securities Fund, Inc., Has Ceased To Be an Investment Company

Notice is hereby given that Fidelity Equity-Income Fund, Inc. ("Applicant"), 82 Devonshire Street, Boston, Massachusetts 02109, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on July 1, 1976, and an amendment thereto on December 21, 1976, pursuant to section 8(f) of the Act, for an order of the Commission declaring that Fidelity Convertible & Senior Securities Fund, Inc. ("Fidelity Convertible"), an open-end, diversified, management investment company also registered under the Act, has ceased to be an investment company as defined in the Act. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that Fidelity Convertible was incorporated in the Commonwealth of Massachusetts on August 25, 1971, and registered under the Act on August 25, 1971.

Applicant represents that on September 12, 1975, pursuant to an Amended Agreement of Merger which was approved by the shareholders of Fidelity Convertible on September 9, 1975, Fidelity Convertible was merged with and into Applicant and the outstanding shares of Fidelity Convertible were converted into shares of Applicant. Applicant further represents that Articles of Merger were filed with the Secretary of the Commonwealth of Massachusetts and that, pursuant to state law, on the effective date of the merger, title to and possession of all the estate, property, franchises and other interests of Fidelity Convertible vested in Applicant. Applicant states that Fidelity Convertible has no separate corporate existence, no assets and no shareholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 24, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.77-641 Filed 1-6-77;8:45 am]

[File No. 500-1]

## GEMEX MINERALS, INC.

### Suspension of Trading

DECEMBER 23, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Gemex Minerals, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:25 a.m. (EST) on December 23, 1976 through January 1, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.77-636 Filed 1-6-77;8:45 am]

[File No. 20-209A1, 3-5047]

## GENERAL OIL, INC. AND MORRIS DICKEY WELL #1

### Order Permanently Suspending Regulation B Exemption Regarding Schedule D Offering Sheet

JANUARY 3, 1977.

I. On July 13, 1976, the Commission issued an order temporarily suspending the Regulation B exemption in the captioned offering sheet filed by General Oil, Inc., Indianapolis, Indiana, stating that it had reasonable cause to believe that:

1. No exemption is available for this offering under Regulation B because General Oil, Inc. failed to comply with Rule 310(d) of Regulation B (17 CFR 230.310(d)) in that General Oil, Inc. sold interests in the offering and accepted money for said interests without delivering to those persons who bought the interests a copy of the offering sheet at least 48 hours before the sale.

2. No exemption is available for this offering under Regulation B because General Oil, Inc. failed to comply with Rule 302(b) of Regulation B (17 CFR 230.302(b)) in that General Oil, Inc. failed to keep that percent of the working interest, from the Morris Dickey No. 1 tract, as is required under such Rule.

3. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330(a) and (b) of Regulation B (17 CFR 230.330(a) and (b)) by failing to disclose that:

a. Robert S. Chappell, president and sole shareholder of General Oil, Inc. was permanently enjoined by a United States District Court from violations of the anti-fraud provisions of the Federal securities laws in connection with the offer and sale of certain securities of Investment Corporation of America, and Air & Space Underwriters, Inc. and that this Order is still in force;

b. Robert S. Chappell is a defendant in a class action filed on March 14, 1975, in the United States District Court, Southern District of Indiana, alleging violations of the anti-fraud provisions of the Federal securities laws, and that the case is still pending;

c. Robert S. Chappell is a defendant in a class action filed on March 18, 1975, in the Allen Superior Court, County of Allen, State of Indiana, alleging fraud in connection with the sale of land, and that, such case is still pending; and

d. In excess of $100,000 of the proceeds would be used for and applied to the purchase of a motel in Arkansas.

II. No hearing having been requested by the issuer within thirty days after the entry of the order temporarily suspending its exemption under Regulation B, the Commission finds that it is in the

public interest and for the protection of investors that the exemption be permanently suspended.

*Accordingly, it is ordered,* Pursuant to Rules 334 and 336 of Regulation B under the Securities Act of 1933 that the exemption from registration with respect to General Oil, Inc.'s Morris Dickey Well No. 1 offering be, and hereby is, permanently suspended.

For the Commission, by its Secretary, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.77-642 Filed 1-6-77;8:45 am]

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[70-5946]

## MONONGAHELA POWER CO. ET AL

### Proposed Issuance of Promissory Notes to County Authority for Pollution Control Equipment

In the matter of Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554; The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740; West Penn Power Company, 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601.

Notice is hereby given that Monongahela Power Company ("Monongahela") The Potomac Edison Company ("PE"), and West Penn Power Company ("West Penn") (collectively referred to herein as the "Companies") which are public utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9 and 12 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Hatfield's Ferry Power Station ("Hatfield"), located in Greene County, Pennsylvania, is jointly owned by Monongahela, PE, and West Penn as follows:

| | *Percent* |
|---|---|
| Monongahela | 27½ |
| PE | 20 |
| West Penn | 52½ |

Various pollution control equipment including certain precipitators, fly-ash handling systems, a cooling tower and cooling water recirculating system, a water treatment system and associated equipment (collectively referred to herein as the "Facilities") are now under construction at Hatfield. The Facilities are required to be installed at Hatfield in order to meet air quality standards as to particulate emissions and various state and federal water quality standards.

The proposed transactions involve the transfer of the Facilities to the Greene County Industrial Authority ("the Authority") by Monongahela, PE and West Penn. All conveyances to the Authority will be made subject to the liens of the first mortgages of Monongahela, PE and West Penn. The Authority will complete the construction of the Facilities. It is expected that the total cost of the Facilities to be financed by the Authority will not exceed $27½ million. The Authority will finance the Facilities by issuing and selling to the public its tax exempt pollution control revenue bonds ("the Bonds") with a maturity of not less than five and not more than thirty-five years in one or more series. It is expected that the total amount of Bonds to be issued by the Authority will not exceed $27½ million.

The Bonds will be issued in respect of each Company's interest by the Authority under a separate trust indenture ("the indenture") with a corporate trustee, approved by each respective Company, and shall be sold in one or more series, at such times, in such principal amounts, at such interest rates, and for such prices as shall be approved by that Company. The issue in respect of Monongahela's interest in Hatfield will not exceed $7,562,500, the issue in respect of PE's interest in Hatfield will not exceed $5.5 million and the issue in respect of West Penn's interest in Hatfield will not exceed $14,437,500. The Bonds will not be secured by the Facilities but will be supported by various covenants of the Companies to be contained in a pollution control financing agreement ("the Agreement").

The Agreement provides that each Company will purchase an undivided interest in the Facilities from the Authority. The aggregate purchase price for all the Facilities will be an amount equal to the aggregate principal amount of the Bonds issued by the Authority and the share of the aggregate purchase price to be paid by each Company will be equal to the principal amount of the Bonds issued with respect to that Company's interest in Hatfield. As the Facilities are completed, title thereto will be transferred by the Authority to each of the Companies in accordance with their respective ownership in Hatfield.

To evidence its obligation to pay its share of the purchase price, each Company will deliver concurrently with the issuance of each series of Bonds its nonnegotiable unsecured pollution control note or notes corresponding to such series of Bonds in respect of principal amount, interest rates and redemption provisions and having installments of principal corresponding to any mandatory sinking fund payments and stated maturities. Payments on each Company's notes will be made to the trustee under that Company's indenture and applied by the trustee to pay the maturing principal and redemption prices of and interest and other costs on the Bonds with respect to that Company as the same become due.

The obligations of each Company to pay the purchase price for its interest in the Facilities is several and not joint, and the notes delivered by each Company are the obligations solely of that Company. The Companies will cause the Facilities to be completed and upon completion of all of the transactions the Companies will have complete control of the operation of the Facilities and will be responsible for the maintenance thereof. As of November 30, 1976, the actual coverage under Monongahela, PE and West Penn's respective Indentures is 4.38 times, 2.94 times and 2.59 times, respectively. If the issuance of the pollution control notes were included as first mortgage bonds, the pro forma coverage would be 4.24 times, 2.87 times and 2.49 times, respectively.

It is not possible to ascertain in advance precisely the interest rate which may be obtained in connection with the issuance of the Bonds. The Companies have been advised that the annual interest rate on tax-exempt bonds of the type to be sold by the Authority have been approximately 2% lower than the interest rate on taxable obligations of comparable quality.

It is expected that the Authority will engage Goldman, Sachs & Co. to provide financial advice and, together with such other underwriters as may be designated, underwrite the sale of the Bonds. Fees, commissions and expenses of the underwriters and legal counsel will be included in the total cost of the Facilities. The Companies have been informed that the Authority has legal authority to issue tax exempt revenue bonds in accordance with the proposed documents. The Bonds may be in either coupon or registered form and will bear interest semiannually at rates to be determined. The Bonds will be issued pursuant to the indentures which will provide for redemption, sinking funds, no-call and other appropriate provisions to be determined. The indenture will also provide that the proceeds of the sale of the Bonds by the Authority must be applied to the cost of the Facilities.

The proceeds to be received by the Companies will be added to each of the Companies' general funds to reimburse the treasury of each of the Companies for expenditures made in connection with the Facilities and are expected to be used as follows: (a) To complete construction of the Facilities and to pay fees and expenses associated therewith, (b) to pay or prepay, to the extent deemed desirable, short-term debt outstanding, if any, and (c) for the construction program of each of the Companies.

The Public Service Commission of West Virginia and the Public Utilities Commission of Ohio has jurisdiction over the proposed issuance of the pollution control notes by Monongahela; the Public Utility Commission of Pennsylvania has jurisdiction over the proposed issuance of the pollution control notes by West Penn; the Public Service Commission of West Virginia, the State Corporation Commission of Virginia and the Public Service Commission of Maryland has jurisdiction over the proposed issuance of the pollution control notes by PE. The Department of Environmental Regulation of the State of Pennsylvania will be required to certify that the Facilities are

being constructed and installed for water and air quality purposes. The Secretary of Commerce of the Commonwealth of Pennsylvania is required to certify to the proposed transactions. No other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 24, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General rules and regulations permitted under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.77-639 Filed 1-6-77;8:45 am]

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[File No. 500-1]

## OMNI-RX HEALTH SYSTEMS

### Suspension of Trading

DECEMBER 23, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Omni-Rx Health Systems being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:25 a.m. (EST) on December 23, 1976 through January 1, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.77-637 Filed 1-6-77;8:45 am]

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[Release No. 34-13117; File No. SR-PSE-76-39]

## PACIFIC STOCK EXCHANGE INC.

### Proposed Rule Change; Self-Regulatory Organizations

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 organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change amends Rule II of the Pacific Stock Exchange Incorporated ("PSE") to provide for the expansion of the PSE Board from thirteen members to fifteen members. The proposed rule change further divides these members into three classes, with each class serving three year terms. The proposed rule change provides for annual election of a Chairman and Vice Chairman, and provides that action on various matters which presently require approval by a specified number of Governors may be taken with approval of a majority of the Governors voting at a meeting at which a quorum is present.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

The proposed rule change is primarily for the purpose of increasing the size of the PSE Board of Governors from thirteen to fifteen members. This change required a change in the provisions of the PSE Rules governing the division of directors into three classes. This change also required a change in the provision of the Constitution requiring approval by a specified number of directors for certain matters. In recognition of the increased size of the Board, and to provide the Board with greater flexibility, these provisions are proposed to be amended to provide that action of the type previously requiring approval by a specified number of directors, could be taken with the approval of a majority of the directors voting at a meeting at which a quorum is present.

The proposed rule change, by enlarging the Board of Governors of PSE, facilitates the fair representation of members of PSE in the selection of Governors and facilitates the provision for directors to be representative of issuers and investors and not associated with members, brokers, or dealers.

Comments on the proposed rule change were neither solicited nor received.

The proposed rule change does not impose any burden on competition.

On or before February 11, 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 January 28, 1977. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

DECEMBER 29, 1976.

[FR Doc.77-643 Filed 1-6-77;8:45 am]

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[812-4041]

## PARAMOUNT MUTUAL FUND, INC. AND UNIFUND, INC.

### Amendment to Application for an Order Exempting Proposed Transaction

On December 16, 1976, there was issued a notice (Investment Company Act Release No. 9576) of an application filed on October 14, 1976, and amendments filed thereto on December 6, 1976 and December 13, 1976, by Paramount Mutual Fund, Inc. ("Paramount"), a Delaware corporation, and Unifund, Inc. ("Unifund"), 2441 Honolulu Avenue, Montrose, California 91020, a California corporation, (referred to collectively as "Applicants"), both registered as diversified, open-end management investment companies under the Investment Company Act of 1940 ("Act"), requesting an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act a proposed merger of Unifund into Paramount.

Notice is hereby given that an additional amendment to said application was filed on December 22, 1976. To reflect the additional representations made in such amendment, for a statement of which all interested persons are referred to the application, as amended, on file with the Commission, the following material should be stricken from said notice:

Applicants state that the portfolio of Unifund will continually be reviewed to ascertain that all securities held by Unifund are compatible with Paramount's investment ob-

jective, and that, should any security held by Unifund be deemed to be incompatible with that objective, it will be sold prior to the merger.

In its place, the following language should be inserted:

Appliacnts state that Paramount invests primarily in "blue chip" securities, whereas Unifund has invested in securities which are more volatile in their price movements. In order to avoid delivery of securities to Paramount which are not compatible with Paramount's investment objectives, Applicants state that any security held by Unifund which is incompatible with that objective will be sold prior to the merger. In this regard, Applicants assert that, based upon a review of Unifund's portfolio, approximately 80 percent of Unifund's portfolio is incompatible with that of Paramount and will therefore be sold and the proceeds reinvested. Such liquidation and reinvestment is expected by Applicants to result in brokerage expenses of approximately $40,000. Applicants assert, however, that the entire portfolio of Unifund would normally be "turned over" in approximately eight months.

Similarly, the following material should be stricken from said notice:

It is estimated by Applicants that their combined expenses in the twelve months ended September 30, 1976, assuming that the Applicants' current investment advisory agreements had been in effect throughout the period, would have been reduced by more than $17,400 had the Funds been combined during that period. Applicants further assert that the increased size of the combined fund also would provide it with certain other strengths and flexibilities including somewhat greater investment flexibility with respect to portfolio transactions.

According to the Application, each of the Applicants will bear its own expenses in connection with the merger. Such expenses are estimated by Applicants to be $15,000 in the aggregate, of which Unifund will bear $5,000 and the remainder of approximately $10,000 will be borne by Paramount.

In its place, the following language should be inserted:

According to the application, the Funds investment advisory contracts, as affected by the Rules of the California Department of Corporations require the Funds' investment adviser to reimburse the Funds (1) to the extent the Funds' expenses (excluding, among other things, costs incurred in connection with any merger) exceed 1½ percent of the Funds' net assets each year, and (2) to the extent the Funds' expenses (including such merger costs) exceed 2 percent of those assets.

It is estimated by Applicants that their combined expenses in the twelve months ended September 30, 1976, assuming that the Applicants' current investment advisory agreements had been in effect throughout the period, would have been reduced by more than $17,400 had the Funds been combined during that period. However, in view of the aforementioned limitation on expenses during the fiscal year ended September 30, 1976, Applicants state that TCA Management paid to the Funds a total of $19,545 as reimbursement of such excess expenses.

Applicants thus submit that during the fiscal year ended September 30, 1976, the savings in expenses brought about by the merger would have inured to the benefit primarily of TCA Management and would not have resulted in any savings of out of pocket expenses to the Funds; if the expenses and the assets of the Funds continue to be the same as in the fiscal year ended September 30, 1976, the merger would not reduce the out of pocket expenses of the merged Funds themselves. Nevertheless, it is the contention of the Applicants that the reduction in expenses of the Funds will benefit both Paramount and Unifund. In this regard, Applicants assert that Paramount has, over the years, paid substantially all its operating expenses and that the reimbursement to Paramount by TCA Management for excess expenses in the fiscal year ended September 30, 1976, was only $1,627. Thus, Applicants argue, the ability to spread its fixed expenses over a larger asset base should serve to reduce Paramount's per share expenses in the future. Applicants further assert that the increased size of the combined fund also would provide it with certain other strengths and flexibilities including somewhat greater investment flexibility with respect to portfolio transactions.

Applicants further submit that it is economically unfeasible for any management company to manage the affairs of a company such as Unifund; in support of this submission they assert that the total consideration received by TCA Management for managing Unifund for the latter's fiscal year ended September 30, 1976, was, after reimbursement of Unifund's excess expenses, $1,108. Thus, Applicants conclude, the only course available to Unifund is either to liquidate or to merge with another investment company. Applicants state that Unifund's Board of Directors considered and rejected liquidation as a viable alternative; they argue that liquidation would be a taxable event for Unifund's shareholders, and that a Unifund shareholder who wished to reinvest the proceeds of such liquidation in Paramount would be required to pay an additional sales load. Applicants assert that the proposed merger would avoid such consequences. They concede that a Unifund shareholder could avoid the aforementioned sales charges by exercising his right to exchange his Unifund shares for shares of Paramount, but they submit that such an exchange would also be a taxable event and would involve additional service charges.

Applicants estimate that the total expenses of the merger to both funds over and above normal expenses will be approximately $24,000. Applicants assert, however, that the aforementioned constraints on excess expenses are expected to result in the Funds' investment adviser bearing approximately $20,000 of such merger expenses. It is proposed that the remaining cost to the Funds will be borne by them on a pro-rata basis, based on their relative net assets on the date of the merger.

Notice is further given that the period during which any interested person may submit to the Commission a request for a hearing on this matter, in accordance with the procedures set forth in Investment Company Act Release No. 9576, is hereby extended until January 21, 1977 at 5:30 p.m.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.77-645 Filed 1-6-77;8:45 am]

[File No. 812-4069]

## THOMSON & MCKINNON AUCHINCLOSS KOHLMEYER INC. AND JAMES F. JOY

### Filing of Application for Exemption and Order of Temporary Exemption Pending Determination of the Application

Notice is hereby given that Thomson & McKinnon Auchincloss Kohlmeyer Inc. ("Thomson & McKinnon"), and James F. Joy ("Joy"), One New York Plaza, New York, N.Y. 10004, (sometimes hereinafter referred to as "Applicants") have filed an application pursuant to section 9(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicants from section 9(a) of the Act, and for an order of temporary exemption pending the Commission's determination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Thomson & McKinnon is a broker-dealer registered under the Securities Exchange Act of 1934 ("Exchange Act") and an investment adviser registered under the Investment Advisers Act of 1940. Thomson & McKinnon states that it is currently acting as co-sponsor and co-manager of an offering of the securities of, and, accordingly, would be deemed a depositor and a principal underwriter of, National Municipal Trust, Seventeenth Series. National Municipal Trust ("NMT") is a unit investment trust registered under the Act. Thomson & McKinnon also states that it acts and has acted in similar capacities with respect to other registered investment companies.

Joy is a vice-president of, and, accordingly, would be deemed an affiliated person of, Thomson & McKinnon. Joy was formerly a partner of the brokerage firm of W. E. Hutton & Company, certain assets of which were acquired by Thomson & McKinnon in 1974. During the period 1968–1970, Joy was an officer and director of National Student Marketing Corporation ("NSMC").

On February 3, 1972 the Commission commenced a civil action in the United States District Court for the District of Columbia entitled "Securities and Exchange Commission v. National Student Marketing Corporation, et al.", against some twenty (20) defendants, including Joy. The Complaint and First Amended Complaint therein were based upon acts and transactions which allegedly took place in 1968–1970 while Joy was an officer and director of NSMC and alleged, with respect to Joy, violations of section 10(b) and 14(a) of the Exchange Act, Rule 10b–5 promulgated thereunder, and section 17(a) of the Securities Act of 1933 ("Securities Act"). Neither Thomson & McKinnon nor W. E. Hutton & Company were named as defendants in the Complaint or First Amended Complaint or otherwise alleged to have been involved in the acts and transactions complained of therein.

Joy, without admitting or denying any of the allegations of the Complaint and First Amended Complaint, has consented to the entry of a Final Judgment of Permanent Injunction ("Consent Judgment") terminating the action against Joy, with prejudice. The Consent Judgment was entered by the Court on December 30, 1976, and enjoins Joy and his agents, servants and assigns from violating the anti-fraud, reporting and proxy provisions of the federal securities laws. The Consent Judgment does not constitute an adjudication of any liability or wrongdoing by Joy.

Section 9(a) of the Act, as here pertinent, makes it unlawful for any person, or any company with which such person is affiliated, to serve or act in the capacity of employee, officer, director, member of advisory board, investment adviser or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company, if such person is, by reason of any misconduct, permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that upon application the Commission by order shall grant an exemption from the provisions of section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicants state that although the Consent Judgment does not constitute an adjudication of any misconduct by Joy, the entry of a permanent injunction against Joy may nevertheless be deemed to impose upon Applicants the prohibitions set forth in section 9(a) which would, among other things, make it unlawful for Thomson & McKinnon to continue to act as a depositor and a principal underwriter of NMT and in similar capacities with respect to other registered investment companies.

Applicants submit that, for the following reasons, the prohibitions of section 9(a), to the extent applicable by virtue of the Consent Judgment, would be unduly and disproportionately severe as applied to Applicants and the conduct of Applicants has been such as not to make it against the public interest or protection of investors for the Commission, pursuant to section 9(c), to enter an order granting Applicants, and any company or person of which either Applicant is or may become an affiliated person, a temporary exemption from the provisions of section 9(a) pending the Commission's determination of this application and thereupon to enter an order granting Applicants, and any company or person of which either Applicant is or may become an affiliated person, the requested permanent exemption from the provisions of section 9(a):

(a) The Consent Judgment does not constitute an adjudication of any liability or wrongdoing by Joy and was entered with the consent of Joy for purposes of that action only, without admitting or denying the allegations of the Complaint and First Amended Complaint;

(b) The prohibitions of section 9(a) of the Act would deprive NMT and other registered investment companies of the continuity of services rendered by Thomson & McKinnon as depositor and underwriter, which are important to those registered investment companies;

(c) Neither Thomson & McKinnon, NMT nor the other registered investment companies for which Thomson & McKinnon acts as depositor and principal underwriter participated in the alleged acts or transactions set forth in the Complaint and First Amended Complaint;

(d) Applicants have never before applied for an exemption from the provisions of section 9(a) of the Act. The Commission has considered the matter and finds that:

(1) The prohibitions of section 9(a) may be unduly or disproportionately severe as applied to Applicants and it would not be against the public interest or protection of investors to grant the application for a temporary exemption from section 9(a) pending determination of the application; and

(2) In order to maintain the services provided by Thomson & McKinnon to NMT and other registered investment companies, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, IT IS ORDERED, pursuant to section 9(c) of the Act, that Thomson & McKinnon and Joy, and any company or person of which either is or may become an affiliated person, be and they hereby are temporarily exempted from any of the provisions of Section 9(a) of the Act operative as a result of the entry of the Consent Judgment against Joy in "Securities and Exchange Commission v. National Student Marketing Corporation, et al.," pending final determination by the Commission of the application for an order exempting Thomson & McKinnon and Joy, and any company or person of which either is or may become an affiliated person, from any of the provisions of section 9(a) operative as a result of the entry of such Consent Judgment.

Notice is further given that any interested person may, not later than January 31st, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants, to the attention of John B. Meehan, Senior Vice President, at the address stated above. Proof of service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.77-640 Filed 1-6-77;8:45 am]

## DEPARTMENT OF STATE

### Agency for International Development

### ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

### Determination

The Advisory Committee on Voluntary Foreign Aid serves as liaison between the U.S. Government and the private and voluntary organization community engaged in foreign asistance activities. In addition to its statutory duty to register and approve private and voluntary organizations, the Committee advises A.I.D. on policies and procedures concerning the private and voluntary community; provides a forum for the exploration of topics of mutual concern; provides information, counsel and asistance to private and voluntary organizations; and fosters public interest in the field of voluntary foreign aid. There continues to be a significant need for such liaison and the related functions of the Committee.

Accordingly, I hereby determine, pursuant to the provisions of section 14(c) of the Federal Advisory Committee Act (Pub. L. 92-463), that continuation of the Advisory Committee for a two year period, beginning December 31, 1976, is in the public interest.

Dated: November 18, 1976.

DANIEL PARKER,
*Administrator.*

[FR Doc.77-609 Filed 1-6-77;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### PRIVACY ACT OF 1974

### Systems of Records

The Department of Transportation publishes seven new proposed Systems of Records, and one editorially modified,

which contain personal information on individuals as defined by the Privacy Act.

Complete information on these systems is contained in the separate announcements which follow. Any person or agency reviewing the information may submit written comments on the proposed systems to the Privacy Act Officer (TAD–20), Room 10320, U.S. Department of Transportation, 400–7th Street, S.W., Washington, D.C. 20590. Comments must be received on or before February 7, 1977, in order to be considered.

If no comments are received, the proposed systems will become effective February 7, 1977. If comments are received, the comments will be considered and where adopted, the system will be republished with the changes.

The publication of six systems DOT/UMTA 190–195, complements the Notices of Systems of Records to be republished by the Office of the Federal Register under the title "Privacy Act Issuances, 1976 Compilation, Volume 2." The system DOT/OST 060, which is a report of an entirely new program and DOT/UMTA 181 republished with editorial corrections, both supplement the 1976 compilation and must be added to it.

Issued in Washington, D.C. on December 30, 1976.

WILLIAM T. COLEMAN, JR.,
*Secretary of Transportation.*

DOT/OST 060

**System name:**

Medical Records of Participants in Study of Health Effects of Bicycling in Polluted Air. DOT/OST

**System location:**

Department of Transportation (DOT), Office of the Secretary (OST), Office of Environmental Affairs (TES–70), 400 7th Street, S.W., Washington, D.C. 20590.

**Categories of individuals:**

Volunteers who bicycle in selected urban transportation corridors.

**Categories of records:**

Medical histories, results of medical tests.

**Routine uses:**

Records may be released to the Department of Justice in defending claims against the United States when the claim is based upon an individual's mental or physical condition, and is alleged to have arisen because of activities of the Department of Transportation in connection with such individual. See also prefatory statement of General Routine Uses.

Records will be used in preparation of the Final Report for this study and by Project Officer in reviewing contractor's Final Report.

**Policies and practices:**

**Storage:**

File folders, locked file cabinets.

**Retrievability:**

Personal name is the identifier which is used to retrieve a record from this system. The purpose of this system of records is to identify and evaluate any adverse health effects caused by bicycling in polluted air.

**Safeguards:**

Disclosure of records is limited to the Department's consultants involved in collection and analysis of medical data. Safeguards include locked building, guard service, and locked file cabinets.

**Retention and disposal:**

The records will be retained at contractor's facilities until completion of study, and thereafter transmitted to contract Project Officer (TES–70) to be held for one year. Contractor's facilities will have security provisions in accordance with the government standards. Subjects will sign consent forms allowing disposal of records one year after completion of the approved Final Report.

**System manager:**

Project Officer, Research and Coordination Division (TES–74), Office of Environmental Affairs, Office of the Assistant Secretary for Environment, Safety and Consumer Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590.

**Notification procedure:**

Inquiries should be directed to the: Department of Transportation, Office of the Secretary, Office of Environmental Affairs (TES–70), 400 7th Street, S.W. Washington, D.C. 20590.

**Record access procedure:**

Contact or write to System Manager for information on procedures for gaining access to records.

**Contesting record procedure:**

Write the Privacy Act Officer, Office of Management Systems, Office of the Secretary, Department of Transportation, 400 7th Street, S.W., Washingotn, D.C. 20590. Reasonably identify the record and specify the information to be contested.

**Record source categories:**

Information is obtained directly from the individual and from results of medical tests.

DOT/UMTA 190

**System name:**

Employee Travel Records. DOT/UMTA.

**System location:**

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of Financial Management, Accounting Division, 2100 2nd Street, SW, Washington, DC 20590.

**Categories of individuals:**

All UMTA employees. Private persons, congressional committee members or other persons issued invitational travel orders to confer on government matters.

**Categories of records:**

Individual travel folders.

**Routine uses:**

Maintain accounting records. Analysis of travel trends. See Prefatory Statement of General Routine Uses.

**Policies and practices:**

**Storage:**

Records are maintained in a file cabinet secured with lock and key.

**Retrievability:**

System is indexed by name.

**Safeguards:**

Individuals requesting individual travel folders are screened by Accounting Branch personnel. Records are maintained by Accounting Branch personnel in secured file.

**Retention and disposal:**

Retained three years, then forwarded to Federal Records Center with other accounting records.

**System manager:**

Fiscal Officer, Accounting Branch, Department of Transportation, Urban Mass Transportation Administration, 2100 2nd Street, SW, Room 6613, Washington, DC 20590.

**Notification procedure:**

Individuals may contact the System Manager to confirm whether or not the system contains a record on them.

**Record access procedure:**

An individual may gain access to his records by request to the System Manager.

**Contesting record procedure:**

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation addressed to the following: Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590.

**Record source categories:**

Travel orders, individual travel vouchers.

DOT/UMTA 191

**System name:**

Travel Advance File. DOT/UMTA.

**System location:**

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of Financial Management, Accounting Division, 2100 2nd Street, S.W., Washington, D.C. 20590.

**Categories of individuals:**

Recipients of travel advances.

**Categories of records:**

Records of travel advances and liquidation and repayment thereof.

Routine uses:

Maintain accounting records. Ensure collection of amounts due the United States. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

Maintained on 5×8 card form.

Retrievability:

By name.

Safeguards:

Records are maintained by Accounting Branch personnel in locked file.

Retention and disposal:

Retained three years then forwarded to Federal Records Center with other accounting records.

System manager:

Fiscal Officer, Accounting Branch, Department of Transportation, Urban Mass Transportation Administration, 2100 2nd Street, S.W., Room 6613, Washington, D.C. 20590.

Notification procedure:

Individuals may contact the System Manager to confirm whether or not the system contains records on them.

Record access procedure:

An individual may gain access to his records by request to the System Manager.

Contesting record procedure:

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation, addressed to the following: Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, 400 7th Street, S.W., Room 9320, Washington, D.C. 20590.

Record source categories:

Travel advance card signed by individual.

DOT/UMTA 192

System name:

Urban Tarnsportation Planning System (UTPS) Address File. DOT/UMTA.

System location:

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of Transit Planning, Planning Methodology and Technical Support Division, UTP–40, 400 7th Street, S.W., Room 9311, Washington, D.C. 20590.

Categories of individuals:

UTPS users. Persons indicating continuing interest in UTPS developments. Federal Highway Administration (FHWA) Planning Package users.

Categories of records:

Individual's name, business address, telephone number, UPTS or FHWA Planning Package version date, UTPS course/symposium/conference attendance.

Routine uses:

For technical information dissemination. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

Records are maintained in a computer file.

Retrievability:

Access by computer terminal by any item.

Safeguards:

Available for use under the control of the System Manager. Computer file is protected by account number and code words.

Retention and disposal:

Records are retained until notified that individual no longer desires information and then record is destroyed.

System manager:

Director, Planning Methodology and Technical Support Division, UTF–40, Department of Transportation, Urban Mass Transportation Administration, Office of Transit Planning. 400 7th Street, S.W., Room 9311, Washington, D.C. 20590.

Notification procedure:

Inquiries are addressed to the System Manager, UTP–40 (address same as above).

Record access procedure:

Direct control is maintained by the System Manager.

Contesting record procedure:

Contest of these records is at Headquarter's level (i.e. the System Manager). Individual may appeal adverse decision to the Secretary of Transportation, addressed as follows: Department of Transportation, Urban Mass Transportation Administration, Office of the Administrator, 400 7th Street, S.W., Room 9324, Washington, D.C. 20590.

Record source categories:

UTPS order forms, UTPS course registration forms, letter and/or verbal request to be placed on mailing list.

DOT/UMTA 193

System name:

Docket. DOT/UMTA.

System location:

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of the Chief Counsel, 400 7th Street, SW, Room 9320. Washington, DC 20590.

Categories of individuals:

Individuals who have commented on notices of UMTA appearing in the FEDERAL REGISTER; authors of reports which are added to the Docket as background information.

Categories of records:

Summary of the nature of the comment or the report, date written and filed, author affiliation.

Routine uses:

To gather information in response to rules promulgated by UMTA. Users are both UMTA staff members and the public. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

Legal-size file folders stored in file cabinets.

Retrievability:

By name and Docket number assigned at the time of receipt.

Safeguards:

None required. Publically available file.

Retention and disposal:

Indefinite.

System manager:

Docket Clerk, Office of the Chief Counsel, Department of Transportation, Urban Mass Transportation Administration, 400 7th Street, SW, Room 9300, Washington, DC 20590.

Record access procedure:

Same as "System Manager."

Notification procedure:

Same as "System Manager."

Contesting record procedure:

Same as "System Manager."

Record source categories:

Correspondence freely sent by the public to UMTA.

DOT/UMTA 194

System name:

Litigation and Claims Files. DOT/UMTA.

System location:

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590.

Categories of individuals:

Persons who are involved in litigation or claims actions.

Categories of records:

Litigation and claim pleadings, discovery material, related documents (including background data on individuals involved), memoranda, correspondence, and other material necessary to respond to claims or prepare for litigation or hearings.

Routine uses:

The documents are produced or used in and for litigation and claims. These documents are disclosed to the Depart-

ment of Justice. See Prefatory Statement for General Routine Uses.

Policies and practices:

Storage:

Legal-size file folders stored in lockable and unlockable file cabinets and individual attorney's offices.

Retrievability:

Retrieved by caption of the particular litigation.

Safeguards:

Data from these files are retrievable only by persons within the Office of the Chief Counsel.

Retention and disposal:

Litigation files are kept for two years after case is closed, then sent to Federal Records Center. All other records in the system are retained indefinitely.

System manager:

Chief Counsel, Department of Transportation, Urban Mass Transportation Administration, 400 7th Street, SW, Room 9320, Washington, DC 20590.

Notification procedure:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedure:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedure:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the System Manager.

Record source categories:

Federal courts, individuals and their attorneys, UMTA records, litigation files, etc.

DOT/UMTA 193

System name:

Confidential Statement of Employment and Financial Interests. DOT/UMTA.

System location:

Department of Transportation, (DOT), Urban Mass Transportation Administration, (UMTA), Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590.

Categories of individuals:

Employees of the Urban Mass Transportation Administration in supervisory positions where a conflict of interest or the appearance of a conflict of interest might occur. Also included in this category are consultants and experts of the Urban Mass Transportation Administration.

Categories of records:

Information on employment and financial interests and debts.

Routine users:

The information to be furnished is required by Executive Order 11222 and the regulations of the Civil Service Commission issued thereunder and may not be disclosed except as the Commission or the agency head may determine. The purpose of the use of this information is to avoid a conflict of interest or the appearance of a conflict of interest in UMTA employees. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

Legal size folders.

Retrievability:

Indexed by name in alphabetical sequence.

Safeguards:

Records are stored in locked file cabinet.

Retention and disposal:

Records are kept 3 years and then transferred to Federal Records Center for 6 years.

System manager:

Chief Counsel, Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590.

Notification procedure:

Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590. Inquiries may be addressed to the Chief Counsel either in person or in writing. If written the individual must provide a notarized signature.

Record access procedure:

Access to records requires the individual to contact in person or write the Chief Counsel at the address in "Notification Procedure."

Contesting record procedure:

Contest of a record is also through the Chief Counsel.

Record source categories:

Statements of employment and financial interests, creditors, interests in real property are submitted by employees and consultants of the Urban Mass Transportation Administration. Initial requests for submission of statements are through the Personnel Division, Office of Administration, Urban Mass Transportation Administration.

DOT/UMTA 181, previously published December 7, 1976, Volume 41, Page 53565 is republished with editorial corrections. As before, it supplements the compilation published by the Office of the FEDERAL REGISTER under the title "Privacy Act Issuance, 1976 Compilation Volume 2."

DOT/UMTA 181

System name:

Attendees Names and Addresses for R&D Priorities Conference.

System location:

UMTA Office of Research and Development and American Public Transit Association (acting as contractor to UMTA).

Categories of individuals:

Persons attending first R&D Priorities Conference in February 1976; those to be invited to the second and subsequent annual conferences, and those to whom copies of the proceedings of each conference are to be sent.

Categories of records:

These records contain names, organizational affiliation and addresses only.

Routine uses:

Including categories of users and the purposes of such uses: To communicate plans for planned conferences to likely participants. To distribute to participants and those who have requested, or are likely to benefit from, informational materials, proceedings, and other documents related to UMTA's research, development and demonstration activity. Records are subject to examination by federal officials concerned with the dissemination of research and development information, but are not disclosed to members of the public (except through publication in the proceedings of names of individuals who actually participate in each conference).

Policies and practices:

Storage:

Paper documents in file system.

Retrievability:

Alphabetically by name.

Safeguards:

Access is restricted to officials of UMTA and APTA involved in planning and disseminating information about conferences.

Retention and disposal:

Records are maintained in current status. Deleted names and addresses are discarded completely. The system itself will be discarded within two years after the last R&D priorities conference of the current series has been concluded.

System manager:

Official responsible is Executive Assistant to Associate Administrator for Research and Development, URD-3, UMTA, Washington, DC 20590.

Notification procedure:

Individual may contact the systems manager to confirm whether or not the system contains a record on them.

**Record access procedures:**

Same as Notification Procedure.

**Contesting record procedure:**

Content of these records may be settled with the system manager. If this is unsatisfactory to the individual, the person may appeal in writing to: Privacy Act Officer, UAD–60 Urban Mass Transportation Administration Room 4116, Nassif Building 400 7th Street, SW., Washington, D.C. 20690.

**Record source categories:**

Names of individuals who have attended past R&D Priorities Conferences and individuals who have requested copies of the proceedings.

[FR Doc.77–400 Filed 1–6–77;8:45 am]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### DEBT MANAGEMENT ADVISORY COMMITTEES

### Change of Name of Treasury Advisory Committee

In reference to the published Notice of December 17, 1976 (41 FR 55765) regarding the January 25 and 26, 1977 meetings of Treasury debt management advisory committee meetings, it should be noted that the name of the *Securities Industry Association, Government Securities and Federal Agencies Committee* has been changed to the *U.S. Government and Federal Agencies Securities Committee of the Public Securities Association.*

EDWIN H. YEO, III,
*Under Secretary for Monetary Affairs.*

JANUARY 3, 1977.

[FR Doc.77–559 Filed 1–6–77;8:45 am]

[TDO No. 190–1 Rev.]

### DEPUTY ASSISTANT SECRETARY (TAX LEGISLATION), ET AL.

### Delegation of Authority To Approve Internal Revenue Regulations

By virtue of the authority vested in the Secretary of the Treasury, which authority has been delegated to me as Assistant Secretary (Tax Policy) by Treasury Department Orders No. 150–41 and No. 190 (Revised), the authority to approve regulations relating to the internal revenue laws is redelegated as follows:

1. To the Deputy Assistant Secretary (Tax Legislation). This authority may be exercised by him in his own capacity and under his own title, and he shall be responsible for referring to the Assistant Secretary (Tax Policy) any regulations on which action should be appropriately taken by him.

2. To the Tax Legislative Counsel, but only if the positions of Deputy Assistant Secretary (Tax Legislation) and Deputy Assistant Secretary (Tax Analysis) are both vacant and the Assistant Secretary (Tax Policy) is away from Washington, D.C. This authority shall not be exercised by the Tax Legislative Counsel if in his judgment the regulation should be approved by the Assistant Secretary (Tax Policy).

3. The authority delegated herein to the Tax Legislative Counsel may be exercised by the Deputy Tax Legislative Counsel, in his own capacity and under his own title, but only if there is a vacancy in the position of Tax Legislative Counsel.

Treasury Department Order No. 190–1, dated January 8, 1973, is rescinded effective this date.

DECEMBER 29, 1976.

CHARLES M. WALKER,
*Assistant Secretary (Tax Policy).*

[FR Doc.77–565 Filed 1–6–77;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 229]

### Assignment of Hearings

JANUARY 4, 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 136897 (Sub No. 19), Swift Transportation Co., Inc. now being assigned March 2, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 142071 Sub 1, American Terminal, Inc. now assigned February 1, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C. is cancelled, application dismissed.

MC 119632 Sub 66, Reed Lines, Inc. now assigned Jannary 31, 1977 at Columbus, Ohio is cancelled, application dismissed.

MC–F 12811, Chicago-St. Louis Transport, Inc.—Purchase—Airline Cartage, Inc. and MC 134493 Sub 2, Chicago-St. Louis Transport, Inc., now being assigned March 21, 1977 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MX 134922 (Sub-192), B. J. McAdams, Inc., now being assigned March 15, 1977 (1 day), at Columbus, Ohio; in a hearing room to be later designated.

MC 134150 (Sub-7), Southwest Equipment Rental, Inc., dba Southwest Motor Freight, now being assigned March 16, 1977 (1 day) at Columbus, Ohio; in a hearing room to be later designated.

MC 41406 (Sub-54), Artim Transportation System, Inc.; MC 95876 (Sub-188), Anderson Trucking Service, Inc; MC 106674 (Sub-208), Schilli Motor Lines, Inc.; MC 112304 (Sub-111), Ace Doran Hauling & Rigging Co.; MC 117068 (Sub-No. 70), Midwest Specialized Transportation, Inc.; MC 119774 (Sub-90), Eagle Trucking Company; MC 120737 (Sub-40), Star Delivery & Transfer, Inc.; MC 123407 (Sub-313), Sawyer Transport, Inc.; MC 138144 (Sub-12), Fred Olson Co., Inc. and MC 138741 (Sub-22), E. K. Motor Service, Inc., now being assigned March 17, 1977 (2 days) at Columbus, Ohio, in a hearing room to be later designated.

MC 33641 (Sub-126), IML Freight, Inc., now assigned January 10, 1977 at Boise, Idaho, will be held in Room 429 Federal Building, 550 West Fort Street; instead of Owyhee Plaza Hotel, 11th & Main Streets.

MC 140146 Sub 4, Jeffery P. Jenks, dba Jenks Cartage Co. now assigned January 14, 1977 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 119632 Sub 68, Reed Lines, Inc. now assigned January 12, 1977 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 138991 Sub 14, K.J. Transportation, Inc., now assigned January 13, 1977 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 124939 Sub 9, Food Haul, Inc. now assigned January 11, 1977 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

AB 19 Sub 19, Baltimore and Ohio Railroad Company Abandonment Portion of the Ohio and Little Kanawha Branch Between Relief and Philco, in Muskingum, Morgan and Washington Counties, Ohio now assigned January 17, 1977 at McConnelsville, Ohio and will be held at the Courthouse, 19 East Main Street.

MC 136899 (Sub-18), Higgins Transportation Ltd., now assigned February 23, 1977 at Chicago, Illinois; will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 123407 (Sub-306), Sawyer Transport, Inc., now assigned February 24, 1977 at Chicago, Illinois; will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 118159 (Sub-176), National Refrigerated Transport, Inc., now assigned February 28, 1977 at Chicago, Illinois; will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 119657 (Sub-22), George Transit Line, Inc., now assigned March 1, 1977 at Chicago, Illinois, will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 123407 (Sub-309), Sawyer Transport, Inc., now assigned March 3, 1977 at Chicago, Illinois; will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 135518 Sub 4, Everett Trucking, Inc. now being assigned February 14, 1977 (1 week) at San Francisco, California in a hearing room to be later designated.

FD 28322, Chicago, South Shore and South Bend Railroad Discontinuance of all Passenger Train Service, now being assigned continued hearing January 17, 1977 (1 day) at Chicago, Illinois; in Court Room 1903 Everett McKinley Dirksen Building, 219 South Dearborn Street.

ROBERT L. OSWALD,
*Secretary.*

[FR Doc.77–630 Filed 1–6–77;8:45 am]

[Amdt. No. 2 to Exemption No. 126]

### EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

To All Railroads: Upon further consideration of Exemption No. 126 issued June 28, 1976.

*It is ordered,* That under authority vested in me by Car Service Rule 19, Exemption No. 126 to the Mandatory Car Service Rules ordered in Ex Parte No. 241

be, and it is hereby, amended to expire March 31, 1977.

This amendment shall become effective December 31, 1976.

Issued at Washington, D.C., December 26, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
*Agent.*

[FR Doc.77-627 Filed 1-6-77;8:45 am]

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[Amdt. No. 5 to Corrected Exemption No. 104]

## EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Upon further consideration of Corrected Exemption No. 104 issued October 7, 1975.

*It is ordered,* That under the authority vested in me by Car Service Rule 19, Corrected Exemption No. 104 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire March 31, 1977.

This amendment shall become effective December 31, 1976.

Issued at Washington, D.C., December 23, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
*Agent.*

[FR Doc.77-628 Filed 1-6-77;8:45 am]

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[Amdt. No. 8 to Exemption No. 95]

## EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

To: Bessemer and Lake Erie Railroad Company, Norfolk and Western Railway Company. Upon further consideration of Exemption No. 95 issued February 5, 1975.

*It is ordered,* That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire March 31, 1977.

This amendment shall become effective December 31, 1976.

Issued at Washington, D.C., December 23, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
*Agent.*

[FR Doc.77-629 Filed 1-6-77;8:45 am]

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## FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 4, 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 January 24, 1977.

FSA No. 43294—*Pipeline Rates—Petroleum Products from the Southwest.* Filed by William Pipe Line Company, (No. 8), for interested carriers. Rates on petroleum products, as described in the application, from specified points in Kansas, Oklahoma, and Texas, to specified points in Missouri, Iowa, and Illinois.

Grounds for relief—Market and carrier competition.

Tariffs—William Pipe Line Company tariffs Nos. 6, 3-B, and 4, I.C.C. Nos. 8, 10, and 5. Rates are published to become effective on February 1, 1977, and later.

By the Commission.

ROBERT L. OSWALD,
*Secretary.*

[FR Doc.77-632 Filed 1-6-77;8:45 am]

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[Notice No. 1]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 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 "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 35807 (Sub-No. 65TA), filed December 21, 1976. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: David E. Wells (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Currency, coin securities and other negotiable instruments,* between Salt Lake City, Utah and the cities of Ontario, Nyssa and Vale, Oreg., under a continuing contract with Federal Reserve Bank of San Francisco, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Federal Reserve Bank of San Francisco, 400 Sasome St., San Francisco, Calif. 94120. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St., N.W., Room 546, Interstate Commerce Commission. Atlanta, Ga. 30309.

No. MC 44639 (Sub-No. 90TA), filed December 20, 1976. Applicant: L. & M. EXPRESS COMPANY, INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Robert B. Russell (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Dublin, Independence and Rural Retreat, Va., on the one hand, and on the other, Lyndhurst, N.J., and New York, N.Y., Applicant intends to interline at Lyndhurst, N.J., and New York, N.Y., for 180 days. Supporting Shipper: Danskin Inc., State St., opposit Chestnut St., York, Pa. 17403. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission. 9 Clinton St., Newark, N.J. 07102.

No. MC 46313 (Sub-No. 14TA), filed December 21, 1976. Applicant: SUHR TRANSPORT, 117 Park Drive South, P.O. 1717, Great Falls, Mont. 59401. Applicant's representative: H. H. Lowthian, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement; hydraulic, masonry, mortar, natural or portland,* in bulk and in bags, from Montana City, Mont., to points in Duchesne, Uinta, Daggett and Summit Counties, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: F. E. Heiser, Assistant Manager, Traffic-Marketing Services, Rocky Mountain Division, Kaiser Cement & Gypsum Corporation, 515 N. Sanders, Helena, Mont. 59601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 64932 (Sub-No. 570TA), filed December 21, 1976. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak

Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic anhydride*, in bulk, in tank vehicles, from the plantsite of Ashland Chemical Co., at or near Neal, W. Va., to points in Illinois, Indiana, Michigan, Missouri, Ohio and Wisconsin, for 180 days. Supporting shipper: Ashland Chemical Company, William A. Thompson, Assistant, Traffic Manager, P.O. Box 2219, Columbus, Ohio 43216. 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 82841 (Sub-No. 202TA), filed December 21, 1976. Applicant: HUNT TRANSPORTATION, INC., 10707 I St., Omaha, Nebr. 68127. Applicant's representative: William E. Christensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Belle Fourche, S. Dak., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John C. Mares, President, Southwestern Sales, Inc., P.O. Box 14703. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 103051 (Sub-No. 385TA), filed December 21, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid arsenic acid*, in bulk, in tank vehicles, from Bonham, Tex., to Conley, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, Pa. 15219. 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 107515 (Sub-No. 1043TA), filed December 22, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, S.E., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, 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), in vehicles equipped with mechanical refrigeration, from the plantsite and facilities of Landy of Wisconsin, Inc., Eau Claire, Wis., to points in Arizona, California, New Mexico, Oregon and Washington, for 180 days. Supporting shipper: Landy of Wisconsin, Inc., P.O. Box 1265, Eau Claire, Wis. 54701. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 1044TA), filed December 21, 1976. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., P.O. Box 308, 3901 Jonesboro Road, S.E., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, and meat products and meat by-products*, 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), in vehicles equipped with mechanical refrigeration, from the plantsite and facilities of Landy of Wisconsin, Inc., Eau Claire, Wis., to points in Georgia, North Carolina, South Carolina, Tennessee, Florida, Louisiana, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Landy of Wisconsin, Inc., P.O. Box 1265, Eau Claire, Wis. 54701. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 109533 (Sub-No. 83TA), filed December 20, 1976. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, Va. 23224. Applicant's representative: C. H. Swanson, P.O. Box 1216, Richmond, Va. 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as described by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Johnson Controls, Inc., located at or near Georgetown, Ky. Applicant intends to tack its existing authority with MC 109533 (Sub-No. 42). Applicant also intends to interline at Atlanta, Ga.; Birmingham, Ala.; Charleston, W. Va.; Baltimore, Md.; Richmond, Va.; Charlotte, N.C.; Jacksonville, Fla.; Louisiana, Ky., and Memphis, Tenn., for 180 days. Supporting shipper: Johnson Controls, Inc., James R. Hoogenboom, Traffic Manager, P.O. Box 544, Georgetown, Ky. 40324. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10–502 Federal Bldg., 400 N. 8th St., Richmond, Va. 23240.

No. MC 110988 (Sub-No. 337TA), filed December 21, 1976. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ferrous chloride*, from Monroe, Ohio, to the facilities of K. A. Steel Chemicals, Inc., located at or near Gary, Ind., and Lemont, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: K. A. Steel Chemicals, Inc., 2700 River Road, Des Plaines, Ill. 60018. 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 111401 (Sub-No. 474TA), filed December 21, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural aldehyde*, in bulk, in tank vehicles, from Brownsville, Tex., to Houston, Tex., restricted to shipments in foreign commerce only, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: ICC Industries, Inc., 3701 Kirby Drive, Suite 828, Houston, Tex. 77098. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 111401 (Sub-No. 475TA), filed December 21, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral water* (industrial waste sludge), in bulk, from Tinker Air Force Base, Oklahoma City, Okla., to Bio-Ecology Systems, Inc., at Grand Prairie, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Department of Defense, Chief, Regulatory Law Office, Office of the Judge Advocate General, Dept. of the Army, Washington, D.C. 20310. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 114284 (Sub-No. 75TA), filed December 21, 1976. Applicant: FOX-SMYTHE TRANSPORTATION CO., 1700 S. Portland, P.O. Box 82307, Oklahoma City, Okla. 73108. Applicant's representative: M. W. Thompson (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, articles distributed by meat packinghouses and foodstuffs* (except hides and commodities in bulk), from the plantsite and or warehouse facility utilized by

George 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: George A. Hormel & Co., Box 800, Austin, Minn. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 114725 (Sub-No. 75TA), filed December 22, 1976. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 N. 11th St., Omaha, Nebr. 68110. Applicant's representative: Arlyn L. Westergren, Suite 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: *Liquid feed*, in bulk, in tank vehicles, from Shickley, Nebr., to points in Iowa, Illinois and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Biegert Bros. Fertilizer and Feed Co., Jeff Biegert, Manager, Shickley, Nebr. 68436. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 114896 (Sub-No. 42 TA), filed December 17, 1976. Applicant: PUROLATOR SECURITY, INC., 1111 W. Mockingbird Lane, Suite 1401, Dallas, Tex. 75247. Applicant's representative: Elizabeth L. Henoch, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Credit cards and magnetic tape*, between Garrison, Md., and Trenton, N.J., under a continuing contract with Malco Plastics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Malco Plastics, Inc., Plastics Park, Garrison, Md. 21055. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 116947 (Sub-No. 52TA), filed December 21, 1976. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby St., S.W., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibre cans, and can ends, aluminum, steel or tin*, from the plantsite of Container Corporation of America, in Fulton County, Ga., to points in Alabama, Florida, Illinois, Kentucky, Indiana, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee and Virginia; *and materials and supplies* (except commodities in bulk) used in the manufacture and distribution of fibre cans and can ends, from the destination states to the plantsite of Container Corporation of America in Fulton County, Ga., under a continuing contract with Container Corporation of America, for 180 days. Supporting shipper: Container Corporation of America, P.O. Box 957, Atlanta, Ga. 30301. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St., N.W., Room 546, Interstate Commerce Commission, Atlanta, Ga. 30309.

No. MC 119789 (Sub-No. 320TA), filed December 22, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and 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 El Paso, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Massachusetts, Rhode Island, Missouri, Nebraska, New Jersey, South Carolina, Tennessee, Virginia and West Virginia, for 180 days. Supporting shipper: Prepared Foods, Inc., P.O. Box 26918, 6930 Market St., El Paso, Tex. 79915. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 124078 (Sub-No. 710TA), filed December 21, 1976. Applicant: SCHWERMAN TRUCKING COMPANY, 611 S. 28th St., Milwaukee, Wis. 53246. Applicant's representative: Richard Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk, in tank vehicles, from Bristol, Tenn., to points in Alabama (except Birmingham), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reiss Viking Corporation, P.O. Box 688, Sheboygan, Wis. 53081. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 126276 (Sub-No. 162TA), filed December 21, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Millis, Mass., to St. Paul, Minn., under a continuing contract with National Can Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Can Corporation, Floyd C. Stone, District Supervisor, 8101 W. Higgins, Chicago, Ill. 60631. 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 126276 (Sub-No. 163TA), filed December 21, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and containers closures*, from Chicago, Ill., to Jeanette, Pa., and Jonesboro, Ark., under a continuing contract with The Continental Group, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., James R. Jandora, Analyst—Traffic & Distribution, 150 S. Wacker Drive, Chicago, Ill. 60606. 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 126276 (Sub-No. 164TA), filed December 17, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Totowa and Plainfield, N.J., to Sharonville, Ohio, under a continuing contract with National Can Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: National Can Corporation, Floyd C. Stone, District Manager, 8101 W. Higgins Road, Chicago, Ill. 60631. 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 12725 (Sub-No. 543TA), filed December 17, 1976. Applicant: R. A. CORBETT TRANSPORT, INC., P.O. Box 728, Waskom, Tex. 75692. Applicant's representative: Kenneth Sitton, FM 9 South, Waskom, Tex. 75692. Authority sought ot operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contaminated water*, from Tinker Air Force Base, Okla., to Grand Prairie, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Department of Defense, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Opal M, Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 133966 (Sub-No. 46TA), filed December 21, 1976. Applicant: NORTH

EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave., & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular or expanded plastic sheet*, from West Hazleton, Pa., to points in Ohio, Illinois, Indiana, Minnesota and Wisconsin, for 180 days. Supporting shipper: Tenneco Chemicals, Foam and Plastics Division, West 100 Century Road, Paramus, N.J. 07652. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 135425 (Sub-No. 22TA), filed December 21, 1976. Applicant: CYCLES LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer whose products are sold in drug, variety and food stores (except in bulk), from Andover, Mass., and St. Paul, Minn., to La Mirada, Calif., and Kent, Wash., under a continuing contract with The Gillette Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Gillette Company, 30 Burtt Road, Andover, Mass. 01810. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 140469 (Sub-No. 7TA), filed December 21, 1976. Applicant: FUNCTIONAL MARKETING SYSTEM, INC., 147–02 Liberty Ave., Jamaica, N.Y. 11435. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Ave., White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, and educational materials, equipment and supplies*, between points in New Jersey and New York City, N.Y., on the one hand, and, on the other, points in Fairfield County, Conn.; New Castle County, Del.; Putnam County, N.Y.; Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., under a continuing contract with Field Enterprises Educational Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Field Enterprises Educational Corporation, Merchandise Mart Plaza, Chicago, Ill. 60654. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140792 (Sub-No. 2TA), filed December 20, 1976. Applicant: STANLEY E. WHITEHEAD, 1017 Third Ave., Monroe, Wis. 53566. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in bulk, in tank vehicles), from the facilities of Milk Specialties Co., a Division of Cudahy Foods Co., at or near Browntown, Wis., to Peoria, Ill., for 180 days. Supporting shipper: Milk Specialties Co., a Division of Cudahy Foods Co., P.O. Box 278, Dundee, Ill. 60118. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 142025 (Sub-No. 3TA), filed December 23, 1976. Applicant: DON FOWLER, doing business as FOWLER'S MOBILE HOME TRANSIT, Rt. 1, Box 48, Winchester, Va. 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Winchester, Va., Commercial Zone (except Winchester, Va.), on the one hand, and, on the other, points in Prince Georges County, Md., and points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph and Tucker Counties, W. Va., for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 141247 (Sub-No. 6TA), filed December 21, 1976. Applicant: PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, Ga. 30528. Applicant's representative: Jeffrey Kohlman, Suite 400, 1447 Peachtree St., N.E., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Cleveland, Ga., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania and West Virginia, under a continuing contract with Appalachian Industries, Inc., for 180 days. Supporting shipper: Appalachian Industries, Inc., Route 75, Cleveland, Ga. 30528. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 142231 (Sub-No. 2TA), filed December 21, 1976. Applicant: TRI-L CONTRACT CARRIER, INC., 2400 Tower Place, 3340 Peachtree Road, N.E., Atlanta, Ga. 30326. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire impregnated iron or steel pipe, and iron or steel articles;* and (2) *such commodities* as are used by or are useful in the manufacture, distribution or sale of wire impregnated iron or steel pipe and iron and steel articles (except commodities in bulk and commodities which because of size or weight require special equipment), between the plantsite and facilities utilized by the Oxylance Corporation in Fulton County, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Oxylance Corporation, for 180 days. Supporting shipper: Oxylance Corporation, 3340 Peachtree Road, N.E., 2400 Tower Place, Atlanta, Ga. 30326. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

PASSENGER APPLICATION

No. MC 453 (Sub-No. 24TA), filed December 22, 1976. Applicant: THE GRAY LINES, INC., 1000 12th St., N.W., Washington, D.C. 20005. Applicant's representative: L. C. Majors, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in special operations, during the official racing seasons, between Washington, D.C., and Dover Downs Race Track, at or near Dover, Del.; from Washington, D.C., over U.S. Highway 50 to Junction U.S. Highway 301, thence over U.S. Highway 301 to Junction Maryland Highway 300, thence over Maryland Highway 300 to the Maryland-Delaware State line, thence over Delaware Highway 300 to Junction Delaware Highway 44, thence over Delaware Highway 44 to Junction Delaware Highway 8, thence over Delaware Highway 8 to Junction U.S. Highway 13, thence over U.S. Highway 13 to Dover Downs Race Track, and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Room 1413, 12th & Constitution Ave., N.W., Washington, D.C. 20423.

By the Commission.

ROBERT L. OSWALD,
*Secretary.*

[FR Doc.77–631 Filed 1–6–77;8:45 am]