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federal register

WEDNESDAY, JANUARY 5, 1977

highlights

PART I:

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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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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

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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.

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Title 3—The President

Executive Order 11949 • **December 31, 1976**

Economic Impact Statements

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, it is hereby ordered as follows:

SECTION 1. The title of Executive Order No. 11821 of November 27, 1974 is amended to read "Economic Impact Statements".

SEC. 2. Section 5 of Executive Order No. 11821 of November 27, 1974 is amended by deleting "December 31, 1976" and substituting therefor "December 31, 1977".

Gerald R. Ford

THE WHITE HOUSE,
December 31, 1976.

[FR Doc.77-555 Filed 1-4-77;10:27 am]

EDITORIAL NOTE: The President's statement of Dec. 31, 1976, on economic impact statements, is printed in the Weekly Compilation of Presidential Documents (vol. 13, no. 2).

rules and regulations

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES)[1] DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

Federal Fees for Services Performed by Representatives of Federal Grain Inspection Service

Statement of considerations. Pursuant to the authority in sections 7, 7A, 7B, and 16 of the United States Grain Standards Act (7 U.S.C. 71 et seq., as amended by Public Law 94–582, (90 Stat. 2867)), the Department of Agriculture is amending §§ 26.71, 26.72, and 26.73 of the regulations (7 CFR 26.71, 26.72, and 26.73) under the Act to establish, revise, or restate the fees for grain inspection, weighing, and related services, performed in the United States and Canada by representatives of the Federal Grain Inspection Service.

The United States Grain Standards Act, as amended (sections 7(j)(1) and (2), 7A(e) and (1)(1) and (2), and (16)) authorizes the charging and collection of fees for the inspection, weighing, and supervision of weighing of grain, and the testing of inspection and weighing equipment by representatives of the Federal Grain Inspection Service; for certain activities of the Service, outside its Washington, D.C., office, relating to the direct supervision of delegated State agency and designated official agency personnel and the direct supervision of field-based personnel of the Service; and for the costs incurred, outside the Washington, D.C., office, in performing other weighing functions of the Service. The Act provides that the fees shall be reasonable and, as nearly as possible, cover the costs to the Service incident to the performance of such services. Section 16 of the Act authorizes regulations deemed necessary to effectuate the purposes or provisions of the Act.

Sections 26.71, 26.72, and 26.73 of the regulations are amended to establish, revise, or restate, as needed, fees for services performed by representatives of the Service in the United States and Canada. The amended sections include revisions in the fees for appeal inspection services performed in the United States, and revise or restate the fees for inspection services performed in Canada. The amended sections establish fees for official inspection, weighing, and related services conducted by Service representatives in the United States and Canada, including original inspection and reinspection services, official weighing and supervision of weighing services, and testing of inspection and weighing equipment; and determining the eligibility of storage or handling facilities for weighing service.

Provisions are also included for assessing and collecting fees from delegated State inspection or weighing agencies and from designated official agencies, as well as official inspection or weighing agencies that continue to operate for an interim period pursuant to section 27 of Public Law 94–582, to cover supervision costs as provided in the Act. These supervision fees are to be collected after the service is provided by the agency.

In some instances, the information used as a basis for the fees consists of estimates based on time studies, and on expected volume and costs. Further evaluations will be made, and the fees will be adjusted, as needed, to equate the fees as nearly as possible with the cost of the services.

Accordingly §§ 26.71, 26.72, and 26.73 of the regulations (7 CFR 26.71, 26.72, and 26.73) are amended to read as follows:

§ 26.71 Federal services.

(a) *The fees shown in Schedules A and B apply to Federal grain inspection and weighing services in the United States and Canada.*

[1] Including matters within the responsibility of the Federal Grain Inspection Service.

SCHEDULE A.—*Fees for Federal grain inspection and weighing services in the United States*[1]

	Original inspection				Reinspection or appeal inspection[2][3]	
	Contract service		Noncontract service			
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
INSPECTION SERVICES (BULK OR SACKED GRAIN)						
(1) Official sample-lot inspection (sec. 26.6) (white certificate):						
(i) For grade and official factor determinations:						
(A) Based on sample obtained other than during loading or unloading (fee includes cost of sampling):						
(1) Truck or trailer (per truck or trailer or part truck or trailer, except as noted)	[4] $14.00	[4] $18.00	$12.00	$14.50	$15.50	$18.00
(2) Box car (per car or part car, except as noted)	[4] 14.00	[4] 18.00	15.00	18.00	19.00	22.00
(3) Hopper car (per car or part car, except as noted)	[4] 14.00	[4] 18.00	18.00	22.00	23.00	27.00
(4) Barge (per barge or part barge, except as noted)	[4] 14.00	[4] 18.00	48.00	60.00	63.00	70.00
(5) All other lots or part lots (per man-hour per Service representative)	14.00	18.00	16.00	20.00	21.00	25.00
(B) Based on sample obtained during loading or unloading (any lot or part lot) (per man-hour per Service representative)	14.00	18.00	16.00	20.00	21.00	25.00
(C) Based on official file sample (any lot or part lot, per sample)	[5]	[5]	[5]	[5]	13.00	15.50
(ii) For official factor or other criteria determinations:						
(A) Based on sample used for grade and official factor determinations:						
(1) Factor determinations (per factor, except as noted)	[4] 14.00	[4] 18.00	4.00	5.00	5.25	6.25
(2) Protein test (per sample)	11.50	13.50	11.50	13.50	11.50	13.50
(3) Aflatoxin test (per sample):						
(i) Florisil method	12.00	15.00	12.00	15.00	12.00	15.00
(ii) TLC (thin layer chromatography method)	18.00	22.00	18.00	22.00	18.00	22.00
(B) Based on new sample (any lot or part lot)	[6]	[6]	[6]	[6]	[6]	[6]
(2) Special inspection services (quality information, sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services (sec. 26.6) (per man-hour per service representative)[7]	14.00	18.00	16.00	20.00	21.00	26.00

	Original inspection				Reinspection or appeal inspection [2] [3]	
	Contract service		Noncontract service			
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
(3) Warehousemen's sample-lot inspection (yellow certificate) or submitted sample inspection and type sample-lot inspection (sec. 26.6) (pink certificate):						
(i) For grade and official factor determinations (per sample, except as noted)	[4] 14.00	[4] 18.00	9.50	12.00	13.00	15.50
(ii) For official factor or other criteria determinations:						
(A) Factor determinations (per factor)	[4] 14.00	[4] 18.00	4.00	5.00	5.25	6.25
(B) Protein test (per sample)	11.50	13.50	11.50	13.50	11.50	13.50
(C) Aflatoxin test (per sample):						
(1) Florisil method	12.00	15.00	12.00	15.00	12.00	15.00
(2) TLC (thin layer chromatography) method	18.00	22.00	18.00	22.00	18.00	22.00
(4) Minimum fee per service request (applicable only when request is cancelled after service representative arrives at point of service—Fee does not include standby):						
(i) Services covered by unit fee	[5]	[4] 18.00	[5]	[5]	[5]	[5]
(ii) Services covered by hourly fee (per service representative)	[5]	18.00	16.00	20.00	21.00	25.00
(5) Standby (per man-hour per service representative) [6]	[5]	18.00	16.00	20.00	21.00	25.00

WEIGHING SERVICES (BULK OR SACKED GRAIN)	Original weighing or appeal weighing [3]					
	Designated Inspection Point				Noninspection point—Contract service	
	Contract Service		Noncontract Service			
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
(1) Official weighing or supervision of weighing (per man-hour per service representative)	$14.00	$18.00	$16.00	$20.00	$14.00	18.00
(2) Special weighing services (determining weighing service eligibility, testing of weighing equipment, checkweighing sacked grain, checkloading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per service representative) [7]	14.00	18.00	16.00	20.00	14.00	18.00
(3) Minimum fee per service request (applicable only when request is cancelled after service representative arrives at point of service—Fee does not include standby) (per service representative)	[5]	18.00	16.00	20.00	[5]	18.00
(4) Standby (per man-hour per service representative) [6]	[5]	18.00	16.00	20.00	[5]	18.00
(5) Carrier condition and/or scale record report (not available as a single service)	[10]	[10]	5.00	5.00	[10]	[10]

[1] The fees include the costs of administration and supervision by field-based service representatives. For costs included in the unit and the hourly fees, and fees in addition to the unit and the hourly fees, see sec. 26.72(a) and sec. 26.72(b). If both inspection and weighing services are performed concurrently by a service representative, and hourly fees are applicable, one-half of the working time will be assessed for inspection services and one-half will be assessed for weighing services.

[2] If it is found that there was a material error in the inspection or weighing from which a reinspection, an appeal inspection or weighing, or a Board appeal inspection is taken, the specified reinspection, appeal inspection or weighing, or board appeal inspection fee shall not be assessed. (But see sec. 26.72(b) for fees that are assessed in all instances.)

[3] Board appeal inspections are based on file samples. The fee for board appeal inspections shall be $32 per sample during a regular workday and $36 per sample during a nonregular workday.

[4] Per man-hour.

[5] Not applicable.

[6] Same fees as in (1)(ii)(A), plus applicable sampling charge—see (2).

[7] Only 1 inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

[8] The unit fee.

[9] For application of fee for standby, see sec. 26.73(b).

[10] No charge.

SCHEDULE B.—*Fees for Federal grain inspection and weighing services in Canada* [1]

	Original inspection or reinspection [2]				Appeal inspection [2] [3]	
	Contract service		Noncontract service			
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
INSPECTION SERVICES (BULK OR SACKED GRAIN)						
(1) Official sample-lot inspection (sec. 26.6) (white certificate):						
(i) For grade and official factor determinations:						
(A) Based on new sample (any lot or part lot) (per man-hour per service representative)	$18.00	$22.00	$22.00	$26.00	[4]	[4]
(B) Based on official file sample (any lot or part lot, per sample, except as noted) (not available on original inspection)	[4] 18.00	[4] 22.00	22.00	26.00	$32.00	$36.00
(ii) For official factor or other criteria determination:						
(A) Based on sample used for grade and official factor determinations (any lot or part lot):						
(1) Factor determinations (per factor, except as noted)	[4] 18.00	[4] 22.00	4.00	5.00	5.25	6.25
(2) Protein test (per sample)	11.50	13.50	11.50	13.50	11.50	13.50
(3) Aflatoxin test (per sample):						
(i) Florisil method	12.00	15.00	12.00	15.00	12.00	15.00
(ii) TLC (thin layer chromatography method)	18.00	22.00	18.00	22.00	18.00	22.00
(B) Based on new sample (any lot or part lot)	[5]	[5]	[5]	[5]	[5]	[5]
(2) Special inspection services (quality information, sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services (sec. 26.6) (per man-hour per service representative) [7]	18.00	22.00	22.00	26.00	22.00	26.00
(3) Submitted sample inspection and type sample-lot inspection (sec. 26.6) (pink certificate):						36.00
(i) For grade and official factor determination (per sample, except as noted)	[4] 18.00	[4] 22.00	22.00	26.00	32.00	
(ii) For official factor or other criteria determinations:						6.25
(A) Factor determinations (per factor, except as noted)	[4] 18.00	[4] 22.00	4.00	5.00	5.25	13.50
(B) Protein test (per sample)	11.50	13.50	11.50	13.50	11.50	
(C) Aflatoxin test (per sample):						
(1) Florisil method	12.00	15.00	12.00	15.00	12.00	15.00
(2) TLC (thin layer chromatography method)	18.00	22.00	18.00	22.00	18.00	22.00
(4) Minimum fee per service request (applicable only when request is canceled after service representative arrives at point of service—fee does not include standby):						
(i) Services covered by unit fee	[6]	[4] 22.00	[6]	[6]	[6]	[6]
(ii) Services covered by hourly fee (per service representative)	[6]	22.00	22.00	26.00	32.00	36.00
(5) Standby (per man-hour per service representative) [8]	[4]	22.00	22.00	26.00	[4]	[4]

WEIGHING SERVICES (Bulk or Sacked Grain)	Original weighing or appeal weighing [2]			
	Contract service		Noncontract service	
	Regular workday	Nonregular workday	Regular workday	Nonregular workday
(1) Official weighing (per man-hour per service representative)	$20.00	$24.00	$25.00	$29.00
(2) Special weighing services (determining weighing service eligibility, testing of weighing equipment, checkweighing sacked grain, checkloading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per service representative) [7]	20.00	24.00	25.00	29.00
(3) Minimum fee per service request (applicable only when request is cancelled after service representative arrives at point of service—fee does not include standby) (per service representative)	(4)	24.00	25.00	29.00
(4) Standby (per man-hour per service representative) [8]	(5)	24.00	25.00	29.00

[1] The fees include the costs of administration and supervision by field-based service representatives. For costs included in the unit and the hourly fees, and fees in addition to the unit and the hourly fees, see sec. 26.72(a) and sec. 26.72(b). If both inspection and weighing services are performed concurrently by a service representative, and hourly fees are applicable, one-half of the working time will be assessed for inspection services and one-half will be assessed for weighing services.

[2] If it is found that there was a material error in the inspection or weighing from which a reinspection or an appeal inspection or weighing is taken, the specified reinspection or appeal inspection or weighing fee shall not be assessed. (But see sec. 26.72(b) for fees that are assessed in all instances.)

[3] Appeal inspections from original inspections or reinspections for grade and/or factor determinations are based on file samples.

[4] Not applicable.

[5] Per man-hour.

[6] Same fees as in (1)(ii)(A), plus applicable sampling charge—see (2).

[7] Only 1 inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

[8] The unit fee.

[9] For application of fee for standby, see sec. 26.73(b).

(b) *Supervision fees relating to continuing agencies, delegated State agencies, and designated official agencies.* (1) Agencies or persons continuing to provide official inspection or weighing services on an interim basis pursuant to section 27 of Public Law 94–582 (90 Stat. 2889) shall pay supervision fees in accordance with section 27 and paragraph (b)(4) of this section.

(2) Each delegated State agency and each designated official agency shall pay supervision fees to the Service in accordance with sections 7(j)(2) and 7A(1)(2) of the Act and paragraph (b)(4) of this section.

(3) The supervision fees authorized by section 27 of Public Law 94–582 and sections 7(j)(2) and 7A(1)(2) of the Act shall be in such amount as the Administrator determines fair and reasonable and as will cover the estimated costs incurred by the Service, outside of the Service's Washington, D.C., office, in the supervision (i) of agency personnel by field-based Service personnel in regard to the performance by the agencies of official functions under the Act and (ii) of field-based Service personnel by other field-based Service personnel in regard to the performance of the supervision functions under paragraph (b)(3)(i). The fees shall not include costs incurred by the Service in connection with performing, or supervising the performance of, appeal inspections or weighings or other Federal inspection or weighing services by the Service under the Act, or under other Acts, or costs incurred under sections 7(g)(3), 9, 10, and 14 of the Act.

(4) Fees under this paragraph shall be established separately with respect to (i) supervising inspection services, and (ii) supervising weighing services performed by agencies under the Act. The fee for supervising inspection services, including supervision of equipment testing services, shall be at the rate of $0.80 per thousand bushels (8/100 cent per bushel) of grain for which an agency provides inspection services under the Act. The fee for supervising weighing services performed at export port locations, including supervision of equipment testing services, shall be at the rate of $0.35 per thousand bushels (3.5/100 cent per bushel) of grain for which the agency provides weighing services under the Act. The fee for supervising weighing services performed under the Act at other than export port locations, including supervision of equipment testing services, shall be at the rate of $16 per man-hour per Service representative on a regular workday, and $20 per man-hour per Service representative on a nonregular workday. The fees will be reviewed by the Service at least annually or more frequently when the Service has reason to believe that the fees do not accurately reflect the costs of the supervision for which the fees are authorized.

(5) Bills for supervising inspection and weighing services performed by an agency under the Act will be issued monthly after the services have been performed by the agency under supervision of the Service.[2] The bills for supervising inspection services at any location and for supervising weighing services at export port locations will be based on the computed volume of grain inspected, or weighed, as applicable, by the agency under the Act during the preceding month. The bills for supervising weighing services at other than export port locations will be based on the total man-hours worked in performing the supervision during the preceding month.

§ 26.72 Federal services: Explanation of fees; additional fees.

(a) *Costs included in unit and hourly fees.* The fees specified in § 26.71(a) for regular workdays and nonregular workdays shall include (1) the cost of per diem or subsistence during travel and the cost of transportation to perform the service requested; (2) call-back overtime payments to employees of the service; (3) postage and other delivery costs; and (4) except as provided in paragraph (b)(2) of this section, the cost of certification.

(b) *Fees in addition to unit and hourly fees.* (1) Fees for standby shall be assessed in all cases except no fee shall be assessed for standby performed on a regular workday under a service contract.

(2) The original and one copy of each original, divided-original, reinspection, appeal, or Board appeal certificate shall be issued to the applicant of record or to his order. In an appeal or Board appeal, a copy of each certificate or divided certificate shall also be issued to each respondent of record or to his order. The fee for each additional copy furnished on request of an applicant or a respondent shall be $2.50 per copy. This fee includes the cost of administration and supervision by field-based Service employees.

[2] Each agency will be notified when weighing service supervision begins.

§ 26.73 Computation and payment of fees; general fee information.

(a) *When hourly rates begin.* Hourly rates shall begin when the Service representative arrives at the point of service and is available to perform service, and shall end when the representative departs from the point of service, computed to the nearest quarter hour (less meal time, if any).

(b) *Computing standby.* Standby shall be computed whenever a Service representative (1) has been requested by an applicant to perform a service at a specified time and location, (2) is on duty and is ready to perform the service requested, and (3) is unable to perform the service requested because of a delay by the applicant for any reason. Standby shall be computed to the nearest quarter hour (less meal time, if any).

(c) *Definitions relating to fees.* The following definitions shall apply to terms used in §§ 26.71, 26.72, and this section.

(1) "Regular workday" shall mean the hours of 6 a.m. to 6 p.m., local time, any Monday, Tuesday, Wednesday, Thursday, or Friday, that is not a "holiday."

(2) "Nonregular workday" shall mean any "holiday" and any other time that is not included in a "regular workday."

(3) "Holiday" shall mean the legal public holidays specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal statute or Executive order. Under section 6103 and Executive Order No. 10358, as amended, if the specified legal public holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be deemed to be the holiday.

(4) "Service representative" shall mean an authorized salaried employee of the Service; and a person licensed by the Administrator under a contract with the Service.

(5) "Contract service" shall mean services performed pursuant to a contract between an applicant and the Service.

(d) *To whom fees assessed.* (1) Fees for inspection and weighing services performed by Service representatives, including fees for standby, and fees for extra copies of certificates, shall be assessed to and paid by the applicant for the services.

(2) Fees for determining the eligibility of a grain storage or handling facility for official weighing or supervision of weighing service shall be paid by the person seeking to demonstrate such eligibility.

(3) Fees for the supervision by Service representatives of delegated State agencies, designated official agencies and other agencies or persons under § 26.71 (b) shall be assessed to and paid by the agencies or persons.

(e) *Form and time of payment.* Bills for fees assessed under the regulations for Federal inspection and weighing services will be issued by the Service at 4-week intervals. Bills for fees assesed to delegated State agencies, designated official agencies, and other agencies or persons under § 26.71(b) will be issued as provided in § 26.71(b)(5). Payment of bills shall be made by check, draft, or money order payable to the Federal Grain Inspection Service. Payment shall be made within 30 calendar days after the due date shown on the bill.

(f) *Advance payment.* If required by the Administrator, fees (except those under paragraph (d)(3)) shall be paid in advance. Any fees paid in excess of the amount due shall be refunded or offset on future billings.

(g) *Fees when an application for service is withdrawn or service is refused.* If an application for service is withdrawn or a service is refused pursuant to the regulations, the person who made the application for the service shall pay only such expenses as were incurred in connection with the service prior to the withdrawal or refusal. (See § 26.71(a) for minimum fee per service request.)

(h) *Refunds.* The Administrator will cause to be refunded to the appropriate agency, or person, or offset on future billings, any fees paid to the Service in excess of the amount due the Service.

(i) *Revolving fund.* Funds received for fees assessed by the Service shall be deposited in a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under the Act.

(j) *Material error.* Except as provided in § 26.72(b)(1), if it is found that there was a material error in the inspection from which a reinspection is taken, or in the inspection or weighing from which an appeal inspection or weighing, or a Board appeal inspection is taken, no fees shall be assessed. For the purpose of §§ 26.71 and 26.73, a "material error" shall be an error which results in a change in grade, or any comparable change, in inspection or weight determinations as prescribed in the instructions.

(k) Fees for Federal services authorized by the Act but not prescribed in § 26.71 shall be fixed by the Administrator and published in such form as he deems appropriate.

(l) *Information.* Information concerning the fee for any particular service under § 26.71(a) or the fee assessed against any delegated State agency or any designated official agency or other agency or person under § 26.71(b) may be obtained from the Administrator or from any regional or field office of the Service.

The costs to the Federal Grain Inspection Service of providing the services for which fees are prescribed in this document are matters known only to the Service and the collection of fees for such costs is prescribed by law. The United States Grain Standards Act of 1976 (Pub. L. 94-582) became effective November 20, 1976. Employees of the Service will be required or requested to provide inspection and weighing services in the United States pursuant to the Act in the near future. Therefore, it is found upon good cause that publication of a notice of proposed rulemaking and other public procedures on the provisions of §§ 26.71, 26.72, and 26.73, of the regulations as set forth in this document are impracticable and unnecessary and good cause is found for making certain provisions effective less than 30 days after publication hereof.

Effective date: a. The provisions in § 26.71(a) establishing unit fees and hourly fees for original inspections and reinspections, and original weighings and appeal weighings in the United States (Schedule A) shall become effective on January 1, 1977.

b. The provisions in § 26.71(a) establishing unit fees and hourly fees for appeal inspections and Board appeal inspections in the United States (Schedule A) and for official inspections and weighings of United States grain in Canada (Schedule B) shall become effective on January 16, 1977: *Provided,* That, with respect to such inspection services, the provisions in §§ 26.71, 26.72, and 26.73 of the regulations in effect immediately prior to the issuance hereof, shall remain in effect until January 16, 1977.

c. The provisions in § 26.71(b) providing for the assessment and collection of fees for the supervision by the Service of inspection services performed by delegated State agencies and designated official agencies, and agencies or persons continuing to provide inspection services on an interim basis pursuant to section 27 of Public Law 94-582, shall become effective on February 1, 1977. Bills will be issued on or after March 1, 1977, by the Service to the agencies or persons for the supervision provided by the Service during the period February 1 through February 28, 1977. Thereafter, bills will be issued by the Service at monthly intervals.

d. The provisions in § 26.71(b) for the assessment and collection of fees for the supervision by the Service of weighing services performed by delegated State agencies and designated official agencies, and agencies or persons continuing to provide weighing services on an interim basis pursuant to section 27 of Public Law 94-582, shall become effective in accordance with written notification sent to the agencies or persons.

e. In all other respects, the provisions in §§ 26.71, 26.72, and 26.73 shall become effective on January 1, 1977.

Done in Washington, D.C. on: December 28, 1976.

DONALD E. WILKINSON,
Interim Administrator.

[FR Doc.77-137 Filed 1-4-77;8:45 am]

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

[Tangerine Reg. 48, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Size Regulation

This amendment of Tangerine Regulation 48 (§ 905.566; 41 FR 42177, 49801, 51029, 51796, 53649, 54917, is issued pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905). Effective January 3, 1977, the amendment lowers the minimum diameter requirement applicable to domestic fresh shipments of Florida tangerines from 2$^{6}/_{16}$ inches (size 176) to 2$^{4}/_{16}$ inches (size 210). The specification of such minimum size requirement for Florida tangerines is necessary to satisfy current and prospective demand for such fruit and maintain orderly marketing conditions.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of tangerine shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective market demand conditions for Florida tangerines. This amendment relaxes current minimum size requirements applicable to domestic fresh shipments of tangerines. The action is consistent with the size distribution and remaining supply of tangerines in the production area. The amendment is designed to ensure an ample supply of

fruit to consumers. For the season through December 26, 1976, fresh shipments of Florida tangerines totaled 3,726 carlots, and there were an estimated 974 carlots remaining for fresh shipment. This amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

(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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. In § 905.566 (Tangerine Regulation 48; 41 FR 42177, 49801, 51029, 51796, 53649, 54917) the provisions of paragraph (a)(2) are revised to read as follows:

§ 905.566 Tangerine Regulation 48.

(a) • • •

(1) • • •

(2) Any tangerines, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter, shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines.

• • • • • •

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

Dated, December 30, 1976, to become effective January 3, 1977.

G. H. GOLDSBOROUGH,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-374 Filed 1-4-77; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

INCOME DEFINITIONS AND INTEREST CREDITS

On October 27, 1976, a proposal regarding additions and revisions to § 1822.3 and Exhibits E and E-2 of Subpart A of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (39 FR 44993, as amended at 40 FR 42178) was published in the FEDERAL REGISTER (pages 47060–47065). The proposed revision changes the definition of annual income and adjusted annual income in § 1822.3 (n) and (o) for Section 502 Rural Housing loans. Exhibit E is revised to redelegate authorities for the granting and servicing of interest credits, for clarification and to state that interest credits will not be renewed when the dwelling has been enlarged or related facilities added so that the housing substantially exceeds modest standards for size, design, or cost. Paragraph 10 is added and makes clear that borrowers have the same right to appeal a decision concerning the granting, renewing, or cancellation of interest credits as they do for the determination of eligibility for a Section 502 Rural Housing loan. Exhibit E-2 reflects editorial changes.

Interested persons were given until November 11, 1976, to submit written comments, suggestions, or objections. All comments received with respect to the proposed revisions were given due consideration, and based upon those comments and other suggestions received from the Farmers Home Administration field staff, the following changes and additions are made:

1. Section 1822.3 (n) (3) (v) is revised to permit deductions from income for payments made to close relatives for child care and disabled dependent care only if the relative is actually employed by the borrower, or the close relative operates a business of caring for minors or incapacitated persons.

2. Exhibit E, paragraphs 4. (a) (2) and 6. (a) (6) are revised to state that the cash on hand that will be used to reduce the amount of the loan will be excluded when determining the borrowers net worth.

3. Paragraph 5. (c) is revised to make clear that interest credits may be granted when the borrower's spouse has abandoned the property and divorce or legal separation papers have been filed.

4. Paragraph 5. (d) is revised to include real estate taxes and insurance costs when determining that the borrower's circumstances have substantially changed.

5. A new paragraph 7. (f) is added to provide for corrections in existing Interest Credit Agreements when the amount of interest credits the borrower is entitled to receive is increased or deceased; the present paragraph 7. (f) is redesignated as paragraph 7. (g), and portions thereof revised.

6. Paragraph 8. (d) is revised to allow the County Supervisor to initiate corrective action on improper interest credits granted as a result of errors made by FmHA employees.

7. Paragraph 10. is revised to provide that the borrower will be notified of the right to appeal when interest credits are denied, reduced, canceled, or not renewed. Action time lines are established for each level of review.

Other minor editorial changes are made to clarify the language of the Subpart. Accordingly, § 1822.3 (n) and (o), Exhibit E, and Exhibit E-2 as revised, are hereby adopted to read as set forth below.

Effective date: These revisions shall become effective January 5, 1977.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: December 17, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator, Farmers Home Administration.

1. Section 1822.3(n) and (o) are revised to read a set forth below:

§ 1822.3 Definitions.

• • • • • •

(n) *Annual income.* This consists of planned income to be received by the applicant, spouse, and all other adults who live, or propose to live, in the dwelling during the next 12 months, or, in the case of a farmers, the period which most accurately reflects the annual cycle of his operation.

(1) *Income included.* All net farm and nonfarm business income and gross income from wages, salaries, commissions, pensions, social security, unemployment compensation, alimony, and all other sources, except as indicated in paragraph (n)(2) of this section must be counted.

(i) Welfare, social security, child support payments, and other payments made on behalf of minors will be included in the applicant's annual income.

(ii) All expected overtime and bonus income will be counted.

(iii) Any projected net farm and nonfarm business losses will be considered as "0" in determining annual income.

(2) *Exempted income.* The following income will not be counted:

(i) Earnings from employment or income from GI Bill, fellowships, scholarships, or assistantships for schooling received by a full time student who is not the applicant or spouse of the applicant.

(ii) Proceeds from the sale of equipment, mineral rights, or real estate sold under a short term contract (usually 3 years or less).

(iii) Cash value of food stamps, real estate tax exemptions, or similar types of assistance.

(iv) Payments received for the care of foster children.

(3) *Deductions from income.* In determining the applicant's annual income the following deductions are allowed:

(i) A deduction may be made in the same manner as outlined in Internal Revenue Service (IRS) regulations for the exhaustion, wear and tear, and obsolescence of depreciable property used in the applicant's trade, business, or farming operation. The applicant must provide an itemized schedule showing the depreciation claimed. This schedule should be consistent with the amount of depreciation actually claimed for these items for Federal income tax purposes.

(ii) A deduction may be made in the same manner as outlined in IRS regula-

tions for necessary business expenses actually paid by the employee in excess of the amount reimbursed by the employer. The deduction must be reasonable and, in the judgment of the approving officials, should be deducted from an employee's income to reflect annual income on an equal basis with other employed persons. Deductions, however, are not permitted for the following:

(A) Transportation to and from work.

(B) Cost of meals incurred on one day business trips.

(C) Educational expenses other than those incurred to meet the minimum requirements of the employee's present position.

(D) Fines and penalties for violation of laws.

(iii) Income deductions for child care, disabled dependent care, or care of an incapacitated husband or wife, may be made for expenditures actually paid to enable the husband or wife to be gainfully employed. The reason for any deduction must be recorded in detail in the applicant's loan docket. Such a deduction is authorized only if all the following conditions are met:

(A) For dependent children under the age of 15 cared for outside the home, the maximum monthly deduction will not exceed $200 for one child, $300 for two children, or $400 for three or more children.

(B) Expenses for child care services performed in the home are not limited to the expenses in paragraph (n)(3)(iii)(A) and (B) of this section, but are subject to the $400 maximum deduction each month.

(C) A deduction not to exceed $400 each month, for incapacitated husband or wife care, or care of disabled dependents age 15 or over who are incapable of self care is authorized only when service is performed in the home.

(D) In no case will the aggregate of all deductions for child care, disabled dependent care, or incapacitated husband or wife care exceed $400 per month.

(E) Payments for these services may not be to persons whom the borrower is entitled to claim as personal deductions for income tax purposes. Payments may be made to any other close relative only if the relative is actually employed by the borrower (e.g., the borrower pays appropriate FICA taxes) or the close relative operates a business of caring for minors or incapacitated persons.

(o) *Adjusted annual income.* This is annual income as defined in paragraph (n) of this section, less 5 percent thereof and less an additional $300 for each minor person, excluding the husband and wife, who is a member of the immediate family and lives in the home. The immediate family includes those persons related to the applicant by blood, marriage, or operation of law, such as adoption or legal guardianship.

* * * * *

2. Exhibit E of Subpart A is revised to read as follows:

EXHIBIT E—INTEREST CREDITS

1. *Purpose.* This Exhibit outlines the policies and procedures for granting and servicing interest credits on Section 502 Rural Housing (RH) loans.

2. *Policy.* The policy of the Farmers Home Administration (FmHA) is to grant interest credits on loans to lower income borrowers to assist them in obtaining decent, safe, and sanitary dwellings and related facilities.

3. *Definitions.* (a) *Borrower.* A borrower indebted for a "low or moderate" Section 502 insured loan approved or assumed on new terms on or after August 1, 1968. Interest credits are not authorized on "above moderate" Section 502 loans.

(b) *Annual payment borrowers.* Borrowers who signed promissory notes providing for annual payments, including borrowers converted to monthly payments through the use of Form 451–37, "Additional Partial Payment Agreement."

(c) *Monthly payment borrowers.* Borrowers who signed promissory notes providing for monthly payments.

(d) *Review period.* The review period for an annual payment borrower will be the months of August, September, and October. The review period for a monthly payment borrower will be the third, fourth, and fifth months prior to the anniversary date of the borrower's current Interest Credit Agreement.

(e) *Real estate taxes.* Real estate taxes for interest credit purposes means the amount of real estate taxes and assessments that will be actually due and payable on the dwelling and the dwelling site during the interest credit period, reduced by the amount of any tax exemptions available to the borrower, regardless of whether such exemptions are actually claimed and received. Tax exemptions may include such things as homestead exemptions, special exemptions for low-income families, senior citizens, veterans and others.

(f) *Interest credit agreement.* An agreement between FmHA and the borrower executed on Form FmHA 444–6 or Form 444–A6, "Interest Credit Agreement (Section 502 RH Loans)," which provides for interest credits on the borrower's loan.

4. *Eligibility For Interest Credits*—(a) *Initial loans.* Interest credit will be granted to a qualified borrower provided:

(1) The borrower's adjusted annual income exceeds the limit established for the State as indicated in Exhibit C of this Subpart, unless an exception is authorized by the State Director in accordance with § 1822.15(a).

(2) The borrower's net worth does not exceed $5,000, excluding the value of the dwelling and dwelling site being improved, cash on hand that will be used to reduce the amount of the loan, and household goods and the debts against them, unless an exception is authorized by the District Director. For the purpose of determining whether exceptions are justified, the District Director will consider the nature of the assets, particularly whether they are assets upon which a borrower, such as a farmer, is currently dependent for a livelihood or which could be used to reduce or eliminate the need for interest credits. Elderly persons will be permitted to retain a reasonable reserve for necessary health and maintenance expenses.

(3) The loan is approved on or after August 1, 1968.

(4) The loan is to buy, build, or improve a dwelling and related facilities, including a building site, or to refinance debts as authorized in § 1822.6(c).

(5) The dwelling will be personally occupied by the borrower.

(6) The home is modest in size, design, and cost. A borrower with an income so low that he/she is unable to make the monthly or annual installments on an RH loan without interest credit assistance cannot afford a large or elaborate dwelling. Interest credit assistance is designed to help a borrower have a decent home, but it must not be used to finance housing in excess of the borrower's actual basic needs, nor housing which includes desirable but unnecessary features or amenities as described in § 1822.7(b)(1).

(7) The term of the loan is for 33 years, unless authorized otherwise by the State Director, based on complete documentation of the justifiable reasons on an individual case basis. Interest credits will not be granted on loans with a term of less than 25 years, except as provided in paragraph 6 of this Exhibit.

(8) The amount of interest credit exceeds $5 per month or $60 annually.

(b) *Transfers and credit sales.* An eligible borrower who buys an inventory dwelling or assumes an RH loan may receive interest credit assistance under the following conditions:

(1) All the eligibility requirements of paragraph 4(a) are met, and

(2) If the loan being assumed was initially approved before August 1, 1968, the assumption must be on new terms.

(c) *Subsequent loans.* Interest credits may be granted on subsequent loans which meet the requirements of paragraph 4(a) and in the following types of situations:

(1) Interest credits are presently being granted on the initial loan and the borrower's adjusted income does not exceed the moderate income limit for the State as shown in Exhibit D of this Subpart, and

(2) The sum of interest credits being granted on the initial and subsequent loans will exceed $5 per month or $60 annually.

5. *Interest Credits for Existing Loans*—(a) *Renewal during the review period.* Eligibility for interest credits will be determined biennially during the review period. Interest credit assistance will be continued provided the borrower and the dwelling meet the eligibility requirements as outlined in paragraph 4, except that:

(1) The amount of a borrower's net worth will not be considered unless the County Supervisor has knowledge that it has increased sufficiently to enable the borrower to graduate to another source of credit.

(2) For a borrower whose adjusted annual income exceeds the limits established for the States as indicated in Exhibit C of this Subpart, interest credit assistance will be continued provided:

(i) The amount of interest credit for which the borrower qualifies exceeds $15 monthly, or $180 annually; and

(ii) The borrower's adjusted annual income does not exceed the moderate-income limit established for the State as shown in Exhibit D of this Subpart.

(3) Interest credits will not be renewed if the County Supervisor has knowledge that the dwelling has been enlarged or related facilities added so that the housing substantially exceeds modest standards for size, design, or cost. Interest credits will not be denied, however, if improvements such as additional living or storage area, a fireplace, or a yard fence have been added and the housing is not excessive as compared to other housing in the locality for low and moderate income families.

(b) *Renewals not completed during the review period.* When the borrower's renewal Interest Credit Agreement is not completed during the review period, it will be processed in accordance with paragraph 7 (g)(5).

(c) *Borrower not now receiving interest credits.* The County Supervisor may grant interest credits at any time, provided the borrower and the dwelling are eligible for interest credit assistance in accordance with paragraph 4, and any of the following conditions exist:

(1) The borrower requests interest credit assistance, or the County Supervisor determines that interest credits are needed to enable the borrower to repay the loan.

(2) A borrower's spouse has abandoned the family and property and legal papers have been filed with the appropriate court to commence divorce or legal separation proceedings provided:

(i) The remaining spouse is occupying the dwelling, owns a legal interest in the property, is liable for the debt, and

(ii) For FmHA record keeping purposes, the loan account is put in the remaining spouse's name only.

(3) A borrower's spouse has abandoned the family and the property and papers have not been filed to commence divorce or legal separation proceedings provided:

(i) The spouse's location has been unknown for at least one year, and

(ii) The conditions of paragraphs 5 (c) (2) (i) and (ii) are met.

(d) *Substantial change in borrower's circumstances.* The County Supervisor is not responsible for monitoring whether a borrower's income, family size, real estate taxes, or insurance costs have changed after an Interest Credit Agreement is approved. If, however, it comes to his attention that the borrower's circumstances have changed so that the amount of interest credit assistance the borrower is eligible to receive has substantially increased or decreased, the County Supervisor will take one of the following actions:

(1) *Increased income or decreased expenses.*

(i) He will take no further action until the next review period if he determines that the borrower is still eligible to receive interest credits in accordance with paragraph 5(a).

(ii) He will cancel the borrower's Interest Credit Agreement effective as of the date he became aware of the change if the borrower is no longer eligible for interest credit assistance.

(2) *Decreased income or increased expenses.* (i) He may approve a change in interest credit assistance during the next review period if the borrower is experiencing difficulty in meeting payments due and requests that a change be made.

(ii) He may approve changes in interest credit assistance at any time, provided the amount of interest credit the borrower is eligible to receive is increased by at least $15 monthly or $180 annually, and he determines that the change is necessary to avoid liquidation of the loan.

(iii) Cases involving family separations must meet the requirements of paragraphs 5(c) (2) or (3), as appropriate.

6. *Interest credits on loans made to repair or rehabilitate a dwelling (Incentive Program)*—(a) *Incentive interest credits.* Interest credits may be granted to reduce the effective interest rate on Section 502 RH loans made to repair or rehabilitate a dwelling already owned by the applicant provided the following conditions are met:

(1) The loan is approved after April 29, 1974;

(2) The dwelling is, or will be, occupied by an eligible borrower after the loan is made;

(3) The amount of the loan may not exceed $7,000 or be amortized for more than 25 years;

(4) The applicant's adjusted annual income does not exceed $7,000;

(5) The repairs will be made to bring a substandard dwelling up to the standards outlined in § 1822.7(b)(3);

(6) The borrower's net worth, excluding the value of the dwelling site and dwelling being improved, cash on hand that will be used to reduce the amount of the loan, and household goods and debts against them, does not exceed $5,000, unless prior authorization is received from the District Director. In making such determinations, the District Director will consider the nature of assets such as a farm, business, etc., upon which the borrower is dependent for a livelihood.

(b) *Interest rate.* Interest credits granted and the effective interest rate charged on loans made under this paragraph will be based on the borrower's adjusted annual income as determined in accordance with § 1822.3(o). Interest credits will be granted to the borrower in an amount to achieve the following effective interest rates:

(1) For borrowers whose adjusted annual income is not more than $3,000, interest will be charged at a rate of 1 percent.

(2) For borrowers whose adjusted annual income is more than $3,000 but not more than $5,000, interest will be charged at the rate of 2 percent.

(3) For borrowers whose adjusted annual income is more than $5,000 but not more than $7,000, interest will be charged at the rate of 3 percent.

(c) *Limitations.* Borrowers qualifying for interest credit assistance under both paragraphs 4 and 6 will be granted only the one type of interest credit assistance that is most beneficial to them. Interest credits on initial and subsequent loans will always be the same type. There is no provision for switching from one type of interest to the other.

(d) *Renewal of incentive credits.* Interest credits granted under this paragraph 6. will be reviewed and the borrower's eligibility for continued interest credits determined during the same scheduled review period as regular interest credits granted under paragraph 4.

7. *Processing interest credits*—(a) *General.*

(1) *Determination of income.* The County Supervisor is responsible for determining the borrower's annual and adjusted annual income as defined in § 1822.3 (n) and (o). A borrower interview will be conducted as outlined in § 1822.11(c) in all cases for granting initial interest credits, and for renewals if, in the County Supervisor's opinion, such an interview is needed to determine the borrowers annual income. Form FmHA 410-5, "Request for Verification of Employment," will be used to verify the earnings from employment of all persons whose income is included in "Annual Income."

(2) *Effective period.* Interest Credit Agreements on loans made to monthly payment borrowers will be effective for a two year period. For annual payment borrowers the agreement will be in effect until the second December 31 after the effective date. The effective date will be as indicated on the Forms Manual Insert (FMI).

(3) *Determination of interest credits.* The amount of interest credits the borrower receives will be the lesser of:

(i) The difference between 20 percent of the borrower's adjusted annual income and the annual installment due on the promissory note plus costs of real estate taxes and insurance, or

(ii) The difference between the annual installment due on the promissory note and the amount the borrower would pay if the loan were amortized at an interest rate of one percent.

(4) *Partial year interest credits.* For an annual payment borrower with an initial installment less than a regular installment, and who will receive less than a full year of interest credit assistance, the interest credits granted will be a pro rata portion calculated on the number of months left in the current calendar year, including the month in which the loan is closed.

(5) *Advance from the insurance fund.* The repayment schedule for advances made from the Rural Housing Insurance Fund will be computed at the interest rate shown on the promissory note. However, interest will accrue and payments will be applied on the amount advanced at the reduced interest rate in effect at the time of payment.

(6) *Preparation of the transaction record.* For borrowers receiving interest credits, the following changes will be shown on Form FmHA 451-26, "Transaction Record," when prepared by the Finance Office:

(i) Interest rate field. The interest rate field of the form will continue to show the interest rate on the note. The Finance Office will compute the effective interest rate charged the borrower based on the amount of interest credit granted. The computed rate, rounded to the nearest 1/8 of a percent, will be shown as a footnote on the form as "Interest Rate Reduced to __%." Subsequent transactions will be applied to the loan by the Finance Office at the reduced interest rate until such time as renewal, change, or cancellation occurs.

(ii) Daily interest accrual field. The daily interest accrual will be shown at the reduced interest rate and the interest will accrue at the same rate until such time as the interest credit is renewed, changed, or canceled.

(iii) Application of credit field. The initial transaction record form will not have an entry in the "Application of Credit" field. The Interest Credit Transaction Code for this method of processing interest credits will be 4 Z.

(iv) Payment status field. The payment status field will not reflect the dollar amount of the interest credits granted. No entry will be made for monthly payment borrowers.

(v) Minimum amount due by date shown field. For annual payment borrowers, the amount of the installment, reduced by the amount of interest credits granted, will be shown. For monthly payment borrowers the word "monthly" will be entered in the space provided.

(b) *Initial and subsequent loans*—(1) *County Office action.* The County Supervisor will:

(i) Determine the borrower's adjusted annual income and document his calculations in the case file running record.

(ii) Enter on Form FmHA 440-1, "Request for Obligation of Funds," the adjusted annual income, the estimated real estate taxes that will be actually due and payable during the first and second years of the agreement, and the amount of annual property insurance premium for the dwelling.

(iii) Complete and submit a corrected Interest Credit Agreement to the Finance Office when the loan is closed or, when appropriate, at the amortization effective date, if the borrower's circumstances have changed so that the amount of interest credits would be increased or decreased by at least $5 monthly or $60 annually.

(2) *Finance Office actions.* The Finance Office will:

(i) Enter the information concerning adjusted annual income, the estimated real estate taxes, and the insurance premium on Form FmHA 440-57, "Acknowledgment of Obligated Funds/Check Request."

(ii) Calculate the amount of interest credit to be granted to the borrower. The amount of interest credit will be determined from the information initially shown on Form FmHA 440-1.

(iii) Prepare and mail Form FaHA 444–A6 to the County Office when the final loan check is issued. Upon receipt, the form will be completed by the County Office and a copy returned to the Finance Office only when indicated on the form.

(iv) Prepare and issue payment cards to the County Office.

(c) *Credit sales and transfers.* Interest credits to a borrower who assumes an RH loan or purchases property from inventory will be calculated by the County Office on Form FmHA 444–6. A copy of the form will be forwarded to the Finance Office along with the copy of the promissory note or Assumption Agreement. The Finance Office will issue payment cards to the County Office.

(d) *Interest credits to borrowers not now receiving interest credits.* Interest credits granted in accordance with paragraph 5(c) can be processed at any time in the same manner as interest credits on initial loans, except that the County Office will complete the Form FmHA 444–6 and calculate the amount of interest credit assistance the borrower will receive. A copy of Form FmHA 444–6 will be used to send interest credit information to the Finance Office. The daily interest accrual will be reduced as of the effective date entered on the form or as of the date the last cash charge or credit was made to the account, whichever is later.

(e) *Changes in interest credit assistance.* When approving a change in interest credit assistance before the expiration of a current Interest Credit Agreement in accordance with paragraph 5(d), the County Supervisor will again determine the borrower's adjusted annual income and document his findings in the case file running record. A Form FmHA 444–6 will be completed in accordance with the FMI and a copy of the form will be forwarded to the Finance Office. The Finance Office will reduce the daily interest accrual as of the date entered on the form or as of the date of the last cash charge or credit made to the account, whichever is later.

(f) *Correction of interest credit agreements.* A corrected Interest Credit Agreement will be submitted to the Entrance Office when an improper Interest Credit Agreement is canceled if the borrower is still eligible to receive interest credits in accordance with paragraph 5(a), or the borrower appeals the amount of interest credits granted and it is determined that the appeal is valid. In such cases, a Form FmHA 444–6 showing the proper amount of interest credits which the borrower is entitled to receive will be submitted to the Finance Office to replace the incorrect agreement. The notation "Corrected in accordance with Exhibit E of Subpart A of Part 1822 of this Chapter," will be entered on the face of the form. The Finance Office will cancel the incorrect Interest Credit Agreement as of its effective date. Payments made under the previous agreement will be reversed and reapplied at the adjusted interest rate of the new Interest Credit Agreement.

(g) *Interest credit renewal.*—(1) *Initiation of renewal action.* At the beginning of the review period, the Finance Office will mail to the County Office a list of borrowers (see Exhibit E–1 available in any FmHA Office), whose Interest Credit Agreements are expiring, together with a package to be mailed by the County Supervisor to each borrower. The package will contain the following:

(i) A letter of explanation and the instructions for completing the Interest Credit Agreement (Exhibit E–2).

(ii) Form FmHA 444–A6 (3 parts with carbon interleaved).

(iii) Two Forms FmHA 410–45 (The County Office name and address will be preprinted in the space provided).

(iv) Three window envelopes (to be used by the borrower in mailing Interest Credit Agreements to the County Office and for the employer to mail the Verification of Employment forms to the County Office).

(2) *Borrower responsibility.* Upon receipt of the package, the borrower will give one copy of the verification of Employment form to the employer or employers of each member of the family who has income to be considered. A window envelope will be provided each employer to facilitate the mailing of the Verification of Employment form directly to the County Office. The borrower will also complete part 2 of the Interest Credit Agreement form (leaving carbon intact), sign the original form and mail the original and all copies to the County Office.

(3) *County office actions.* The County Supervisor will:

(i) Maintain the list of borrowers (See Exhibit E–1) as a record of Interest Credit Agreements processed and sent to the Finance Office.

(ii) Review the information on Forms FmHA 444A–6 and FmHA 410A–5 for completeness and accuracy. Interviews with borrowers should be scheduled if the borrower needs assistance in completing the form or provides incomplete or apparently inaccurate information.

(iii) Determine the adjusted annual income and document his calculations in the case file running record.

(iv) Complete the Interest Credit Agreement and send a copy of the Agreement to the Finance Office. If the borrower is not eligible for interest credits, enter "0" in the block(s) which indicate the amount the payment will be reduced.

(v) If the Form FmHA 444–A6 is mutilated or unusable, transfer all information preprinted on the form to a new Form FmHA 444–6 to be signed by the borrower and submit the completed form to the Finance Office.

(vi) Retain the original of the Interest Credit Agreement and return the other copy to the borrower.

(vii) Notify by letter borrowers not eligible for continued interest credits of the amount of their revised payments. The letter must notify the borrower of his right to appeal as outlined in paragraph 10 of this Exhibit. A new Form FmHA 440–9, "Supplementary Payment Agreement", will be obtained when needed.

(4) *Finance Office actions.* The Finance Office will:

(i) Upon receipt of Form FmHA 444–A6 from the County Office, send the borrower or the County Office a new set of payment cards.

(ii) Before the end of the review period, send the County Office a list of annual payment borrowers (Exhibit E–3 available in any FmHA Office) for whom a renewal Interest Credit Agreement has not been received. The County Office staff will place a checkmark in the appropriate column of the list to indicate those borrowers who are no longer eligible for interest credits or whose agreements will not be renewed. The original of the completed list will be retained in the County Office and a copy returned to the Finance Office.

(5) *Processing interest credit renewals not received during the review period.* The County Supervisor may approve interest credit renewals not completed during the review period. They will be handled as follows:

(i) The amount of interest credit assistance granted will be based on the borrower's planned annual income during the first year of the agreement. The effective date of the Interest Credit Agreement will be as indicated on the FMI.

(ii) Payments made by the borrower after the expiration date of the previous Interest Credit Agreement will be applied at the note interest rate until the Finance Office receives a new Form FmHA 444–6. Such payments processed before the effective date of the adjusted interest rate will not be reversed and reapplied.

(iii) Upon receipt of Form FmHA 444–6, the Finance Office will calculate the new adjusted interest rate the borrower will receive during the current interest credit period. The Finance Office will reduce the daily interest accrual as of the effective date entered on the form or as of the date of the last cash charge or credit made to the account, whichever is later.

8. *Improper interest credits.*—(a) *When to take action.* Servicing actions under this paragraph will be taken when incorrect information provided by a borrower or any other person or an error by the County Supervisor or any other FmHA employee results in the borrower receiving excessive interest credits of more than $5 per month or $60 annually.

(b) *Determining improper interest credits.* Whenever there is a reason to believe that a borrower has received more interest credits than he was entitled to receive because improper interest credits have been granted, the information on which the interest credits were based will be verified immediately. If the County Supervisor finds that a borrower received interest credits that he was not entitled to, a report on the case will be sent to the State Director. The State Director is responsible for taking the necessary corrective action in accordance with the following:

(1) If there is any indication of fraud or fiscal irregularity, he will refer the case to the Director of the Regional Office of Investigation for a determination as to whether it warrants an investigation. If the Regional Director determines that his office should investigate the case, FmHA personnel will assist in any way requested.

(2) If the Regional Director determines that his office should not handle the investigation, he will inform the State Director of this decision. The State Director will then have a detailed review made by a member of his staff. He will review the findings and determine whether fraud or fiscal irregularities have occurred. If he determines that there is evidence of fraud or fiscal irregularities, he will take the actions prescribed in § 1871.22 of this Chapter, as appropriate.

(3) If the improper interest credits were the result of an error by an FmHA employee, the case will be handled in accordance with paragraph 8(d) of this Exhibit.

(c) *Falsification or error by borrower.* When it is determined that excessive interest credits have been granted because the borrower intentionally or otherwise provided incorrect information, the following actions will be taken:

(1) The State Director will request the Finance Office to cancel the Interest Credit Agreement as of the effective date of the current Form FmHA 444–6 or earlier Form FmHA 444–6 involved in the period of review or investigation. The Finance Office will then reapply any payment to the account at the note rate of interest or at the rate of the corrected Interest Credit Agreement and will notify the County Supervisor and borrower of any adjustment made in the account.

(2) The State Director will inform the borrower by certified mail (return receipt requested) of his findings as provided in paragraph 10(b) of this Exhibit.

(3) Further handling of the case will be one of the following:

(i) If there is evidence of a criminal violation by the borrower, the case will be

handled in accordance with § 1871.22(c) of this Chapter.

(ii) If the borrower's action appears to have been deliberate and a major error occurred, liquidation may be warranted. For example, such actions may be taken if the information obtained indicates that the borrower was not eligible for an RH loan. Such a borrower would be asked to repay promptly the RH loan by refinancing or otherwise satisfy the account. In other cases, the borrower may already be in default and the fact that the borrower had not correctly reported income may justify liquidation of the loan. The State Director may authorize the account to be repaid under an acceleration agreement if the conditions of § 1872.17(g) of this Chapter are met.

(iii) When falsified information is provided to FmHA in order to qualify the borrower for interest credits, (For example, a packager who provides information for a borrower) but there is evidence that the borrower is not at fault or definitely did not intend to provide false information, the borrower will be requested to pay the loan in full, including any improper and excessive interest credits that may have been granted. If, however, the borrower is unable to satisfy the account and the State Director determines that the Government's financial interest would not be jeopardized by leaving the loan outstanding, and that it would be inequitable to call it, he may continue with the loan. Improper interest credits received by borrowers must be repaid in accordance with paragraph 8(c)(3)(iv) of this Exhibit.

(iv) In all other cases, if the borrower cannot or will not reimburse the FmHA for the improper advance and immediate liquidation action is not warranted, the State Director may decide to continue wtih the loan. In such a case, the amount of improper interest credit will be charged to the borrower's account and become immediately due and payable. The borrower must be advised by letter that he will be charged interest at the note rate on the amount until it is repaid.

(d) *Error by FmHA employee.* When the borrower presented correct information and an FmHA employee erroneously granted excessive interest credits, the following actions will be taken:

(1) The County Supervisor will request the Finance Office to cancel the Interest Credit Agreement as of the effective date of the current Form FmHA 444–6, or earlier Form FmHA 444–6 involved in the period of review or investigation. The Finance Office will then reapply any payments made on the account during the period in which incorrect interest credits were granted. Interest will be charged at the note rate or at the corrected interest credit rate as provided in paragraph 7(f) of this Exhibit. The County Supervisor and borrower will be notified of adjustments made in the account.

(2) The County Supervisor will inform the borrower by letter of the action taken as provided in paragraph 10(a) of this Exhibit.

(3) If the borrower does not appeal, or it is determined that the appeal is not valid, the County Supervisor will make a diligent effort to obtain a lump-sum restitution of the improperly advanced interest credit from the borrower. If this cannot be done, the County Supervisor will take one of the following courses of action:

(i) If the borrower can repay the improperly advanced interest credit over a reasonable period of time, the County Supervisor will use Form FmHA 451–37 "Additional Partial Payment Agreement," to establish a new repayment schedule. The borrower will be charged interest on the improperly advanced interest credits at the same rate charged on the principal indebtedness.

(ii) If the County Supervisor determines that the borrower is unable to repay the improperly granted interest credits, he should document his findings and forward the case to the State Director for review. If the State Director concurs with the findings of the County Supervisor, he will forward the case to the National Office with his recommendation that the improperly advanced interested credits be forgiven.

(4) If, for any reason, the FmHA cannot continue with the loan, liquidation action will be promptly taken.

9. *Cancellation of Existing Interest Credit Agreements.*—(a) *Reasons for cancellation.* An existing Interest Credit Agreement will be canceled whenever:

(1) The borrower has never occupied the dwelling and the FmHA will not continue with the loan.

(2) The borrower ceases to occupy the dwelling.

(3) The borrower sells or conveys title to the property.

(4) The borrower has a substantial increase in income and is clearly able to repay the loan without interest credits.

(b) *Effective date of cancellation.* The effective date of cancellation for paragraph 9(a)(1) will be date of loan closing, The effective date of cancellation for paragraph 9(a) (2), (3), and (4), will be the date on which the earliest action occurs which causes the cancellation. If the date cannot be determined, the date on which the County Supervisor became aware of the situation will be used. When foreclosure action is being taken against a borrower and none of the conditions outlined in paragraph 9(a) exist, the Interest Credit Agreement will remain in effect until the final foreclosure action is completed. However, if the existing agreement expires before foreclosure action is completed, further interest credits will not be granted.

(c) *Notification to the finance office.* The County Supervisor will determine the date of cancellation and notify the Finance Office on Form FmHA 444–15, "Interest Credit Agreement Cancellation (Section 502 RH Loans)." The Finance Office will process the cancellation and will accrue interest from the date of cancellation at the rate of interest shown in the promissory note. Prompt notification to the Finance Office, using Form FmHA 444–15, is extremely important as any transaction affecting the borrower's account subsequent to cancellation will be incorrect if cancellation action has not been completed by the Finance Office.

10. *Borrower appeals*—(a) *Borrower notice of right to appeal.* If an applicant or borrower requests interest credit assistance and interest credits are denied, or if interest credits are reduced, canceled or not renewed, the County Supervisor will inform the applicant or borrower by letter of the action taken. (For purposes of this paragraph 10, the term "borrower" shall include both "borrower" and "applicant.") The letter shall include the following statements:

(1) A statement of the action taken and the reason(s) for the decision.

(2) An invitation to call at the County Office to discuss the decision with the County Supervisor. If the borrower wishes to bring additional information or a representative to the meeting, he or she may do so.

(3) A statement that the borrower may appeal the decision directly to the State Director. The Statement should read as follows:

"You may appeal the action concerning your eligibility for interest credits by writing to the FmHA State Director within 30 days of the receipt of this letter, giving the reasons why you believe your case should be reviewed. His address is: _____."

(b) *Notice of improper interest credits.* When a borrower's interest credit agreement is canceled because improper interest credits have been granted, the State Director, except as provided in paragraph (8)(d) of this Exhibit will notify the borrower by certified mail (return receipt requested) of the cancellation action. The letter shall include the following elements:

(1) A statement of the reason the borrower's interest credits were canceled.

(2) A statement that the borrower has a right to request a meeting at which he will be given the opportunity to provide evidence refuting the finding that improper interest credits have been granted, provided the request is filed with the State Director within 30 days following receipt of the notice.

(3) A statement of any other actions being taken or planned.

(c) *State Office review.* When a borrower appeals a decision concerning his or her eligibility for interest credits, as provided in paragraph 10. (a) or (b) of this Exhibit, the request will be handled as follows:

(1) The State Director will have a member of his staff (usually the District Director) arrange for a meeting to be held within 30 days of the receipt of the borrower's request for a review. If the borrower is unable to meet with the staff member within the 30 day period, a meeting will be arranged at such other time and place as is mutually convenient for the borrower and the Agency. The meeting will be an informal proceeding at which the borrower will be given the opportunity to provide whatever additional information he or she believes should be considered in reaching a decision concerning the case. The borrower may have an attorney or any other person at the meeting if desired.

(2) The staff member will submit the additional information provided by the borrower to the State Director with his recommendations concerning the case within 10 days of the meeting.

(3) Within 10 days of receipt of the Staff member's report, the State Director will determine what action to take with regard to the borrower's appeal and:

(i) If the State Director determines that the borrower's appeal is valid, he will inform the borrower by letter of the amount of interest credits to be granted on the loan. He also will advise the County Supervisor of the action to be taken.

(ii) If the State Director determines that the appeal is not valid, he will inform the borrower by letter of his decision giving the reasons. He will send the County Supervisor a copy of the letter. The letter must contain the following statement:

"If you wish to have the decision on your eligibility for interest credits reviewed, you may write the Administrator of the Farmers Home Administration within 30 days explaining why you believe interest credits should be (granted, reinstated or increased). His address is: Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250."

(d) *National office review.* Upon receipt of a request from a borrower that the decision of the State Director be reconsidered, the Administrator will obtain a comprehensive report on the matter from the State Office. He will consider that information together with any additional information that may be provided by the borrower; and

(1) If the Administrator determines that interest credits should be granted, reinstated or increased, he will inform the borrower by letter that his request will be approved, or may be approved, subject to certain conditions. He will advise the State Director of the action to be taken.

(2) If the Administrator determines that interest credits should not be granted, reinstated or increased, he will inform the

borrower by letter of his decision giving the reasons. He also will send the State Director a copy of the letter.

(3) If no decision is reached within 30 days of the receipt of a request for review by the Administrator, the borrower will be informed that his request is being considered and given a specific date by which a decision will be made.

11. *Submission to national office.* The State Director may submit to the National Office for determination by the Administrator or his delegate any proposed transaction in which the conditions prescribed in the foregoing paragraphs of this Exhibit cannot be met, and it is determined that interest credits are necessary to avoid extreme hardship to the family or prevent foreclosure action. This paragraph is primarily intended to be used for those cases in which the granting of interest credits would be necessary for the borrower to retain a dwelling for his family that otherwise could not be accomplished. The State Director will submit to the National Office the full facts and justification for his recommendation and the County Office files.

3. Exhibit E-2 of Subpart A is revised to read as follows:

EXHIBIT E-2—INTEREST CREDIT AGREEMENT RENEWAL

Dear FmHA Borrower: The Interest Credit Agreement you signed, reducing the effective interest rate on your Rural Housing loan, expires soon. To determine whether you are eligible to continue to receive a reduction in your housing loan payment, we will need information about:

1. Your income and the incomes of others who live or propose to live in the dwelling during the next 12 months. You should report all income to be received from employment, including overtime pay, bonuses, commissions, tips, etc. You should also include all income to be received from other sources such as unemployment benefits, workman's compensation, disability income, pensions, veteran's benefits, social security, child support, alimony, welfare payments, and any other source.

2. The ages and relationship to you of others who live or propose to live in your dwelling.

3. The amount of real estate taxes paid by you on your dwelling each year reduced by any tax exemptions available but not taken.

4. The amount you pay each year for fire or hazard insurance on your dwelling.

This information must be provided promptly to the Farmers Home Administration (FmHA) by completing the enclosed Interest Credit Agreement. When applicable, the enclosed Request for Verification of Employment should also be completed.

1. *Interest credit agreement.* This form must be completed correctly and fully. If you are self-employed or a farmer, contact the County Supervisor for an appointment so that he may assist you in providing the required information. Otherwise, provide complete information in section 2 of the agreement, sign the form in the space provided, and send all copies of the form to the FmHA County Office using one of the enclosed envelopes.

2. *Request for verification of employment.* If you are not self-employed or are not a farmer, you should have your employer complete this form. Furthermore, a form should be prepared for each person living in your household, who proposes to live there in the next 12 months who has reach the legal age of majority in the State and receives income from salary or wages. You and other employed members of your household should each complete items 1, 2 and 3 of a Request for Verification of Employment form, sign it in block 4, and send or give it, with one of the enclosed envelopes, to each employer with a request that the form be completed within 10 days and sent to the FmHA County Office. to ensure that the form is returned to the County Office, you should place a stamp on the envelope before giving it to the employer. If more than two members of your household are employed, additional copies of the form should be obtained from the FmHA County Supervisor.

After the County Supervisor has received all of the required information, he will return a copy of the Interest Credit Agreement form to you. The agreement will show the amount of interest credit, if any, that will be credited to your loan account.

Failure to provide complete and accurate information or to return the forms promptly to the FmHA may result in your not receiving additional interest credits, thus increasing the payments on your loan.

If you have any questions, contact the local County Supervisor immediately.

[FR Doc.77-330 Filed 1-4-77;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart J—Conditions of Participation; Hospitals Use of Section 1115 Utilization Review Demonstration Projects in Effect Under Title XIX for Title XVIII Utilization Review Requirements

The amendment to the regulations set forth below, as recommended by the Commissioner of Social Security, is adopted by the Secretary of Health, Education, and Welfare (HEW). The amendment, which does not have major program significance, revises the existing utilization review regulations for hospitals under title XVIII of the Social Security Act (the Medicare program).

Under section 1115 of the Social Security Act (42 U.S.C. 1315), the Secretary has authority to approve demonstration projects dealing with certain titles of the Social Security Act other than title XVIII (42 U.S.C. 1395 et seq.). (The program of Health Insurance for the Aged and Disabled ("Medicare") is established under the latter title.) This authority may be used, under certain circumstances, to approve demonstration projects which would impact on how hospitals would perform utilization review under the program of Grants to States for Medical Assistance Programs ("Medicaid") established by title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The Secretary has become aware of a potential problem, in that approval of a utilization review demonstration project under Medicaid could force facilities to maintain two different sets of utilization review procedures in the same institution, one for Medicaid under the section 1115 project, and another for Medicare under the Medicare conditions of participation. The Secretary believes that this situation could work an unintended hardship on facilities participating in both the Medicare and Medicaid programs. Thus, the Secretary is amending the Medicare regulations to provide that, where a facility is affected by a section 1115 demonstration project, performance of the procedures required under such project could satisfy the Medicare condition of participation for utilization review for the duration of such project under section 1115. However, if a facility chooses to maintain two different systems, it could continue to follow, for Medicare purposes, the usual Medicare procedures, rather than the procedures set forth in the section 1115 project.

Under the amendment to the regulations set forth below, whenever the Secretary approves a section 1115 utilization review demonstration project for Medicaid, he will determine whether it is practicable to give affected facilities also participating in Medicare an option to perform such demonstration procedures for Medicare, rather than the procedures ordinarily prescribed under Medicare conditions of participation. In no case will the Secretary approve such procedures for Medicare where the procedures called for by the demonstration project do not at least meet all the statutory requirements in section 1861(k) of the Act (42 U.S.C. 1395x(k)) and apply to at least a significant majority of the hospitals in an entire State. In determining whether to offer such an option, the Secretary will also take into account the likelihood of whether procedures under the section 1115 demonstration project might ever be instituted as the condition of participation governing utilization review for all Medicare facilities. Further, the Secretary would not offer such an option if the particular procedures being studied under the section 1115 demonstration project have already been studied or are currently being studied under another demonstration project sponsored by HEW. If the Secretary decides, in view of these factors, to give facilities such an option, he will publish a notice in the FEDERAL REGISTER informing affected facilities that they may elect to apply the section 1115 demonstration project procedures in satisfaction of the Medicare condition of participation for utilization review. Facilities must decide within 30 days after the publication of such notice whether they prefer to follow the procedures under the section 1115 project, or continue to follow the usual Medicare procedures. Where a facility does not notify the Secretary within 30 days after such notice, it will be presumed that the facility wishes to continue performing Medicare utilization review under the usual Medicare procedures. Where facilities elect to perform the section 1115 procedures, these procedures become in effect the Medicare utilization review requirements, and reimbursement to facilities for the cost of utilization review would be made pursuant to the normal Medicare rules. If the section 1115 project continues longer than one year, facilities will again be afforded an option either to initiate the section 1115 procecedures (if not previously elected), or to discontinue applying the section 1115 procedures (if previously elected), and return to the usual Medicare procedures.

The objective of this amendment is to benefit hospitals by providing them with

this option. There are several reasons why it is in the best interest of the public to dispense with the Notice of Proposed Rule Making and public procedure, and to make this amendment effective as soon as possible. Without this amendment and the participation of some Medicare providers in the project, it would be more difficult to assess the potential application of the project procedures to the Medicare program. However, a provider of services participating in the Medicare program as a hospital will not be obliged to comply with the Section 1115 demonstration project procedures. Such compliance is required only if the provider voluntarily elects to be bound by the demonstration project procedures rather than the Medicare condition of participation. A section 1115 utilization review demonstration project has been approved for the State of Oklahoma, and this amendment has been requested by that State to relieve its facilities of any hardship involved in a dual set of utilization review procedures.

A delayed effective date, as called for under the Administrative Procedure Act, is also being dispensed with, because the amendment is a substantive rule which grants or recognizes an exemption or relieves a restriction. Thus, this amendment is being adopted, effective upon publication, because a delay in its implementation would be impractical, unnecessary, and contrary to the public interest (5 U.S.C. 553(b)(3)(B)).

Although Notice of Proposed Rulemaking is being dispensed with for the above reasons, consideration will be given for future changes, to any comments, suggestions, or objections to the amendment to the regulations which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21235, on or before February 22, 1977.

If there are any questions concerning this amendment to the regulations, you may contact Mr. Marinos Svolos, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-9315. Mr. Svolos will respond to questions, but will not accept comments on this amendment.

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

(Secs. 1102, 1861 (e)(6) and (k), and 1871 of the Social Security Act, as amended, 49 Stat' 647, as amended, 79 Stat. 322, as amended, 79 Stat. 331, 42 U.S.C. 1302, 1395x (e)(6) and (k) and 1395hh.)

Effective date. The amendment to the regulations shall be effective January 5, 1977.

(Catalog of Federal Domestic Assistance Programs No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance.)

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

Dated: November 15, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 29, 1976.

DAVID MATTHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding paragraph (l) to § 405.1035 to read as follows:

§ 405.1035 Condition of participation—utilization review plan.

* * * * *

(l) *Standard: Applicability under Title XVIII of utilization review procedures applicable for a Section 1115 utilization review demonstration project in effect under title XIX.* (1) *General.* (i) Notwithstanding the preceding paragraphs of this section, wherever there is in effect a demonstration project dealing with utilization review which is conducted under section 1115 of the Social Security Act (42 U.S.C. 1315), the Secretary may give hospitals participating in such project under title XIX of the Social Security Act (Medicaid), which are also participating as providers of services in the program under title XVIII of the Social Security Act (Medicare), an option to substitute the procedures required under such project for the procedures otherwise required by the preceding paragraphs of this section, for purposes of meeting the Medicare requirements for utilization review.

(ii) However, such option may not be given where the procedures required under such demonstration project:

(*a*) do not at least meet the statutory requirements contained in section 1861 (k) of the Act (42 U.S.C. 1395x(k)) and,

(*b*) are not applicable to at least a significant majority of the hospitals in an entire State.

(iii) Where the Secretary decides to offer such an option, he shall publish a notice in the FEDERAL REGISTER. Facilities shall have 30 days from the date of publication in the FEDERAL REGISTER to elect to perform under the procedures under the section 1115 demonstration project rather than the procedures prescribed in or pursuant to paragraphs (a)-(k) of this section.

(2) *Facility elects option.* (i) If the facility does notify the Secretary within such 30 days of its intention to apply the Section 1115 demonstration project procedures, the election is effective for patients admitted to the facility on the fifteenth day after the close of the 30-day period, or on the starting date of the project, whichever is later.

(ii) The option will remain in effect until the date on which the project ceases, unless the facility chooses to withdraw the election pursuant to paragraph (l)(2)(iii) of this section.

(iii) A facility originally electing to perform the section 1115 procedures for Medicare purposes may withdraw such election by notifying the Secretary in writing during the 30-day period preceding the anniversary of the effective date of the facility's election (see paragraph (l)(2)(i) of this section). The withdrawal is effective on the fifteenth day after the close of this 30-day period.

(3) *Facility does not elect option.* (i) In the event the facility does not notify the Secretary within such 30 days of its intention to apply the section 1115 demonstration project procedures for Medicare purposes, it must continue to apply the procedures required by paragraphs (a)-(k) of this section with respect to the Medicare program.

(ii)(*a*) The Secretary shall grant a subsequent 30-day period during which a facility may elect such section 1115 procedures in lieu of the title XVIII condition of participation if:

(*1*) The demonstration project is in effect for longer than a year;

(*2*) A facility failed to exercise its option during the original 30-day period established by the Federal Register notice; and

(*3*) The Secretary determines that a useful purpose will be served by granting such a subsequent 30-day period.

(*b*) Such subsequent 30-day period shall commence on the first anniversary of the effective date of the original 30-day period described in paragraph (l)(1)(iii) of the section.

(c) Such option, if elected during such subsequent 30-day period, shall be effective on the fifteenth day after the close of such subsequent 30-day period.

[FR Doc.77-367 Filed 1-4-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7455]

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

Temporary Regulations on Disclosures of Returns and Return Information in Connection with Procurement of Property and Services for Certain Tax Administration Purposes

This document contains temporary regulations on procedure and administration (26 CFR Part 404) under section 6103(n) of the Internal Revenue Code of 1954, as added by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1681), in order to provide rules governing disclosures of returns and return information (as defined by section 6103(b)) in connection with procurement of property and services for tax administra-

tion purposes authorized by section 6103 (n).

The temporary regulations describe the circumstances and conditions under which an officer or employee of the Internal Revenue Service is authorized to disclose returns and return information to a person for the purpose of procuring property and services necessary to Federal tax administration. The regulations provide general rules regarding the requirement of necessity for the disclosure and limiting the extent to which such disclosures are authorized. The regulations also provide that the person to whom disclosures are made for these purposes can in turn disclose the tax data only for purposes specified by section 6103(n) and must maintain, to the satisfaction of the Service, safeguards to protect the confidentiality of the returns and return information and ensure against unauthorized disclosures.

These temporary regulations are effective on January 1, 1977.

ADOPTION OF AMENDMENT TO THE REGULATIONS

In order to prescribe temporary regulations on procedure and administration relating to disclosures of returns and return information in connection with procurement of property and services for tax administration purposes authorized by section 6103(n) of the Internal Revenue Code of 1954, as added by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1681), the following temporary regulations are hereby adopted and added to Part 404 of Title 26 of the Code of Federal Regulations:

§ 404.6103(n)-1 Disclosure of returns and return information in connection with procurement of property and services for tax administration purposes.

(a) *General rule.* Pursuant to the provisions of section 6103(n) of the Internal Revenue Code of 1954 and subject to the requirements of paragraphs (b), (c), and (d) of this section, officers or employees of the Internal Revenue Service or office of the Chief Counsel therefor are authorized to disclose returns and return information (as defined in section 6103(b)) to any person (including any person described in section 7513 (a)), or to an officer or employee of such person, to the extent necessary in connection with contractual procurement by the Service or office of the Chief Counsel of—

(1) Equipment or other property, or

(2) Services relating to the processing, storage, transmission, or reproduction of such returns or return information or to the programming, maintenance, repair, or testing of equipment or other property,

for purposes of tax administration (as defined in section 6103(b)(4)). No person, or officer or employee of such person, to whom a return or return information is disclosed by an officer or employee of the Service or office of the Chief Counsel under the authority of this paragraph shall in turn disclose such return or return information for any purpose other than as described in this paragraph, and no such further disclosure for any such described purpose shall be made by such person, officer, or employee to anyone, other than another officer or employee of such person whose duties or responsibilities require such disclosure for a purpose described in this paragraph, without written approval by the Service.

(b) *Limitations.* For purposes of paragraph (a) of this section, disclosure of returns or return information in connection with contractual procurement of property or services described in such paragraph will be treated as necessary only if such procurement or the performance of such services cannot otherwise be reasonably, properly, or economically carried out or performed without such disclosure. Thus, for example, disclosures of returns or return information to employees of a contractor for purposes of programming, maintaining, repairing, or testing computer equipment used by the Internal Revenue Service should be made only if such services cannot be reasonably, properly, or economically performed by use of information or other data in a form which does not identify a particular taxpayer. If, however, disclosure of returns or return information is in fact necessary in order for such employees to reasonably, properly, or economically perform the computer related services, such disclosures should be restricted to returns or return information selected or appearing at random. Further, for purposes of paragraph (a) disclosure of returns or return information in connection with the contractual procurement of property or services described in such paragraph should be made only to the extent necessary to reasonably, properly, or economically conduct such procurement activity.

Thus, for example, if an activity described in paragraph (a) can be reasonably, properly, and economically conducted by disclosure of only parts or portions of a return or if deletion of taxpayer identity information (as defined in section 6103(b)(6)) reflected on a return would not seriously impair the ability of the contractor or his officers or employees to conduct the activity, then only such parts or portions of the return, or only the return with taxpayer identity information deleted, should be disclosed.

(c) *Notification requirements.* Each officer or employee of any person to whom returns or return information is or may be disclosed as authorized by paragraph (a) of this section shall be notified in writing by such person that returns or return information disclosed to such officer or employee can be used only for a purpose and to the extent authorized by paragraph (a) of this section and that further disclosure of any such returns or return information for a purpose or to an extent unauthorized by such paragraph constitutes a felony, punishable upon conviction by a fine of as much as $5,000, or imprisonment for as long as 5 years, or both, together with the costs of prosecution. Such person shall also so notify each such officer and employee that any such unauthorized further disclosure of returns or return information may also result in an award of civil damages against the officer or employee in an amount not less than $1,000 with respect to each instance of unauthorized disclosure.

(d) *Safeguards.* Any person to whom a return or return information is disclosed as authorized by paragraph (a) of this section shall comply with all applicable conditions and requirements which may be prescribed by the Internal Revenue Service for the purposes of protecting the confidentiality of returns and return information and preventing disclosures of returns or return information in a manner unauthorized by paragraph (a). The terms of any contract between the Service and a person pursuant to which a return or return information is or may be disclosed by the Service for a purpose described in paragraph (a) shall provide, or shall be amended to provide, that such person, and officers and employees of such person, shall comply with all such applicable conditions and restrictions as may be prescribed by the Service by regulation, published rules or procedures, or written communication to such person. If the Service determines that any person, or an officer or employee of any such person, to whom returns or return information has been disclosed as provided in paragraph (a) has failed to, or does not, satisfy such prescribed conditions or requirements, the Service may take such actions as are deemed necessary to ensure that such conditions or requirements are or will be satisfied, including suspension or termination of any duty or obligation arising under a contract referred to in this paragraph or suspension of disclosures otherwise authorized by paragraph (a) of this section, until the Service determines that such conditions and requirements have been or will be satisfied.

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 (c) of that section.

(Secs. 6103(n) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1681, 68A Stat. 917, 26 U.S.C. 6103(n), 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 29, 1976.

WILLIAM M. GOLDSTEIN,
Deputy Assistant Secretary of the Treasury.

[FR Doc.76-38492 Filed 12-30-76;12:18 pm]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-200]

PART 101-25—GENERAL

Procedural and Administrative Changes

This amendment recognizes the cancellation of the GSA stock tire program

with regard to tire identification and registration requirements, changes a reporting procedure relating to the lease or purchase of telecommunications equipment, and provides administrative changes and corrections to update various sections of Part 101–25.

The table of contents for Part 101–25 is amended to include the following revised entries:

Sec.
101–25.104 Acquisition of office furniture and office machines.
101–25.110–1 [Reserved]
101–25.503 Telecommunications equipment.

Subpart 101–25.1—General Policies

1. Section 101–25.104 is amended and its caption is changed as follows:

§ 101–25.104 Acquisition of office furniture and office machines.

Each executive agency shall make a determination as to whether the requirements of the agency can be met through the utilization of already owned items prior to the acquisition of new furniture or office machines. The acquisition of new items shall be limited to those requirements which are considered absolutely essential and shall not include upgrading to improve appearance, office decor, or status, or to satisfy the desire for the latest design or more expensive lines.

(a) Generally acquisition of additional furniture or office machines from any source will be authorized only under the following circumstances, limited to the least expensive lines which will meet the requirement (see § 101–26.408 of this chapter with respect to items such as typewriters under Federal Supply Schedule contracts), and the justification for the action shall be fully documented in the agency file:

* * * * *

(b) Each agency shall restrict replacement of furniture or office machines either to usable excess, rehabilitated, or the least expensive new lines available which will meet the requirement under the following circumstances, authority for which will meet the requirement under the following circumstances, authority for which shall be fully documented in the agency file:

* * * * *

2. Section 101–25.104–1 is revised as follows:

§ 101–25.104–1 Redistribution, repair, or rehabilitation.

Prior to the purchase of new office furniture and office machines, agencies shall fulfill needs insofar as practicable through redistribution, repair, or rehabilitation of already owned furniture and office machines. In furtherance of the use of rehabilitated furniture and office machines, agencies shall review inventories on a continuing basis to ascertain those items which can be economically rehabilitated and institute programs for their orderly repair and rehabilitation. All such items which are not required for immediate needs shall be reported as excess.

3. Section 101–25.107(d) is revised as follows:

§ 101–25.107 Guidelines for requisitioning and proper use of consumable or low cost items.

* * * * *

(d) The items listed below have from experience proven to be personally attractive and particularly susceptible to being used for other than official duties. Agencies should give special attention to these and any other consumable or low cost items when issues are excessive when compared with normal program needs.

Attache cases, Ball point pens and refills, Brief cases, Binders, Carbon paper, Dictionaries, Felt tip markers, Felt tip pens and refills, File folders, Letterex, Letter openers, Pads (paper), Paper clips, Pencils, Pencil sharpeners, Portfolios (leather, plastic, and writing pads), Rubber bands, Rulers, Scissors, Spray paint and lacquer, Staplers, Staples, Staple removers, Tape dispensers, Transparent tape, Typewriter ribbons.

§ 101–25.110–1 [Reserved]

4. Section 101–25.110–1 is deleted and reserved as follows:

Subpart 101–25.3—Use Standards

1. Section 101–25.302(a) is revised as follows:

§ 101–25.302 Office furniture, furnishings, and equipment.

(a) Each executive agency shall establish criteria for the use of office furniture, furnishings, and equipment. Such criteria shall be in consonance with the provisions of § 101–25.104 pertaining to office furniture and office machines and shall be limited to the minimum essential requirements as established by the agency head for authorized functions and programs which will, beyond a reasonable doubt, be in operation within the following 6 months.

* * * * *

2. Section 101–25.302–7 is revised as follows:

§ 101–25.302–7 Draperies.

Draperies are authorized for use where justified over other types of window coverings on the basis of cost, insulation, acoustical control, or maintenance of an environment commensurate with the purpose for which the space is allocated, as when executive or unitized office furniture is authorized in § 101–25.302–1. Determining whether the use of draperies is justified is a responsibility of the agency occupying the building or space involved after consultation with the agency operating or managing the building. Authorized draperies shall be of noncombustible or flame-retardant material, as required in § 101–20.109–7.

Subpart 101–25.4—Replacement Standards

1. Section 101–25.402 is revised as follows:

§ 101–25.402 Motor vehicles.

Replacement of motor vehicles shall be in accordance with the standards prescribed in Subpart 101–38.9.

2. Section 101–25.404–1 is revised as follows:

§ 101–25.404–1 Limitations.

Notwithstanding the provisions in § 101–25.404, agencies shall limit acquisition of new office furniture and office machines to essential requirements as provided in § 101–25.104. Replacement of correspondence filing cabinets will be governed by the provisions of § 101–26.308.

Subpart 101–25.5—Guidelines for Making Purchase or Lease Determinations

1. Section 101–25.502(b) is revised as follows:

§ 101–25.502 Methods of acquisition.

* * * * *

(b) Upon request, GSA will assist agencies in making appropriate determinations to lease or purchase equipment by providing the latest information on pending price adjustments to Federal Supply Schedule contracts and other factors such as recent or imminent technological developments, new techniques, and industry or market trends. Inquiries should be addressed to the General Services Administration (FP), Washington, D.C. 20406.

2. Section 101–25.503 is amended and its caption is changed as follows:

§ 101–25.503 Telecommunications equipment.

Before any telecommunications equipment, including facsimile, is selected, Federal agencies shall forward the information required by Subpart 101–35.2 to the General Services Administration (CPSR), Washington, D.C. 20405, or to the Regional Commissioner, Automated Data and Telecommunications Service, in the GSA region serving the reporting agency.

(a) In selecting telecommunications equipment (telewriting, facsimile, data, and message transmission equipment), agencies shall take full advantage of the purchase and lease options that may be available under the terms and conditions of the applicable Federal Supply Schedule contracts. When needed equipment is not available from a Federal Supply Schedule or if it is otherwise necessary for an agency to enter into a lease contract for its own requirements, an option to purchase should be provided in the contract.

* * * * *

3. Section 101–25.504(b) is revised as follows:

§ 101–25.504 Office copying machines.

* * * * *

(b) Selection of the appropriate and most economical equipment for the application intended is the responsibility of the ordering agency. The selection process should include a review of the functional and financial advantages of all

available copying processes (see § 101–26.408).

* * * * *

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

Effective date: This regulation is effective on January 5, 1977.

NOTE.—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: December 27, 1976.

WALLACE H. ROBINSON, Jr.,
Acting Administrator
of General Services.

[FR Doc.77–387 Filed 1–4–77;8:45 am]

[FPMR Amdt. E–199]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

GSA SELF-SERVICE STORES ITEMS

This regulation exempts GSA self-service stores from the requirement to justify procurement of items other than the lowest priced items available from a multiple-award Federal Supply Schedule.

Section 101–26.408–4 is amended as follows:

§ 101–26.408–4 Placement of orders against multiple-award schedules.

* * * * *

(c) GSA self-service stores are immediate sources of supply for Federal agencies and are responsible for providing administrative supplies and other selected items to meet official agency needs. In furtherance of this responsibility, these stores stock a variety of high demand items including a number which may be other than a lowest priced item available from a multiple-award Federal Supply Schedule. In such instances the GSA self-service stores are exempted from the requirements of this § 101–26.408–4 pertaining to the inclusion of justification of purchase in the delivery order file. When an agency makes a purchase of more than $500 per line item from a GSA self-service store and which is other than a similar lowest priced item available from a multiple-award schedule, GSA will assume that a justification has been prepared and made a part of the buying agency's purchase file. Availability of products, regardless of the total amount of the line item price, does not relieve an agency of the responsibility to select the lowest priced item commensurate with the needs of the agency.

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

Effective date: This regulation is effective on January 5, 1977.

NOTE.—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: December 27, 1976.

WALLACE H. ROBINSON, Jr.,
Acting Administrator
of General Services.

[FR Doc.77–388 Filed 1–4–77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT DEPARTMENT OF THE INTERIOR

SUBCHAPTER C—MINERALS MANAGEMENT

[Circular No. 2416]

PART 3100—OIL AND GAS LEASING

Fees and Rentals

On page 11314 of the FEDERAL REGISTER of March 18, 1976, there was published a notice and text of proposed amendments to Part 3100 of Title 43 of the Code of Federal Regulations. The primary purpose of these amendments is to increase the rental rate from $.50 to $1.00 per acre on non-competitve oil and gas leases, and to increase the fee paid at the time of filing of an application for approval of an instrument of transfer from $10 to $25. The proposed rulemaking was published pursuant to policies expressed in the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended and supplemented, and in Title V of the Independent Offices Act of 1952 (31 U.S.C. 483a).

Interested persons were given until April 19, 1976, to submit comments, suggestions, or objections to the proposed rulemaking. As a result of requests for an extension of time to comment, the period for submission of comments, suggestions, or objections was extended to May 4, 1976. We received in excess of 200 comments on the proposed rulemaking, all of which were given careful consideration in the final rulemaking process.

Most of the comments expressed general disagreement with the purpose of the proposed rulemaking, with several commentors favoring the action. One area of misunderstanding on the part of many of the commentors was the belief that the proposed rulemaking increased the filing fee required in connection with applications for non-competitive oil and gas leases from the present $10 to $25. The proposed rulemaking does not change the filing fee, even though there were suggestions made that the filing fee should be increased.

Several commentors pointed out the fact that there had been long delays in the issuance of leases in connection with applications they had filed and that they should not be penalized for the delay in such issuances on the part of the Bureau of Land Management. We are amending the regulations to change the effective date from July 1, 1976, to February 1, 1977, to give the various offices of the Bureau of Land Management additional time to see if necessary work can be completed on pending applications so that they can be issued prior to the new effective date.

Even though a large number of the commentors indicated that the $.50 per acre increase in the rental fee was not justified, we restate our belief that the increase is in line with the fee charged by private land owners and many States on land leased by them for oil and gas, and that the taxpayers are entitled to this more equitable return on the public domain when it is leased for oil and gas.

Among those commentors that understood that the fee increase called for by the proposed regulations was to be applied to applications for transfers of interest in oil and gas leases, most opposed the increase. Several of the comments strongly opposed the inclusion of the transfer of royalty interest in the fee increase since it was their contention that the Bureau did little, if any, work on those applications and the fee increase could not be justified on the basis of increased costs. As a result of these comments, we have concluded that the present $10 fee is sufficient to cover our administrative costs in connection with applications for transfer of a royalty interest on an oil and gas lease and we are making an exception from the fee increase for applications for transfer of a royalty interest. All of the other transfer applications do require sufficient administrative work on our part to justify the fee increase to $25.

We received several suggestions that the lease period for non-competitive oil and gas leases be reduced from its present ten year term. This change cannot be made as a part of a rule-making because the lease term is set by statute, but the suggestion will be given careful consideration and may be acted on in the future.

We also discovered that the proposed regulations should have included an amendment to § 3103.2, which covers fees charged in connection with non-competitive oil and gas leases. Paragraph (b) of § 3103.2 specifically covers fees required for the filing of applications for transfers of interest and should have been made a part of this proposed rulemaking. We are including § 3103.2(b) in this final rulemaking and it is being made consistent with changes that the proposed rulemaking made in § 3106.2–1.

Accordingly, 43 CFR Part 3100 is revised as set forth below.

Effective date: This regulation will become effective on February 1, 1977.

Signed at Washington, D.C. on December 30, 1976.

JACK O. HORTON,
Assistant Secretary of the Interior.

1. Section 3103.2–1 paragraph (b) is revised to read as follows:

§ 3103.2 Fees.

§ 3103.2–1 General statement.

* * * * *

(b) *Transfers.* An application for approval of any instrument of transfer of a lease or interest therein or a filing of any such instrument under § 3106.4 must be accompanied by a fee of $25, except that applications for transfer of a royalty

interest must be accompanied by a fee of $10, and an application not accompanied by payment of such a fee will not be accepted for filing by the authorizing officer. Such fee will not be returned even though the application later be withdrawn or rejected in whole or in part.

2. Section 3103.3–2 paragraph (a) is revised to read as follows:

§ 3103.3–2 Advance rental payments.

Rentals shall be payable in advance at the following rates:

(a) On noncompetitive leases issued on and after February 1, 1977, under section 17 of the act for lands which on the day on which the rental falls due lie wholly outside of the known geological structure of a producing oil or gas field, or on which on the day on which the rental falls due the thirty days' notice period under paragraph (b)(1) of this section has not yet expired, an annual rental of $1.00 per acre or fraction thereof for each lease each year.

* * * * *

3. Section 3106.2–1 is revised to read as follows:

§ 3106.2–1 Where filed and filing fee.

An application for approval of any instrument of transfer of a lease or interest therein or a filing of any such instrument under § 3106.4 must be filed in the proper office and accompanied by a fee of $25, except that applications for transfer of a royalty interest must be accompanied by a fee of $10. An application not accompanied by payment of such a fee will not be accepted for filing by the authorizing officer. Such fee will not be returned even though the application may later be withdrawn or rejected in whole or in part.

[FR Doc.76–38495 Filed 12–30–76;3:04 pm]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Great Swamp National Wildlife Refuge; N.J.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use, and recreation for individual wildlife refuges.

GREAT SWAMP NATIONAL WILDLIFE REFUGE

BASKING RIDGE, NEW JERSEY

The refuge is composed of two distinct units: The Management Area and the Great Swamp Wilderness Area.

The Management Area, with the exception of Pleasant Plains Road and the Wildlife Observation Center, is closed to public entry at all times. Pleasant Plains Road is open daily to through motor vehicle, bicycle, equestrian, and pedestrian traffic from 8 a.m. to dusk.

The Wildlife Observation Center is open daily to foot travel from dawn to dusk. No other means of transportation is permitted beyond the designated parking area and access road.

The Great Swamp Wilderness Area is open daily to entry on foot from dawn to dusk. All other means of travel are prohibited.

Possession or use of alcoholic beverages is not permitted. Fishing or the possession of fishing equipment is prohibited. Smoking is permitted only in designated parking areas. Pets on a leash not exceeding 10 feet in length shall be permitted only in designated parking areas.

All organized groups of more than ten persons requesting use of refuge facilities on weekdays must obtain reservations at refuge headquarters two weeks in advance. Conducted programs are limited to 50 persons. All buses using public parking areas must obtain a permit from refuge headquarters.

Maps designating refuge boundaries, public access routes and areas are available from the Refuge Manager, Great Swamp National Wildlife Refuge, RD 1, Box 148, Basking Ridge, New Jersey 07920, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern public use on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

DALE T. COGGESHALL,
Acting Regional Director,
Fish and Wildlife Service.

DECEMBER 27, 1976.

[FR Doc.77–309 Filed 1–4–77;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Chincoteague National Wildlife Refuge; Va.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulation concerning public access, use, and recreation; for individual wildlife refuges.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Entry into the refuge is permitted between the hours of 4:00 a.m. to 10:00 p.m. daily for the purposes of sightseeing, nature study, wildlife observation, photography, hiking, beachcoming, sunbathing, and fishing, including clamming and crabbing, as posted. Swimming and surfing are permitted as posted on the ocean beach. Lifeguards are provided only on a protected beach operated by the National Park Service. Entry into the refuge by boat is permitted at the designated public use area at Tom's Cove Hook and the public use area operated by the Town of Chincoteague at Assateague Point. Flotation devices are permitted in designated water areas around Tom's Cove Hook.

Picnicking and contained fires are permitted at Tom's Cove Hook in designated areas operated by the National Park Service. Open fires by special permit only. All fires must be extinguished by water.

Operation of registered motor vehicles and bicycles is permitted on designated access roads, trails, and parking areas. Riding of horses and other saddle animals is permitted only along the shoulder of the access road to the Coast Guard crossover and thence along the beach southward from that point. Pets are not permitted on the refuge.

Off-road travel by overland vehicles is permitted only on designated routes within the public use areas at Tom's Cove Hook on the beach seaward of the primary dune line. Driving so as to cut circles or otherwise needlessly deface the sand dunes or vegetation is prohibited. Speed may not exceed 25 miles per hour. An annual permit at a fee of $5.00 is required for oversand vehicle use. Such permits are not transferable, shall be displayed as directed by the refuge manager, and shall be valid from April 15, 1977 to April 14, 1978.

All oversand vehicles must conform to applicable State laws having to do with licensing, registering, inspecting and insuring of such vehicles.

All oversand vehicles must carry at all times on the beach: shovel, jack, tow rope or chain, board or similar support for the jack and low pressure tire gauge.

No permit will be issued for a vehicle which does not meet the following standards:

On four-wheel-drive vehicles:

Maximum vehicle length——feet——	26
Maximum vehicle width——do——	8
Maximum ground clearance—inches——	7
Gross vehicle weight——pounds——	10,000
Maximum number of axles——	2
Maximum number of wheels per axle—	2
Minimum number of wheels——	4

On two-wheel drive vehicles in addition to the six items listed above:

Minimum width of tire contact on the sand, 8 in. each wheel.
Tires with regular mud/snow tread, not acceptable.

The refuge manager may issue a single trip permit for a vehicle of greater weight or length when such use is not inconsistent with the purposes of the regulations.

Twelve oversand vehicles are permitted per mile of beach. The refuge manager may temporarily close or limit access to the beach when this level is reached. Over-sand vehicle permits issued by the National Park Service for operation on the Assateague National Seashore will also be honored for operation on the designated over-sand vehicle routes within the public use areas at Tom's Cove Hook.

Special daily use fees at Tom's Cove Hook are as follows:

Specialized recreation site use, $1.00.
Youth group camping per site, $3.00.

Fishermen who hold special overnight beach-fishing permits issued jointly by the Superintendent, Assateague Island National Seashore, and the Refuge Manager, Chincoteague National Wildlife Refuge, may remain on the refuge be-

tween the hours of 10 p.m. and 4 a.m. on the dates for which such permit is issued.

Organized youth-group and backpack camping is permitted by advance reservation only in National Park Service operated campsites located on the refuge. Permits may be obtained from the Superintendent, Assateague Island National Seashore.

The refuge, comprising approximately 9,840 acres, is delineated on a map available from the Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, Virginia 23336, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations Part 26, and are effective through December 31, 1977.

DECEMBER 27, 1976.

DALE T. COGGESHALL,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.77-311 Filed 1-4-77;8:45 am]

PART 33—SPORT FISHING

Chincoteague National Wildlife Refuge; Va.

The following special regulations are issued and are effective during the period January 5, 1977 through December 31, 1977.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public sport fishing, crabbing and clamming, in accordance with Virginia regulations, is permitted on the Chincoteague National Wildlife Refuge, VA subject to the following conditions: (1) Open areas: (a) Surf fishing—the entire beach including Tom's Cove is open as posted. (b) Fishing and crabbing—from the impoundment banks and salt water areas adjacent to the beach access road. (c) Clamming—the area between high and low tide marks in Tom's Cove, except as posted closed. (2) Permits: A permit is required for fishing from 10 p.m. to sunrise; no permit is required at other times.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

DALE T. COGGESHALL,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 27, 1976.

[FR Doc.77-310 Filed 1-4-77;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Interim Regime for Taking of Marine Mammals Incidental to Commercial Fishing Operations

NOTICE TO AMERICAN TUNABOAT ASSOCIATION OF MODIFICATION TO ITS 1976 GENERAL PERMIT, CATEGORY 2: ENCIRCLING GEAR; YELLOWFIN TUNA PURSE SEINING

Proposed rules to amend 50 CFR 216.24 (d)(2), thus allowing fishing "on porpoise" from January 1, 1977 until final action on 1977 regulations is taken, were published in the FEDERAL REGISTER (41 FR 49859–49862) on November 11, 1976. This same notice also proposed modifications to the 1976 General Permit issued to the American Tunaboat Association under "Category 2: Encircling Gear; Yellowfin Tuna Purse Seining" to Section 104(e), 16 U.S.C. 1374(4). The proposed regulatory amendments would bring the existing 1976 regulations into compliance with the best scientific evidence available. Comments on the proposals were received from the American Tunaboat Association, the Committee for Humane Legislation, the Environmental Defense Fund, the Marine Mammal Commission, and the Pacific Legal Foundation.

The American Tunaboat Association (ATA) and the Pacific Legal Foundation, while endorsing the concept of interim regulations, criticized the proposals primarily on the grounds that the quotas proposed were too low and too restrictive. ATA in particular cited much of the testimony presented at the recent Marine Mammal Protection Act Hearings as evidence that the quotas proposed were (a) arrived at by a formula that was unnecessarily conservative and not called for by the Marine Mammal Protection Act (the Act); and (b) the result of inadequate and erroneous data. In addition, ATA asserted that the quotas would be counterproductive and harmful to the industry.

The Environmental Defense Fund concurred generally in the proposed action, while questioning the authority to carry it out. The National Marine Fisheries Service (NMFS), however, considers its authority to amend the current regulations is unimpaired as long as the stay issued by the Court of Appeals remains in effect, and therefore has determined that the proposed amendments are appropriate at this time.

Committee for Humane Legislation raised several issues in opposition to the proposals. These issues have recently been raised in a judicial forum, including the issue of humane taking.

The Director has determined, based on the best evidence available that, with respect to the proposed amendments, the incidental take permitted results in the least possible degree of pain and suffering practicable, and is a taking in a humane manner.

The Marine Mammal Commission, while noting that it had not completed its review of the evidence presented before Judge Vanderheyden, stated:

> Pending the completion of that review of the record evidence, the Commission concurs with the statements in the notice of the Interim Regime for the Taking of Marine Mammals Incidental to Commercial Fishing Operations (41 FR 49859–49862, November 11, 1976) concerning the scientific basis for the proposed Regime. We agree that the proposed limitations of take on each stock or species "ensure that the allowed take would not be to the disadvantage of any such species or stock"(41 FR 49859), and have been determined, on the basis of the best scientific evidence currently available, to allow the species and stocks to increase with virtual certainty and to grow toward or remain within their optimum sustainable population range (41 FR 49860).

Upon review of the comments received, the Director has therefore decided to extend the General Permit issued to the American Tunaboat Association. The number and kind of marine mammal species and stocks which may be killed in commercial fishing operations under this permit are specified in the permit. However, such killing will commence only on a date so designated by the Director. The order of the Court of Appeals for the District of Columbia Circuit of August 6, 1976, in *Committee for Humane Legislation* v. *Elliot L. Richardson* voided, as of January 1, 1977, both certain regulations concerning the incidental take of marine mammals in commercial fishing operations and the general permit issued to the American Tunaboat Association under those regulations. If this Court grants relief bevond January 1, 1977, the Director will provide notice together with such further restrictions as may be needed to comply with the nature and extent of the relief granted.

The Director also decided to promulgate the proposed amendments to the regulations pending further determinations based on recommendations of the Administrative Law Judge pursuant to MMPAH–No. 2–1976, except that the allowable take of porpoise will be pro-rated for the interim period to one-third of that originally proposed. This amendment will protect the integrity of the decision making procedure in MMPAH–No. 2–1976. The proposed modification to the General Permit is similarly changed.

As discussed in the November 11, 1976, FEDERAL REGISTER Notice, NMFS will endeavor to have these regulations in force from January 1, 1977, until permanent regulations resulting from the administrative hearing process, MMPAH–No. 2–1976, are effective or until April 30, 1977, whichever comes first.

A permit in effect at the time these permanent regulations are promulgated, would be modified so as to be consistent with and then subject to the terms of these permanent regulations.

Accordingly, the General Permit issued to the American Tunaboat Association on December 20, 1975, under Category 2: Encircling Gear; Yellowfin Tuna Purse Seining is hereby modified as of December 29, 1976, pursuant to Section 104(e), 16 U.S.C. 1374(4), in the following manner:

Change section 3 of the Permit to read:

From 0001 hours, January 1, 1976, to 2400 hours, April 30, 1977.

Furthermore, in order to make the General Permit consistent with the limited take set forth in the regulation amendments, delete the second sentence in section 5, and add the following subsections 5 (a) and (b):

5(a) The taking of marine mammal species and stocks in the course of commercial fishing operations under this permit between 0001 hours January 1, 1977, and 2400 hours April 30, 1977, may not commence until the Director designates that such taking can commence.

5(b) The number of marine mammal species or stocks which may be killed in the course of commercial fishing operations under this permit during the period mentioned in section 5(a) shall not exceed:

1. Spotted dolphin (coastal)[1]	0
2. Spotted dolphin (offshore)	7,267
3. Spinner dolphin (C. Rican)	0
4. Spinner dolphin (eastern)	0
5. Spinner dolphin (whitebelly)	0
6. Common dolphin (northern)[2]	133
7. Common dolphin (central)[2]	533
8. Common dolphin (southern)[2]	1,867
9. Striped dolphin (northern)	13
10. Striped dolphin (north-equatorial)[2]	133
11. Bottlenosed dolphin	20
12. Rough-toothed dolphin	1
13. Fraser's dolphin	2
14. Risso's dolphin	2
15. Short-finned pilot whale	1
16. Melon-headed whale	0
17. Pygmy killer whale	0
Total	9,972

[1] Including the tentatively identified southwestern stock.

[2] Including the tentatively identified equatorial-oceanic stock.

[3] Including the tentatively identified southequatorial stock.

Dated: December 29, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

Accordingly, 50 CFR 216.24(d)(2)(i)(A) is amended, as of December 29, 1976, to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

* * * * *

(d) * * *

(2) Encircling gear; yellowfin tuna purse seining (i)(A): A certificate holder may take marine mammals so long as such taking is an incidental occurrence in the course of normal commercial fishing operations. The number of all other stocks or species of marine mammals that may be killed by all certificate holders in the course of commercial fishing operations shall not exceed 78,000 during the period January 1, 1976 through December 31, 1976. During the period January 1, 1977 through April 30, 1977 no certificate holder shall encircle any marine mammals until the Director designates that such encircling may commence. This designation shall be published in the FEDERAL REGISTER. After such designation, no certificate holders shall: (1) Encircle mixed or pure schools of coastal spotted dolphin or spinner dolphin of any stock, or (2) encircle pure schools or any species of porpoise except offshore spotted dolphin and common dolphin, and (3) the number of all stocks or species which may be killed shall not exceed:

(*i*). Spotted dolphin (coastal)[1]	0
(*ii*). Spotted dolphin (offshore)	7,267
(*iii*). Spinner dolphin (C. Rican)	0
(*iv*). Spinner dolphin (eastern)	0
(*v*). Spinner dolphin (whitebelly)	0
(*vi*). Common dolphin (northern)[2]	133
(*vii*). Common dolphin (central)[2]	533
(*viii*). Common dolphin (southern)[2]	1,867
(*ix*). Striped dolphin (northern)	13
(*x*). Striped dolphin (north-equatorial)[2]	133
(*xi*). Bottlenosed dolphin	20
(*xii*). Rough-toothed dolphin	1
(*xiii*). Fraser's dolphin	2
(*xiv*). Risso's dolphin	2
(*xv*). Short-finned pilot whale	1
(*xvi*). Melon-headed whale	0
(*xvii*). Pygmy killer whale	0
Total	9,972

[1] Including the tentatively identified southwestern stock.

[2] Including the tentatively identified equatorial-oceanic stock.

[3] Including the tentatively identified southequatorial stock.

All animals killed during the period January 1, 1977 through April 30, 1977 will be counted as a part of the total allowable kill for the period January 1, 1977 through December 31, 1977 which is established pursuant to administrative hearings and the Director's final decision.

The Director shall determine on the basis of all evidence available to him, the date upon which any individual stock or species quota will be reached or exceeded and shall prohibit thereafter the encircling of marine mammals of those stocks or species by purse seine in the course of commercial fishing operations. Notice of the Director's determination shall be published in the FEDERAL REGISTER not less than 7 days prior to the date upon which the prohibition is to become effective.

[FR Doc.76-38496 Filed 12-30-76;4:06 pm]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1976-6]

FIRMS SUBJECT TO MANDATORY PETROLEUM AND PRICE ALLOCATION REGULATIONS

Record Keeping Requirements

Section 210.92 of the Federal Energy Administration ("FEA") General Allocation and Price Rules sets forth the record keeping requirements for firms which are, or have been, subject to the FEA Mandatory Petroleum Allocation Regulations or the FEA Mandatory Petroleum Price Regulations. It provides as follows:

(a) *General.* Each firm subject to this part shall keep such records as are sufficient to demonstrate tht the prices charged or the amounts sold by the firm are in compliance with the requirements of this part.

(b) *Inspection.* Records required to be kept under paragraph (a) shall be made available for inspection at any time upon the request of a reprsentative of the FEO.

(c) *Justification.* Upon the request of a representative of the FEO any firm which has filed a notice of a proposed price increase, increases a price pursuant to this subpart, or takes any action pursuant to the allocation provisions of this Chapter, shall:

(1) Specify the records that it is maintaining to comply with this paragraph; and

(2) Justify that proposed price increase, increased price, or action pursuant to the allocation provision of this Chapter.

(d) *Period for keeping records.* Each firm required to keep a record under this paragraph shall maintain and preserve that record for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in that record occurred or the property was acquired by that firm whichever is later.

The purpose of this Ruling is to make clear that

* * * such records as are sufficient to demonstrate that the prices charged or the amounts sold by the firm are in compliance with the requirements of this part * * *.

necessarily include with respect to each regulated transaction whatever records are necessary to establish the historical prices or volumes which served as the basis for determining the regulated prices or volumes in such regulated transactions.

Thus, for example, a producer of domestic crude oil that makes a first sale of such crude oil during 1976 of "new crude oil" pursuant to the upper tier ceiling price rule of § 212.74 must, with respect to such 1976 transactions, keep records not only for the 1976 transactions, but also of the history of production and sale of crude oil from the property concerned, from which the "base production control level" of the property can be determined. This will generally require records of production and sale of crude oil for all months since January 1, 1972.

Pursuant to § 210.92(d), the producer "shall maintain and preserve that record [i.e., the record of 1976 transactions together with the records from which the property's base production control level can be established] for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in that record occurred * * * [i.e., until December 31, 1980]." recorded in that record occurred * * * [i.e., until December 31, 1980]."

Similarly, for example, producers of domestic crude oil which make first sales of stripper well crude oil which are exempt from the provisions of Part 212 pursuant to § 212.54 must maintain and preserve with respect to such sales, the production records which establish that the property concerned has qualified as a stripper well property.

The same principles apply with respect to regulated transactions by all firms, including refiners, resellers and retailers,

and gas plant operators. Under the price rules generally, current maximum allowable prices are established by reference to prices and costs during or prior to May 1973. Accordingly the records which are required to be maintained and preserved through 1980 with respect to any transactions during 1976 that were subject to FEA price regulations include the records of May 1973 or earlier transactions pursuant to which maximum allowable prices during 1976 were established.

Finally, with respect generally to the Part 211 allocation regulations, records of transactions during the base period, typically 1972, must be maintained through 1980 with respect to all transactions during 1976 which were subject to the FEA allocation regulations.

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

DECEMBER 30, 1976.

[FR Doc.76-38497 Filed 12-30-76;5:04 pm]

Emergency Amendment Adopting Special Rule No. 1 for Subpart F

The Federal Energy Administration ("FEA") hereby amends, on an emergency basis, the Mandatory Petroleum Price Regulations in Subpart F of Part 212 by the addition of Special Rule No. 1 as an Appendix to that part. Special Rule No. 1 provides for a change in the method of pricing allocated crude oil for deliveries for the months January through March 1977 pursuant to the Mandatory Crude Oil Allocation Program (the "buy/sell program") to take properly into account the price increases announced by the Organization of Petroleum Exporting Countries ("OPEC") effective January 1, 1977. This Special Rule is effective immediately because any delay in its effective date would result in sale prices for refiner-sellers that would be unrepresentatively low based on their current landed costs, and would also result in feedstock cost disparities among refiner-buyers, depending on their access to allocated crude oil.

An OPEC conference was held in Doha, Qatar, from December 15 to 17, 1976. The final press release issued by the participants announced that eleven countries had decided to increase the price of the marker crude from $11.51/BBL to $12.70/BBL as of January 1, 1977 and to $13.30 as of July 1, 1977. The price of all other crudes will be increased accordingly. Saudi Arabia and the United Arab Emirates, however, will raise their prices by 5 percent only.

Allocated crude oil is currently priced under 10 CFR 212.94 at the weighted average landed cost of imported crude oil to each refiner-seller (excluding crude oil imported from Canada) over a three-month period, the month of delivery and the two preceding months, with provision for a handling fee and location and quality adjustments. If no change were made in this rule, the lower prices prevailing in the months prior to January 1977 would result in a per barrel sale price for refiner-sellers that would be below the world market price for imported crude oil until April 1977, at which point only minimal volumes of lower priced crude oil would be included in their landed cost figures. This would result in higher prices on covered products for refiner-sellers and would have a potential for the creation of market distortions by placing certain refiner-buyers at a competitive disadvantage relative to other refiner-buyers that were able to purchase significant volumes of the lower-priced allocated crude oil. The discrepancy between the world market price of crude oil and the price of allocated crude oil would be contrary to FEA's intent in adopting the current pricing rule, which was meant to assure that sales were made at prices representative of crude oil prices in the world market. However, Special Rule No. 1 should not result in any disproportionate increase in the costs to refiner-buyers that would render these firms uncompetitive, because of the cost-equalizing effects of FEA's domestic crude oil allocation program.

Special Rule No. 1 provides that, for the months January through March 1977, each refiner-seller's sales of allocated crude oil will be priced at the weighted average cost of imported crude oil delivered to that refiner-seller in the month of delivery to the buyer, plus the handling fee and with the transportation and quality adjustments currently set out in § 212.94. Then, commencing with April 1977, all sales will again be made under the current provisions of § 212.94; that is, the sale price for allocated crude oil will be based on the weighted average landed cost of imported crude oil in the month of delivery and in the two preceding months.

FEA requests comments on the desirability of adopting Special Rule No. 1 as a permanent rule beyond the period for which it is effective as set forth herein because of the stated intent of OPEC to raise prices again in July, and the possibility of future price increases. In this regard, comments are requested as to whether the current provisions of § 212.94 do, in fact, avoid distortions in sales prices, or whether a permanent rule utilizing the seller's import costs in the month of delivery would serve this purpose as well.

Section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275 (the "FEAA")) provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare. The FEA has determined for the reasons outlined above that strict compliance with the requirements of section 7(i)(1)(B) of the FEAA would cause serious harm and injury to the public welfare. Accordingly, these requirements must be waived and the amendment adopted hereby is made effective immediately, prior to opportunity to comment thereon.

As required by section 7(c)(2) of the FEAA, a copy of this emergency amendment was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of the proposal on the quality of the environment. The Administrator had no comments.

Because the amendment adopted hereby is being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the amendment, however, will be held beginning at 9:30 a.m. on January 19, 1977, in Room 2105, 2000 M Street N.W., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., January 10, 1977. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through January 17, 1977. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., January 11, 1977, and must submit 100 copies of his or her statement to the Office of Regulations Management, 2000 M Street, Washington, D.C., before 4:30 p.m., e.s.t., on January 18, 1977.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements

were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., January 14, 1977. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the amendment to Box HP, Executive Communications, Room 3309, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Special Rule No. 1". Fifteen copies should be submitted. All comments received by January 19, and all other relevant information will be considered by FEA in the evaluation of the amendments adopted hereby.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

This amendment has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended by 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 30, 1976.

MICHAEL F. BUTLER,
General Counsel.

Subpart F of Part 212 is amended by adding an Appendix with a Special Rule No. 1 to read as follows:

APPENDIX—SPECIAL RULE NO. 1

1. *Scope.* This Special Rule provides for an alteration in the method of allocated crude oil pricing under § 212.94 for the months January through March 1977.

2. *Special pricing rule for the months January through March 1977.* Notwithstanding the provisions of § 212.94(b)(1), the price at which crude oil shall be sold by a refiner-seller in January 1977, February 1977 and March 1977 for sales required under § 211.65 of Part 211 of this chapter shall not exceed the monthly weighted average per barrel landed cost (as defined in § 212.82, but utilizing the volumes of imported crude oil at the time of importation thereof into the United States) of all imported crude oil seller in January 1977, February 1977 and (other than crude oil imported from Canada) delivered to that refiner-seller in the month in which delivery is made to the refiner-buyer, plus the handling fee and reflecting the transportation, gravity, and sulphur content adjustments specified in § 212.94.

3. *Provisions of Subpart F.* The provisions of Subpart F of Part 212 shall remain in full force and effect except as expressly modified by the provisions of this Special Rule.

[FR Doc.76-38499 Filed 12-30-76;5:04 pm]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[ERL 667-1]

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Notice to Gasoline Refiners: December 31, 1976, and January 31, 1977, Lead Phase-Down Submittals

Notice is hereby given by the Environmental Protection Agency (EPA) to all large refiners (greater than 30,000 barrels per day (bbl/d) crude capacity) operating a small refinery (less than or equal to 30,000 bbl/d crude capacity), as of October 1, 1976, in regard to the January 31, 1977, and December 31, 1976, submittals under 40 CFR 80.20(a)(4) (ii) and (v) respectively:

Enforcement against any large refiner operating a small refinery for failure to comply with § 80.20(a)(4)(v) with respect to the small refinery will be suspended until March 31, 1977, by which time the information must be submitted. EPA will not enforce the 0.8 gpg January 1, 1978, standard with respect to a small refinery owned by a large refiner whose plant pursuant to §80.20(a)(4)(ii) with respect to such refinery is submitted after January 31, 1977, so long as the information is submitted by April 30, 1977, and all other suspension criteria are met.

Similar relief was granted small refiners in an earlier notice (41 FR 55646, December 21, 1976). This delay is accorded small refineries of larger refiners while the EPA completes its evaluation of separate treatment for the small refiner or small refinery.

All inquiries concerning this notice should be made to Mark S. Siegler, Chief, Fuels Section, Mobile Source Enforcement Division at (202) 755–2816.

NORMAN D. SHUTLER,
Acting Assistant Administrator for Enforcement (EN–329).

DECEMBER 30, 1976.

[FR Doc.77-398 Filed 1-4-77;8:45 am]

proposed rules

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

FEDERAL TRADE COMMISSION

[16 CFR Part 450]

ADVERTISING FOR OVER-THE-COUNTER DRUGS

Notice of Change of Date for Submission of Written Comments Concerning Proposed Trade Regulation Rule

On November 12, 1976, the Presiding Officer published in the FEDERAL REGISTER (41 FR 50697) a Change of Dates for Hearing and Related Requirements Concerning Proposed Trade Regulation Rule.

As published in such Notice the dates were set as follows:

The closing date for submission of all written comments: January 10, 1977;

The closing date for submission of witnesses' prepared statements (or comprehensive outlines) and exhibits for hearing: February 3, 1977;

The commencement date of the hearing: February 28, 1977.

The closing date for submission of all written comments is now January 21, 1977. All other dates set out in the Presiding Officer's Notice of Change of Dates published November 12, 1976, remain the same and the instructions set forth in that notice and the Presiding Officer's Final Notice of proposed rulemaking concerning Advertising for Over-the-Counter Drugs publfshed September 16, 1976, (41 FR 39768) remain the same.

Issued: January 3, 1977.

ROGER J. FITZPATRICK,
Presiding Officer.

[FR Doc.77-484 Filed 1-4-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 301]

CLASSIFICATION OF ORGANIZATIONS FOR PURPOSES OF FEDERAL TAXATION

Proposed Rulemaking on Unincorporated Organizations

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 18, 1977. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rulemaking is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by February 18, 1977. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917 (26 U.S.C. 7805)).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to certain provisions of the Regulations on Procedure and Administration (26 CFR Part 301) under section 7701 of the Internal Revenue Code of 1954, relating to the classification of organizations for purposes of Federal taxation. As recent court decisions such as Philip G. Larson, 66 T.C. 159 (1976), have pointed out, the statement of the classification critera in the existing regulations is inadequate and requires clarification.

The Internal Revenue Code establishes certain categories, or classes, of organizations for purposes of Federal taxation. According to its classification, an organization may be taxable as a corporation, a partnership, or some other entity. Included among the organizations which are taxable as corporations are joint stock companies, insurance companies, and associations.

In Morrissey v. Commissioner, 296 U.S. 344 (1935), the United States Supreme Court listed a number of characteristics to be taken into account in determining whether an organization bears a sufficiently close resemblance to a corporation to warrant its being classified as an association for purposes of the Code.

Existing § 301.7701-2 defines an association in terms of the *Morrissey* characteristics, but the provisions of that section have been found deficient in several respects. The description of the four characteristics that distinguish corporations from partnerships, i.e., continuity of life, centralized management, limited liability, and transferability of interests, are not well suited to the classification of organizations, such as limited partnerships, whose members have widely differing rights and responsibilities. Furthermore, an organization ordinarily may not be classified as an association under existing § 301.7701-2 unless it possesses at least three of the four characteristics that distinguish corporations from partnerships. This "preponderance" test has been criticized as deviating from the "resemblance" test of *Morrissey*.

Existing § 301.7701-2 also provides special rules with respect to professional service organizations. A number of court decisions declared these rules invalid in whole or in part, and in 1970 the Internal Revenue Service announced that it would no longer apply the rules in question. See Rev. Rule. 70-101, 1970-1 C.B. 278.

The proposed amendments will be applicable to both domestic and foreign organizations. See Rev. Rul. 73-254, 1973-1 C.B. 613. With respect to any organization created after January 5, 1977, these amendments are proposed to be effective beginning with the first taxable year of the organization which ends on or after the date of publication of a Treasury decision on this subject. With respect to organizations created on or before January 5, 1977, these amendments are proposed to be effective beginning with the fourth taxable year of the organization ending after the date of publication of a Treasury decision on this subject unless changes in the organization prior to that date are so extensive that the new rules must be applied earlier.

The rules for the classification of organizations that are neither profit-seeking organizations nor ordinary trusts will be published at a later time.

The proposed amendments provide that an unincorporated organization will be classified as an association if it more nearly resembles a corporation than a partnership of trust. Six corporate characteristics derived from the *Morrissey* opinion are enumerated: (i) associates, (ii) an objective to carry on business, (iii) continuity of life, (iv) centralization of management, (v) limited liability, and (vi) transferability of interests.

An organization will not be classified as an association unless it has associates and an objective to carry on business. An organization with only one beneficial owner may be considered to have associates if the circumstances indicate that it is analogous to a corporation with a single shareholder. A later notice of pro-

posed rule making will focus on the distinction between an ordinary trust and a business trust and will set forth the criteria for corporate resemblance with respect to business objective.

If an organization has associates and an objective to carry on business, its classification will depend upon its resemblance to a corporation with respect to the other four characteristics enumerated. The "preponderance" test of the existing regulations does not appear in the proposed amendment. The examples illustrate how classification is determined when an organization resembles a corporation with respect to two of the four characteristics but not with respect to the other two.

The proposed amendment finds corporate resemblance with respect to continuity of life in two sets of circumstances. An organization resembles a corporation with respect to continuity if members holding a majority interest (or a majority of one class of interests) have the power to prevent interruption of the business operations of the organization despite an event that causes a dissolution of the original entity under local law. This power exists where a majority group would be able to preclude liquidation of the organization under local law and the continuation of the business operations of the organization would not be significantly impaired by the loss of the maximum amount of capital that could be withdrawn despite a majority decision to continue. An organization also resembles a corporation with respect to continuity if its only general members are corporations controlled by limited members.

Corporate resemblance with respect to centralized management is present when the person or persons making the management decisions (i.e., the decisions that would be made by the directors if the organization were a corporation) are acting primarily in a representative capacity rather than on their own behalf. Those with management power are considered to be acting primarily in a representative capacity when they do not own a substantial interest in the organization or when they may be removed by other members.

An organization resembles a corporation with respect to limited liability when the percentage of the interests in the organization that do not entail personal liability for claims against the organization is substantially in excess of the percentage of interests that do entail personal liability. An interest does not entail personal liability when the member owning that interest is not subject to substantial risk of loss as to assets not invested in the organization. Organizations engaged in certain activities which are covered by insurance and principally financed through nonrecourse indebtedness resemble corporations with respect to limited liability since the members are protected as to their other assets.

Under the proposed amendment the characteristic of limited liability is disregarded in determining overall corporate resemblance in two situations. The nature of the business operation may preclude the possibility of any claim against the organization for an amount in excess of the capital invested; this situation is illustrated by an example describing an organization whose only activity is investing in mutual fund shares. Limited liability is also disregarded when no member of an organization has any substantial assets other than those invested in the organization.

An organization resembles a corporation with respect to the characteristic of transferability of interests when a substantial majority of the interests are transferable. Restrictions on transfer are disregarded when they do not materially affect the member's ability to convey to another the primary benefits attaching to ownership of the interests.

The proposed amendment provides that interests in an organization are ordinarily measured by reference to the members's shares in equity as that term is defined in the regulations. When the liabilities of an organization exceed 85 percent of the total of the adjusted basis of all the assets of the organization, however, interests are measured by the members' shares of the profits.

Under the proposed amendment organizations are to be classified on the basis of their characteristics for each taxable year. Material changes during a taxable year may lead to a reclassification of the organization. A change in the percentage of the entire interest in the organization owned by a class of members will not be considered material unless the percentage has changed by 10 percentage points or more since the initial classification of the organization or its most recent reclassification.

PROPOSED AMENDMENTS TO THE REGULATIONS

To clarify the classification of unincorporated organizations for purposes of Federal taxation, the Regulations on Procedure and Administration (26 CFR Part 301) under section 7701 of the Internal Revenue Code of 1954 are amended as follows:

Paragraph 1. Paragraphs (b) and (c) of § 301.7701–1 are amended to read as follows:

§ 301.7701–1 Classification of organizations for tax purposes.

* * * * *

(b) *Standards.* The Internal Revenue Code prescribes certain categories, or classes, into which various unincorporated organizations, whether domestic or foreign, fall for purposes of taxation. These categories, or classes, include associations (which are taxable as corporations), partnerships, and trusts. The tests, or standards, which are to be applied in determining the class in which an organization belongs (whether it is an association, a partnership, a trust or other taxable entity) are set forth in §§ 301.7701–1A to 301.7701–4. The provisions of §§ 301.7701–2 to 301.7701–4 apply to profit-seeking organizations and to organizations described in § 301.7701–4(a). The provisions of § 301.7701–1A apply to organizations not within the scope of §§ 301.7701–2 to 301.7701–4.

(c) *Effect of local law.* Although the Internal Revenue Code and §§ 301.7701–1A to 301.7701–4 establish the tests or standards to be applied in classifying an organization for purposes of Federal taxation, local law (in the case of a foreign organization, the local law of the foreign jurisdiction) governs in determining the existence of any legal rights and obligations that may be material in the application of those standards. Thus, it is local law which must be applied in determining such matters as the legal relationships of the members of the organization among themselves and with the public at large and the interests of the members of the organization in its assets. The terms used to designate organizations under local law, however, are in and of themselves of no importance in the classification of such organizations for the purposes of taxation under the Internal Revenue Code. Thus, a particular organization might be designated a partnership under the law of one State and another type of entity under the law of another State. However, for purposes of the Internal Revenue Code, this organization would be uniformly classified as a partnership, an association (and, therefore, taxable as a corporation), or some other entity, depending upon its nature under the classification standards of §§ 301.7701–1A to 301.7701–4. The term "corporation" is not limited to the artificial entity usually known as a corporation, but includes also an association, a joint-stock company, and an insurance company.

Par. 2. There is inserted immediately after § 301.7701–1 the following new section:

Sec.

* * * * *

301.7701–1A Classification of nonprofit organizations. [Reserved]

Par. 3. Section 301.7701–2 is amended to read as follows:

§ 301.7701–2 Associations.

(a) *Corporate resemblance in the case of profit-seeking organizations*—(1) *In general.* The term "association" refers to an unincorporated organization which is taxable as a corporation for purposes of the Internal Revenue Code because it more nearly resembles a corporation than a partnership or trust. The determination of whether an unincorporated organization is to be classified as an association depends on the overall resemblance of the organization to a corporation in purpose, structure, and method of operation. See *Morrissey* v. *Commissioner*, 296 U.S. 344 (1935). There are a number of major characteristics ordinarily found in a corporation organized for profit which, taken together, distinguish it from other organizations. These are (i) associates, (ii) an objective to carry on business, (iii) continuity of life, (iv) centralization of management, (v) liability for corporate debts limited to corporate

property, and (vi) transferability of interests. An organization will not be classified as an association within the meaning of this section unless it has associates (or is considered to have associates under paragraph (b) of this section) and has an objective to carry on business. In determining whether a particular organization which has or is considered to have these two essential characteristics will be classified as an association, the resemblance of the organization to a corporation with respect to each of the other four corporate characteristics is taken into account except insofar as the circumstances described in paragraph (f) (3) of this section require the characteristic of limited liability to be disregarded. Because the overall resemblance of an organization to a corporation is determinative for purposes of classification, an organization may be classified as an association when it resembles a corporation with respect to two or more of the four characteristics referred to in the preceding sentence.

(2) *Partnership compared.* A partnership has associates and an objective to carry on business, but it ordinarily does not resemble a corporation with respect to the other four characteristics enumerated in paragraph (a) (1) of this section. A partnership is usually characterized by the partners' personal identification with the partnership, their personal participation in its decision-making, and their personal responsibility for its obligations.

(3) *Trust compared.* In an ordinary trust legal title to, and control over, property are separated from beneficial ownership. Consequently, an ordinary trust may allow for continuity of life, centralized management, limited liability for the beneficiaries, and transferability of interests. Unlike a corporation, however, an ordinary trust is designed to protect or conserve property for the beneficiaries rather than serve as the medium for the conduct of a business enterprise. See § 301.7701–4.

(4) *Operating rule.* An organization shall be classified for each taxable year under the rules of this section on the basis of all the relevant facts and circumstances. The classification of an organization for a given taxable year may differ from its classification for the preceding taxable year whenever there is a sufficiently material change in the organization that affects the determination of its resemblance to a corporation with respect to one or more of the characteristics described in this section. Generally, the reclassification will be effective as of the first day of the taxable year in which the significant changes resulting in the reclassification occur. When the facts and circumstances warrant, the Internal Revenue Service may determine that the reclassification shall be effective on the first day of the taxable year following such taxable year. Changes in the type of activities conducted by the organization, for example, could affect the resemblance of the organization to a corporation with respect to limited liability. Similarly, a change in the management structure of an organization could be significant in determining whether the organization resembles a corporation with respect to centralized management. An organization may also be subject to reclassification if the percentage of the entire interest in the organization which is owned by a class of members changes materially in any subsequent taxable year as compared with the percentage owned by that class at the time of the initial classification of the organization or, if the organization has been reclassified, at the time of the most recent reclassification of the organization. Generally, the percentage of the entire interest owned by a class for any taxable year will be the percentage owned on the last day of that year, unless the circumstances indicate that the percentage owned on any other day more accurately reflects the ownership interest of the class for the entire year. See paragraph (a) (5) of this section for rules relating to the determination of a member's interest in an organization. The percentage of the entire interest in any organization owned by members of one class will not generally be considered to have changed materially if that percentage has changed by less than 10 percentage points since the time of the initial classification of the organization or, if the organization has been reclassified, since the most recent reclassification of the organization. For all purposes of this section, when a member of an organization owns interests of different classes, that member will be treated as a member of each class to the extent of the member's interest in each class. For rules applicable when an organization is reclassified, see section 331 (relating to gain or loss to shareholders in corporate liquidations), section 351 (relating to transfer to corporation controlled by transferror), section 721 (relating to nonrecognition of gain or loss on contribution to a partnership), section 731 (relating to extent of recognition of gain or loss on distribution by a partnership), and the regulations thereunder.

Example. In 1977 A, B, and C form an organization to raise and sell livestock. A and B, the general members of the organization, contribute $100,000 each and C contributes $100,000 in exchange for a limited interest in the organization. As of December 31, 1977, the last day of the organization's first taxable year, A and B own a 66⅔ percent interest in the organization, and C owns a 33⅓ percent interest. The organization is classified as a partnership for its first taxable year in accordance with the rules of this section. The business prospers, and in 1980 A and B decide to market additional limited interests in order to acquire capital for expansion. A and B contract with D to manage all the affairs of the organization related to the marketing of the interests. D becomes a general member of the organization in return for his services and a small contribution of capital. As of December 31, 1980, limited interests have been sold to 100 new members who, together with C, own 60 percent of the interests in the organization, while A, B, and D own the remaining 40 percent. There have been several changes in the organization since its original classification: the percentages of the entire interest that are owned by the limited members and the general members have changed materially, more than 100 new members have been introduced into the organization, the size of the enterprise has grown, and the management structure has become more complex as a result of the admission of D as a general member with special responsibility for marketing limited interests. Under these circumstances, the organization should re-examine its classification under this section for 1980.

(5) *Determination of interests.* The interest of a member in an organization is the equity of that member, except that when the aggregate equity of all members of an organization is less than 15 percent of the total of the adjusted basis of all the assets of the organization for any taxable year, the interest of a member for that taxable year is that member's profits interest in the organization and not the equity of that member. For purposes of this section, the equity of a member is the member's share of the excess of the adjusted basis of the assets of the organization over its liabilities. If the members have agreed that the equity shares of different classes of members shall vary upon the expiration of a stated period or for any other reason, the measure of equity that will be taken into account for any taxable year for purposes of this subparagraph is that measure which reflects the true equity shares of the different classes.

Example (1). A and B are the general members in an organization formed to construct and lease an office building. A and B each contribute $10,000 to the organization. Limited interests are sold to 50 members who conribute a total of $100,000. The agreement of the members provides that for the first five years the limited members will receive 80 percent of the organization's profits and are entitled to 50 percent of the net assets of the organization upon liquidation. The agreement further provides that upon the expiration of this period, the limited interests are entitled to 80 percent of the profits and 80 percent of the net assets upon liquidation. Under local law the organization will dissolve upon the death, bankruptcy or withdrawal for any reason of A or B, and the agreement of the members makes no provision for continuing the organization after such a dissolution. The organization obtains a $100,000 nonrecourse loan to finance the construction of the office building which has an adjusted basis of $200,000 at the end of the organization's first taxable year. The organization has no other obligations. The interests in this organization for its first taxable year are determined by reference to the members' equity because the aggregate equity exceeds 15 percent of the adjusted basis of the office building, the organization's only asset. The limited members have a 50 percent interest in the organization and the general members have a 50 percent interest in the organization for its first taxable year.

Example (2). Assume the same facts as in example (1) of this subparagraph, except that the agreement of the members provides that upon dissolution of the organization under local law as a result of the death, bankruptcy or withdrawal for any reason of A or B, the limited members by a majority vote may substitute a new general member. Under these circumstances the provision in the agreement that the limited members have only a 50 percent equity interest for the first five years of the organization will not

be taken into account because the limited members, and not the general members, determine whether the organization will be liquidated. It is presumed that the limited members, who contributed $100,000 of the total amount of $120,000 capital initially invested, will substitute new general members as necessary to prevent liquidation of the organization during the initial five-year period. A and B's stated 50 percent equity interest during this initial period is therefore not an accurate measure of their equity shares in the organization. As of the first taxable year of the organization the limited members are considered to have an 80 percent interest and the general members a 20 percent interest.

Example (3). Assume the same facts as in example (1) of this subparagraph, except that the organization during its second taxable year decides to increase the size of the building and obtains a further loan of $880,000. No new capital is invested, and the enlarged building has an adjusted basis of $1,000,000 at the end of the organization's second taxable year. Since the aggregate equity of the members, which is $20,000, is less than 15 percent of the adjusted basis of the organization's assets for that taxable year, the interests of the members are determined by reference to their shares in the organization's profits, rather than by reference to their equity. For the second taxable year of the organization the limited members have an 80 percent interest in the organization, and the general members a 20 percent interest.

(6) *Effective date.* This section applies to:

(i) Organizations created after January 5, 1977, beginning with the first taxable year of any such organization which ends on or after the date of publication of a Treasury decision on this subject, and

(ii) Organizations created on or before [the date of publication of this notice], beginning with the fourth taxable year of any such organization ending after the date of publication of a Treasury decision on this subject except as provided in the following sentence. If more than 50 percent of the interests in any such organization are created or transferred after January 5, 1977, or if the aggregate basis of the assets (other than cash) of any such organization acquired after January 5, 1977, exceeds the basis of assets (other than cash) owned on January 5, 1977 (reduced by the basis of any such assets disposed of since such date), the rules of this section shall apply to the first taxable year of the organization ending on or after the date of publication of a Treasury decision on this subject, by the end of which either of the stated conditions is satisfied. For rules that may be applicable when an organization is reclassified, see section 331 (relating to gain or loss to shareholders in corporate liquidations), section 351 (relating to transfer to corporation controlled by transferor), section 721 (relating to nonrecognition of gain or loss on contribution to a partnership), section 731 (relating to extent of recognition of gain or loss on distribution by a partnership), and the regulations thereunder.

The rules applicable to organizations created on or before January 5, 1977 for taxable years of such organization to which this section does not apply are contained in 26 CFR 301.7701-2 (Rev. as of April 1, 1976). For purposes of this subparagraph, an organization is considered created if any charter or certificate required to be filed by local law has been filed or, if no such filing is required, on the date of execution of its governing instrument, if simultaneous with, or later than, the date of the instrument.

(b) *Associates*—(1) *In general.* Although a corporation may have only one beneficial owner, the corporate form generally furnishes the opportunity for two or more persons to own a common enterprise.

(2) *Resemblance.* An unincorporated organization has associates if two or more persons own interests in it as a common enterprise whether those persons themselves establish the organization or receive their interests from others. An organization in which legal title to its assets and control over its operations have been separated from its beneficial ownership may be considered to have associates even if the organization has only one beneficial owner during all or part of its taxable year. In this respect, such an organization is analogous to a corporation with one shareholder.

(c) *Objective to carry on business*—(1) *In general.* Whether an unincorporated organization, like a corporation, is a medium by which the members conduct business is determined by reference to the circumstances of the creation of the organization, the terms of the creating instrument or the agreement of the members, and the actual operation of the organization itself.

(2) *Resemblance.* [Reserved].

(d) *Continuity of life*—(1) *In general.* Changes in the status or identity of its shareholders do not affect the continuation of the business operations of a corporation.

(2) *Resemblance.* An unincorporated organization resembles a corporation with respect to the characteristic of continuity of life when—

(i) The members holding a majority interest, or a majority of one class of interests, have the power to prevent interruption of the business operations of the organization despite a dissolution of the original entity under local law as a result of a change in the status or identity of one or more members. A majority group has such power only if it is able to take whatever action is required under local law to preclude liquidation of the organization and only if the withdrawal of capital by all of the members who would be able to withdraw their capital as a result of the dissolution event despite the group decision to continue would not significantly impair the continuation of the business. A right to withdraw capital other than as a result of a dissolution event will be disregarded. All relevant circumstances will be taken into account in determining whether the potential withdrawal of capital would significantly impair the continuation of the business.

The fact that the business of the organization may not be continued after the dissolution or bankruptcy of a particular member shall be disregarded if the withdrawal or removal of that member prior to its dissolution or an adjudication of its bankruptcy would make possible the continuation of the business. In determining whether the members have the power to continue the business, local law, the creating instrument, the customs and practices pertaining to the business activity of the organization, and any agreements among the members, including powers of attorney and other authorizations, or a prospectus or any other materials related to the offering of interests in the organization, or any other pertinent documents, will be taken into account; or

(ii) The only general members of the organization are corporations in which one or more of the limited members own, directly or indirectly, a controlling interest. For purposes of this subdivision (ii), the limited members own a controlling interest in a corporation if, in the aggregate, they own directly or indirectly 50 percent of the total combined voting power of all classes of stock entitled to vote. The limited members of an organization are also considered to own a controlling interest in a corporation if the facts and circumstances indicate that ten or fewer limited members directly or indirectly exercise a controlling influence over the management or policies of the corporation, or control in any manner the election of a majority of the directors of the corporation.

(e) *Centralization of management*—(1) *In general.* The directors of a corporation acting in a representative capacity ordinarily have continuing exclusive authority to make the management decisions necessary for the conduct of the business of the corporation.

(2) *Resemblance.* An unincorporated organization resembles a corporation with respect to the characteristic of centralized management when the person or persons making the management decisions that would be made by the directors if the organization were a corporation are acting primarily in a representative capacity rather than on their own behalf. Persons making management decisions are acting primarily in a representative capacity when they do not own a substantial interest in the organization or when they are subject to removal on the vote of members not participating in management (whether or not managing members participate in the vote).

(f) *Limited liability*—(1) *In general.* Shareholders may invest in a corporation without becoming personally liable for debts of, or claims against, the corporation. The creditors of a corporation may look only to corporate property for satisfaction of claims against the corporation.

(2) *Resemblance.* An unincorporated organization resembles a corporation with respect to the characteristic of limited liability when the percentage of the interests in the organization which

do not entail personal liability for claims against the organization is substantially in excess of the percentage of interests which do entail personal liability. An interest in an organization does not entail personal liability for claims against the organization when the member owning that interest is not subject to substantial risk of loss as to assets not invested in the organization. If the principal activity of an organization is the acquisition (or leasing or construction) and operation of property, if such activity is principally financed by indebtedness with respect to which none of the members of the organization is personally liable, and if the ordinary risks from such activity are insured or indemnified against, then no member shall be considered subject to substantial risk of loss as to assets not invested in the organization. For purposes of the preceding sentence, operation of property includes holding property for resale, holding property for rent, exploiting property protected by trademarks or copyrights, and exploring for, or exploiting, mineral resources.

(3) *Other considerations.* When the nature of the business operation of an organization as a practical matter precludes the possibility of any claim against the organization for an amount in excess of the capital invested, or when no member of the organization has any substantial assets other than those invested in the organization, the characteristic of limited liability will not be taken into account in determining the overall resemblance of the organization to a corporation.

(g) *Transferability of interest*—(1) *In general.* Shareholders of a corporation ordinarily have the power to transfer their shares and all the rights attendant upon ownership of such shares to other persons.

(2) *Resemblance.* An unincorporated organization resembles a corporation with respect to the characteristic of transferability of interests when the percentage of interests in the organization that are transferable is substantially in excess of the percentage of interests that are not transferable. In determining whether an interest is transferable, it is necessary to ascertain whether any restrictions on transfers set forth in the agreement of the members or in other relevant material, such as a prospectus, materially impair transferability.

An interest is considered transferable despite the inability of the holder to substitute another person as a member of the organization if the primary attributes of the interest, such as the rights to share in the profits and to a return of a contribution of capital, are assignable rights. Voting rights or other powers which are surrendered through proxies or other authorizations as a matter of course shall not be considered primary attributes of an interest. A requirement that a member must obtain the consent of one or more other members prior to transferring an interest does not impair tranferability if this consent may not be unreasonably withheld.

(h) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation M forms an organization to explore for mineral resources. M contributes $200,000 to the organization and becomes its sole general member. The organization obtains an additional $800,000 by selling limited interests to 15 individuals none of whom is a stockholder of M. The organization obtains a lease for the mineral rights to 10,000 acres of undeveloped land. The business operations of the organization are to continue for 10 years unless earlier terminated by vote of the holders of 60 percent of the limited interests in the organization. The limited members agree upon purchase of their interests not to seek return of their investments prior to termination of business operations under the agreement notwithstanding any intervening dissolution of the organization. In the event that M dissolves, becomes bankrupt or withdraws from the organization prior to termination of business operations in accordance with the agreement, the limited members are empowered by the agreement to select a successor to M. They may thereby preclude a liquidation of the organization under local law. M has exclusive control over management of the business and is the only member personally liable for claims against the organization. The interest of M in the organization is not transferable, but limited members may substitute other persons as limited members with the consent of M, which may not be withheld unreasonably. This organization, in which M owns a 20 percent interest and the limited members own 80 percent, has associates and is engaged in business. Despite the fact that M can dissolve the organization at any time, the organization resembles a corporation with respect to continuity of life because the members of one class of interests in the organization have agreed to continue the business operations of the organization in spite of a premature withdrawal of M from the organization and they have the power to preclude a liquidation of the organization under local law since they may choose a successor to M. Even if M withdraws, the organization will still have 80 percent of its initial capital. Thus, the withdrawal of M's capital will not significantly impair the ability of the organization to continue business operations. The organization also resembles a corporation with respect to centralized management because the general member, owning only a 20 percent interest in the organization, does not have a substantial interest and is therefore considered to be acting primarily in a representative capacity. The percentage of interests in the organization which do not entail personal liability is substantially in excess of the percentage of interests which do entail such liability. The percentage of interests which are transferable is also substantially in excess of the percentage of interests which are not transferable. The organization therefore resembles a corporation with respect to the characteristics of continuity of life, centralized management, limited liability, and transferability of interests. The organization will be classified as an association for all purposes of the Internal Revenue Code.

Example (2). Assume the same facts as in example (1) of this paragraph, except that the agreement provides that the holders of a majority of the limited interests may vote to continue the business operations of the organization in the event of a dissolution of the organization under local law only if the dissolution is not caused by the dissolution or bankruptcy of M. This limitation in the agreement shall be disregarded since M may withdraw from the organization prior to being formally dissolved under state law or being adjudicated a bankrupt by a court of competent jurisdiction and thereby enable the limited members to vote to continue the organization by electing a successor general member. The agreement of the members further provides that limited members who wish to withdraw their capital prior to liquidation of the organization may do so only if the general member determines that the withdrawal will not jeopardize the status or the operations of the organization. Since a vote of the majority of the limited interests to continue the business in the event of a dissolution will prevent liquidation of the organization, the organization resembles a corporation with respect to continuity of life. The withdrawal of M's capital will not significantly impair the continuation of the business. The potential withdrawal of capital by limited members other than as a result of a dissolution event is disregarded. The organization is classified as an association for all purposes of the Internal Revenue Code because it resembles a corporation with respect to continuity of life, centralization of management, limited liability, and transferability of interests.

Example (3). Assume the same facts as in example (1) of this paragraph, except that the agreement provides that the holders of a majority of the limited interests may vote to continue the business operations of the organization if and when a dissolution of the organization occurs under local law but that limited members voting against continuation may withdraw their capital at the time of the vote. In this situation, almost 60 percent of the capital could be withdrawn from the organization despite the majority vote to continue: the 20 percent interest of M, and the minority interest of the limited members, which could be close to 40 percent. The withdrawal of almost 60 percent of the organization's capital would make it difficult for the organization to meet its obligations under the lease and would thereby significantly impair the continuation of the organization's mineral exploration business. The organization therefore does not resemble a corporation with respect to continuity of life. The organization does, however, resemble a corporation with respect to the characteristics of centralization of management, limited liability, and transferability of interests. The organization will be classified as a corporation for all purposes of the Internal Revenue Code.

Example (4). Assume the same facts as in example (1) of this paragraph, except that M owns a 40 percent interest in the organization and that the limited members own 60 percent of the interests. The continuation agreement among the limited members, although sufficient to preclude liquidation of the organization, does not establish corporate resemblance with respect to continuity of life because the withdrawal of 40 percent of the organization's capital by M would make it difficult for the organization to meet its obligations under the lease and would thereby significantly impair the continuation of the organization's mineral exploration business. M is not considered to be acting primarily in a representative capacity in making management decisions since M owns a substantial interest in the organization and the limited members have no power to remove M. Because the percentage of limited interests is substantially in excess of M's interest, the organization resembles a corporation with respect to the characteristics of limited liability and transferability of interests. Thus, the organization resembles a corporation with respect to two of the four characteristics which distinguish corporations from partnerships but not with respect to the other two such characteristics. Under these

circumstances it is necessary to examine more closely the findings with respect to each of the characteristics in order to evaluate their relative importance in determining the overall resemblance of the organization to a corporation. The conclusion that this organization resembles a corporation with respect to limited liability and transferability of interests is based upon the fact that the limited members' 60 percent interest is substantially in excess of the general member's 40 percent interest.

A small change in that ratio would preclude finding that the limited interests are substantially in excess of the general interests and thereby require a conclusion that the organization does not resemble a corporation with respect to these two characteristics. The finding that the organization does not resemble a corporation with respect to continuity of life is based on an assessment that the withdrawal of 40 percent of the organization's capital would significantly impair the continuation of the business of the organization. A small change in the amount of capital that could be withdrawn would probably not affect this assessment. Similarly, a small change in the size of M's interest in the organization would not affect the finding that the organization does not resemble a corporation with respect to centralized management because M would still have a substantial interest. In this case, therefore, the findings that are more susceptible to change are those that show corporate resemblance. Under these circumstances, the organization does not bear a greater overall resemblance to a corporation than to a parnership. Accordingly, it will be classified as a partnership for all purposes of the Internal Revenue Code.

Example (5). Corporation T, which has a net worth of $5,000,000, forms an organization to construct and sell residential condominium units. T contributes $675,000 to the organization and becomes its sole general member. The organization obtains an additional $825,000 by marketing limited interests in a private offering. The organization has a stated life of 25 years. Ten of the limited members are able to control the election of a majority of the directors of T. T has exclusive control over management of the business and is the only member personally liable for claims against the organization. The interest of T may not be transferred, but the limited interests are freely transferable. T can be removed and another general member substituted on the vote of a majority of the limited interests. This organization, in which T owns a 45 percent interest and the limited members owns the remaining 55 percent, has associates and is engaged in business. It resembles a corporation with respect to continuity of life because ten limited members own a controlling interest in Corporation T, the sole general member. Despite its substantial interest in the organization, T is considered to be acting primarily in a representative capacity because it can be removed by the holders of a majority of the limited interests. The organization therefore resembles a corporation with respect to centralized management.

The percentage of interests in the organization which do not entail personal liability and which are transferable is not substantially in excess of the percentage of the interests which do entail personal liability and which are not transferable. The organization therefore does not resemble a corporation with respect to the characteristics of limited liability and transferability of interests. Thus, the organization resembles a corporation with respect to two of the four characteristics which distinguish corporations from partnerships but not with respect to the other two such characteristics. Under these circumstances it is necessary to examine more closely the findings with respect to each of the characteristics in order to evaluate their relative importance in determining the overall resemblance of this organization to a corporation. A small change in the ratio of the limited interests to the general interest could lead to different findings with respect to limited liability and transferability. The findings with respect to continuity of life and centralized management, however, do not depend upon that ratio. It is more likely that the ratio of interests will change than that the limited members that control T would allow control to pass to outsiders or that the agreement of the members would be amended to preclude removal of T. In this case, therefore, the findings that are more susceptible to change are those that indicate lack of corporate resemblance. Under these circumstances, the organization bears a greater overall resemblance to a corporation than to a partnership, and it will be classified as an association for all purposes of the Internal Revenue Code.

Example (6). Corporation L, with a net worth of $2,000,000, forms an organization to invest in mutual funds and becomes its sole general member. L contributes $450,000 to the organization. The organization obtains an additional $550,000 by selling limited interests to sixty individuals none of whom is a stockholder in L. The business operations of the organization are to continue for 10 years unless earlier terminated by vote of the holders of 51 percent of the limited interests. The owners of a majority of the limited interests may vote to substitute another general member for L upon its withdrawal and may take all action necessary to preclude liquidation of the organization under local law. Limited members may not withdraw their investments prior to liquidation. L has exclusive control over management of the business and is the only member personally liable for claims against the organization. Under the terms of the agreement, limited members may not substitute other persons as limited members in the organization, but they may assign their right to receive a share in profits and the return of capital contributions. This organization, in which L owns a 45 percent interest and the limited members own 55 percent of the interests, has associates and is engaged in business. The organization is considered to resemble a corporation with respect to continuity of life because a majority of the limited members may take whatever action is necessary under local law to preclude the liquidation of the organization upon the withdrawal of L. The withdrawal by L of 45 percent of the organization's capital will not significantly impair the continuation of the business because, as an organization investing only in mutual fund companies that will redeem shares upon request, it will continue its operations substantially as before the withdrawal of L but on a reduced scale. Because L has a substantial interest in the organization and may not be removed by limited members, the organization does not resemble a corporation with respect to centralization of management. Since the percentage of interests in the organization which do not entail personal liability is not substantially in excess of the percentage of interests which do entail such liability, the organization does not resemble a corporation with respect to limited liability. As a practical matter, however, there is no possibility of any claim against the organization resulting from its passive investment activities for an amount in excess of the capital invested. Accordingly, the characteristic of limited liability is not taken into account in determining the overall resemblance of this organization to a corporation. The limited interests, the primary attributes of which are the right to income and return of capital invested, are considered transferable, but the limited interests do not constitute a substantially higher percentage of the entire interest in the organization than the general interest, which is not transferable. Therefore, the organization does not resemble a corporation with respect to the characteristic of transferability of interests.

The organization resembles a corporation with respect to only one of the three characteristics relevant under these facts and therefore will be classified as a partnership for all purposes of the Internal Revenue Code.

Example (7). Corporation M, which has assets of $1,005,000, forms an organization to produce a documentary film under contract from a television network. All production and editing is expected to be completed within two years, and the organization will terminate upon delivery of the film to the network. M, the sole general member of the organization, contributes $1,000,000 to the venture. The organization obtains $1,000,000 in additional contributions from limited investors who possess other substantial assets. Two of the limited investors own 60 percent of the only class of voting stock in M. M is to have exclusive control over the management of the organization and is the only member personally liable for claims against the organization. The interests of the limited members are freely transferable, but the interest of M may not be transferred. This organization, in which M owns a 50 percent interest and the limited members own a 50 percent interest, has associates and an objective to carry on business. The organization resembles a corporation with respect to continuity of life since two of the limited members own a controlling interest in M. The organization does not resemble a corporation with respect to centralization of management because M owns a substantial interest and is not subject to removal by the limited members. Since M, the only personally liable member, has no significant assets other than those invested in this organization, no member of the organization is subject to substantial risk of loss as to assets not invested in the organization. The other assets of the limited investors are protected from creditors of the organization, and consequently the organization resembles a corporation with respect to the characteristic of limited liability. The percentage of interests in the organization that are transferable is not substantially in excess of the percentage of interests that are not transferable. Accordingly, the organization does not resemble a corporation with respect to the characteristic of transferability of interests. The organization resembles a corporation with respect to two of the four characteristics which distinguish corporations from partnerships, but not with respect to the other two such characteristics. Under these circumstances it is necessary to examine more closely the findings with respect to each of the characteristics in order to evaluate their relative importance in determining the overall resemblance of this organization to a corporation. None of these findings is likely to differ as a result of any small change in the situation. The finding of corporate resemblance with respect to continuity of life, however, is not as important as the other findings because the anticipated life of this organization is less than two years. The organization will be classified as a partnership for all purposes of the Internal Revenue Code.

Example (8). Fifty individuals form an organization to purchase construction equipment and lease it to building contractors. Each individual has a two percent interest in the organization. The organization is to continue for ten years unless earlier terminated by vote of the holders of a majority interest. The members have agreed that no member

may withdraw capital from the organization until it is liquidated. Although any member may withdraw and cause a dissolution of the organization, the remaining members have the power under local law to reconstitute the organization and prevent liquidation. An executive committee of seven members make the management decisions for the organization. All members of the organization are personally liable for claims against the organization, but the organization finances its equipment purchases on a nonrecourse basis and always obtains insurance against the customary risks associated with equipment leasing. The organization has also borrowed $1,000,000 which is deposited in a long-term bank account and not used for business purposes. A member may not transfer an interest in the organization without the consent of all other members. This organization has associates and an objective to carry on business. The organization resembles a corporation with respect to continuity of life because in the event of a dissolution of the organization the remaining members have the power to reconstitute it and prevent liquidation. No member may withdraw capital from the organization prior to its liquidation. The organization resembles a corporation with respect to centralized management since the managing members own in the aggregate only a 14 percent interest in the organization and thus are acting primarily in a representative capacity. The organization also resembles a corporation with respect to limited liability since its principal activity is the acquisition and leasing of property, that activity is principally financed by loans with respect to which no member of the organization is personally liable, and the organization has obtained insurance against the customary risks associated with equipment leasing. The fact that the organization borrows further funds not used in ordinary business operations is not taken into account in determining whether any member is subject to any substantial risk of loss as to assets not invested in the organization. The organization does not resemble a corporation with respect to transferability of interests. The organization resembles a corporation with respect to three of the four characteristics that distinguish corporations from partnerships. The organization will be classified as an association for all purposes of the Internal Revenue Code.

Example (9). A group of one hundred accountants form an organization to furnish accounting services to the public for profit. Although the death, insanity, bankruptcy, withdrawal or expulsion of any member at any time may cause a dissolution of the organization, the members have agreed that in the event of any such dissolution the remaining members will immediately reconstitute the organization and thus avoid any interruption of its business. Under local law, the remaining members have the power to preclude liquidation of the organization. A managing committee of five members, who are subject to removal by vote of the other members, make all management decisions for the organization. All members of the organization are personally liable for claims against the organization. A member may not transfer an interest in the organization without the consent of all other members. This organization has associates and an objective to carry on business for profit. The organization resembles a corporation with respect to continuity of life because the members have agreed to reconstitute it whenever necessary, and the withdrawal of capital by members separating from the organization, the only members entitled to withdraw capital as a result of a dissolution event, will not significantly impair the continued operation of this accounting services organization. The organzation resembles a corporation with respect to centralized management since those empowered to make management decisions are subject to removal on the vote of members not participating in management. The organization does not resemble a corporation with respect to the characteristics of limited liability and transferability of interests. The organization resembles a corporation with respect to two of the four characteristics which distinguish corporations from partnerships, but not with respect to the other two such characteristics. Under these circumstances it is necessary to examine more closely the findings with respect to each of the characteristics in order to evaluate their relative importance in determining the overall resemblance of the organization to a corporation. None of these findings is likely to be affected by any small change in the situation. Because of the risk of extremely high malpractice claims and the impracticability of attempting to insure fully against such claims, however, the lack of resemblance to a corporation with respect to limited liability is especially important in classifying this organization. The organization will be classified as a partnership for all purposes of the Internal Revenue Code.

§ 301.7701–3 [Amended]

PAR. 4. Paragraph (b) of § 301.7701–3 is amended by deleting the heading "(1) *In general.*" and by deleting paragraph (b) (2).

[FR Doc.76–38491 Filed 12–30–76;12:18 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

[FRL 666–2]

EMISSION CONTROL PRODUCTION WARRANTY

Extension of Comment Period

This notice extends the period for comments to the Advance Notice of Proposed Rulemaking, published Tuesday, November 16, 1976 (41 FR 50566), regarding the coverage of Section 207(a) of the Clean Air Act (the emission control production warranty) for light duty vehicles and light duty trucks.

Requests for extension of time have been submitted by Ford Motor Company, and the Automotive Parts and Accessories Association (APAA). Ford requested that the comment period be extended to February 16, 1977, due to the time required to obtain the extensive economic data requested by the Advance Notice. The APAA requested a 60 day extension due to the significance and complexity of the subject matter of the Advance Notice.

Although it is recogniztd that the Advance Notice raises several complex issues and, in some sections, requests detailed information, the Environmental Protection Agency believes that a 45 day extension should be adequate for most commentators. Accordingly, the comment period is hereby extended to March 3, 1977.

Dated: December 28, 1976.

NORMAN D. SHUTLER,
Acting Assistant Administrator for Enforcement (EN–329).

[FR Doc.77–295 Filed 1–4–77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Part 1516]

PRIVACY ACT OF 1974

Proposed Implementation

The following proposed regulations, drafted in accordance with section (f) of 5 U.S.C. 552a, the Privacy Act of 1974, are hereby offered for public comment. Interested parties should submit comments on or before February 4, 1977. Comments should be addressed to the Office of the General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

Signed this 29th day of December 1976, by

DAVID W. TUNDERMAN,
Acting General Counsel.

It is proposed to add the following Part 1516 to Title 40 of the CFR:

PART 1516—PRIVACY ACT IMPLEMENTATION

Sec.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93–579.

§ 1516.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Council on Environmental Quality (hereafter known as the Council) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1516.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" means maintain, collect, use or disseminate;

(c) The term "record" means any item or collection or grouping of information about an individual that is maintained by the Council (including, but not limited to, his or her employment history, payroll information, and financial transactions), and that contains his or her name, or an identifying number, symbol, or other identifying particular assigned to the individual such as a social security number;

(d) The term "system of records" means a group of any records under the control of the Council from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1516.3 Procedures for requests for access to individual records in a record system.

An individual shall submit a written request to the Administrative Officer of the Council to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a written request to the Administrative Officer of the Council which states the individual's desire to review his or her record. The Administrative Officer of the Council is available to answer questions regarding these regulations and to provide assistance in locating records in the Council's system of records.

§ 1516.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Officer of the Council pursuant to Section 1516.3 shall present the request at the Council's office, 722 Jackson Place, N.W., Washington, D.C. 20006, on any business day between the hours of 9 a.m. and 5 p.m. and should be prepared to identify himself by signature. Requests will also be accepted in writing if mailed to the Council's offices and signed by the requester.

§ 1516.5 Access to requested information to the individual.

The individual may submit a request to the Administrative Officer of the Council which states the individual's desire to correct or to amend his or her record. This request must be made in accordance with the procedures of § 1516.4 and shall describe in detail the change which is requested.

§ 1516.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of a request to correct or to amend a record, the Administrative Officer of the Council will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or amend the record in accordance with the request, the reason for the refusal, and the procedure established by the Council for the individual to request a review of that refusal.

§ 1516.8 Appeal of the initial adverse agency determination on correction or amendment of the record.

An individual may appeal refusal by the Administrative Officer of the Council to correct or to amend his or her record by submitting a request for a review of such refusal to the General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006. The General Counsel shall, not later than thirty working days from the date on which the individual requests such a review, complete such review and make a final determination unless, for good cause shown, the General Counsel extends such thirty day period. If, after his or her review, the General Counsel also refuses to correct or to amend the record in accordance with the request, the individual may file with the Council a concise statement setting forth the reasons for his or her disagreement with the General Counsel's decision and may seek judicial relief under 5 U.S.C. 552a (g) (1) (A).

§ 1516.9 Disclosure of a record to a person other than the individual to whom the record pertains.

The Council will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure either has been listed as a "routine use" in the Council's notices of its systems of records or falls within the special conditions of disclosure set forth in Section 3 of the Privacy Act of 1974.

§ 1516.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for the record, in advance of receipt of the pages.

[FR Doc.77-265 Filed 1-4-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3800]

SURFACE MANAGEMENT OF PUBLIC LAND UNDER U.S. MINING LAWS

Proposed Procedures To Minimize Adverse Environmental Impacts; Extension of Time for Comments

In a proposed rulemaking notice published in the FEDERAL REGISTER on December 6, 1976 (41 FR 53428), the Department of the Interior published proposed regulations providing rules and procedures to minimize adverse environmental impacts on the surface resources of public domain and other lands from operations authorized by the United States mining laws (30 U.S.C. 22-54). In that notice, comments were requested by January 5, 1977. It has now been determined to extend the comment period by 30 days. Comments received on or before February 4, 1977, will be considered before final action is taken on the proposed regulations.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 30, 1976.

[FR Doc.77-343 Filed 1-4-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

[45 CFR Part 1480]

ORGANIZATIONAL PROCESSES IN EDUCATION

Proposed Research Grants Program

The Director of the National Institute of Education (NIE), with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following regulation governing a discretionary grant program for research on organizational processes in education. The authority for the regulation is section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e).

The legislation establishing the Institute declares it a policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin, or social class. While the Congress recognizes that the direction of the education system towards this goal remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

NIE is charged by its enabling statute with the responsibility to improve American education through: helping to solve or alleviate the problems and achieve the objectives of American education; advancing the practice of education as an art, science, and profession; strengthening the scientific and technological foundations of eduaction; and building an effective educational research and development system. The NIE has carried out these mandates through contracts and grants to a wide variety of non-Federal groups and individuals, in support of education-related research and development.

The National Council on Educational Research, established by the Congress to develop general policy for the NIE, identified as one priority for the Institute the improvement of schools' and school districts' capacities for problem-solving. That is, development or discovery of better ways in which schools and school systems can define their own problems, conceive and implement solutions, and assess progress towards improved organizational performance. The purpose of the research grants program proposed in this notice is to support studies of how elementary and secondary schools and school districts carry out essential tasks

of any organization, such as setting goals, finding resources, assigning work, identifying and solving problems, monitoring performance, and adapting to changing times. How well these organizational activities are carried out may be very important in determining the quality of education received by young people in school. Considerable research has been done on organizational behavior in business firms, and in national, state, and local governments; less is known about how educational organizations work, and about the connection between organizational activities and educational results. The NIE therefore will establish, under these proposed rules, a continuing Program of Research Grants on Organizational Processes in Education, to support basic studies of this field. As knowledge of schools' and school districts' organizational behavior grows, policy-makers and professional educators will have better tools for analyzing the administration and management of elementary and secondary schools, and better ideas for their improvement.

The program of research grants described in this notice is the third to be established recently by NIE. The other two are in the areas of Basic Skills and Education and Work. Final rules for these were published in the FEDERAL REGISTER September 28, 1976, at 41 FR 42661 and 41 FR 42663 respectively. (These will be codified as 45 CFR Parts 1451 and 1470.) Research grant competitions were also held by the Institute in other fields in 1973 and 1974, under rules set out in 45 CFR 1450. The regulations for each of these prior efforts have been reviewed for their effectiveness in aiding the Institute to reach its research objectives, and have generally been followed in developing the following regulations.

The program of research grants to which this proposed regulation applies is the result of extensive new planning as well. The Institute's policy-making board, the National Council on Educational Research, has consistently endorsed allocation of substantial resources to basic research relevant to the Institute's five priority areas (Basic Skills; Finance, Productivity, and Management; Education Equity; Education and Work; and Dissemination). To implement this policy, NIE has consulted extensively with scholars, education professionals, parents, and others to build agendas of needed research. In the area of research on schools as organizations, and their capacities for problem-solving, over a period of a year NIE held seven meetings of scholars, educational leaders, teachers, and others in different regions of the country to discuss prepared papers and to solicit comments on possible areas for further research. Funds for a program of research in this field were requested in the agency's budget, and the plans were reviewed at that early stage by both the National Council and a special group of external, non-Federal advisers to the Director which reviewed the whole NIE program. Printed program plans have been circulated to a broad audience with an invitation to comment.

NIE staff have met with staff at the National Institute of Mental Health and the National Science Foundation, to gather ideas about research grant administration and ways of meeting current public concerns about research funding processes. A number of individual scholars and practitioners in the area of management and education have recently been asked to give comments on the specific proposed research grant competition, and on how it might be designed in order to attract the most qualified and talented persons to carry out the needed research. Thus the research grant program outlined in the proposed rules has been planned by drawing on the experience of the Institute, other parts of the Department, other Federal agencies, and by soliciting extensive public discussion and comment.

Public involvement with the program of research set forth in these rules will continue. The Director of NIE is authorized to employ consultants to advise on the merits of research proposals, and the NIE Director will exercise that option in the case of this program by appointing a chartered Federal Advisory Committee of members of the public to assist in reviewing proposals.

Under the proposed regulation, grants (other than small grants described below) will be awarded for research projects up to three years long. An applicant for a grant (other than a small grant) must first submit a preliminary proposal, and then submit a full proposal upon receipt of NIE comments on the preliminary proposal. The consideration of a preliminary proposal prior to submission of a full proposal is intended to enhance the acceptability of a full proposal and to discourage submission of a proposal having little chance of award.

A small grant opportunity is also proposed in these rules, for which the maximum award would be $7500 plus indirect costs (except in the case of a small grant to an individual unaffiliated with an institution, in which case the NIE will not award indirect costs but will reimburse reasonable general and administrative expenses associated with and directly related to the administration of the small grant). Small grants are for support of the same types of research activities and objectives as other grants in this program, and are not reviewed or administered in any way different from other grants except that (1) the application process involves a single proposal of limited length, and (2) project duration must be twelve months or less. The purpose of the small grant segment of the program is to offer easier access to modest research support.

Current estimates are that approximately $1.1 million will be available in Fiscal Year 1977 for projects selected for funding in this proposed program. However, only projects evaluated highly on the criteria listed in this regulation will be supported, whether or not the resources of the program are exhausted. Further, nothing in this notice, subsequent notices of closing dates, or program announcements should be construed as committing NIE to awarding any specified amount. The actual funds obligated for grants may change if, in the Director's judgment, otherwise qualified applications cannot be funded (1) because of the need to fund (or to reserve funds for) non-competing continuations, contract research, or in-house research, or (2) because of possible budget or staffing restrictions which may be imposed on the conduct of the Program of Research Grants on Organization Processes in Education.

It is currently anticipated that approximately $100,000 of the $1.1 million will be reserved for small grants. Based on past experience with field-initiated research in the NIE, it is projected that approximately 25–35 grants will be made in Fiscal Year 1977, including approximately 15 small grants. The total amount allocated to small grants may be increased or decreased by the Director, based on the merits of the small grant applications received.

Applications will be accepted throughout the fiscal year. It is expected that applications received by the Institute will be reviewed at periodic intervals during the fiscal year. Notices of closing dates by which applications must reach NIE to be included in each review will be published in the FEDERAL REGISTER. An application which is disapproved in a particular review will be returned to the applicant, which may, if it so chooses, refile the application for funding consideration in a succeeding review cycle. To implement these procedures, it is expected that a reasonable proportion of funds available for the program in a fiscal year will be tentatively allocated to each of these review cycles, but the amount of funds awarded in any particular review cycle may vary depending on the quality of applications received and the amount of funds requested by successful applications.

General regulations of the NIE for research and development grants are published as 45 CFR Part 1400. It is provided in 45 CFR 1400.2(b) that the general regulations will be supplemented by special substantive and procedural rules and policies for particular grant programs. This notice of proposed rulemaking is made in accordance with that provision. It is expected that this regulation will be amended from time to time to incorporate future priorities of the Program of Research Grants on Organizational Processes in Education.

Application forms and other information concerning the Program of Research Grants on Organizational Processes in Education will be available from the Research Staff, Group on School Capacity for Problem Solving, National Institute of Education, Mail Stop 4, 1200 19th St., N.W., Washington, D.C. 20208. Telephone 202–254–6090.

Interested parties are invited to submit comments, suggestions, objections, or inquiries regarding the proposed rule to Richard Werksman, Regulations Officer, Office of Administration and Management, National Institute of Education, Room 639–B, Mail Stop 33, 1200 19th

Street, N.W., Washington, D.C. 20208. Telephone 202–254–7924. The comment period will end February 22, 1977. Comments received in response to this notice will be available for public inspection in the above office on Monday through Friday between 8 a.m. and 4:30 p.m.

(Catalog of Federal Domestic Assistance Program No. 13.950, Education Research and Development.)

The National Institute of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order No. 11821 and OMB Circular A–107.

Dated: November 12, 1976.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

Approved: December 29, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is proposed to be amended by adding to Subchapter B of Chapter XIV, a new Part 1480, reading as follows:

PART 1480—PROGRAM OF RESEARCH GRANTS ON ORGANIZATIONAL PROCESSES IN EDUCATION

AUTHORITY: Section 405, General Education Provisions Act, as amended (20 U.S.C. 1221e).

§ 1480.1 Scope.

(a) This part establishes rules governing the submission and review of applications for funds under the Program of Research Grants on Organizational Processes in Education, conducted by the National Institute of Education with funds authorized by section 405 of the General Education Provisions Act.

(b) Recipients shall administer funds according to applicable provisions of Subchapter A of this chapter (General Provisions for NIE grants relating to fiscal, administrative, and other matters), except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, the provisions in this part.

§ 1480.2 Purpose.

The purpose of the Program of Research Grants on Organizational Processes in Education is to support studies of how elementary and secondary schools and school districts carry out the essential tasks of any organization, such as setting goals, finding resources, assigning work, monitoring performance, identifying and solving problems, and adapting to changing times.

§ 1480.3 Definitions.

As used in this part:

"Research" includes any activity designed to increase or synthesize basic knowledge about one or more processes or conditions relevant to understanding elementary and secondary school organizations and their context.

§ 1480.4 Applicant eligibility.

(a) A college, university, state or local education agency, other public or private agency, organization, group, or individual is an eligible applicant.

(b) An application from a for-profit organization must be considered as an unsolicited proposal and, if successful, must be awarded a contract rather than a grant. An application from a for-profit organization must be submitted in accordance with criteria specified in this part and in HEW Procurement Regulations, Subpart 3–4.52 (41 CFR Part 3–4).

§ 1480.5 Eligible research projects.

(a) Research funded under this part must be designed to increase or synthesize basic knowledge about one or more organizational processes, or the barriers which impede or prevent these processes, within or related to elementary and secondary schools. Organizational processes include the means by which a school or larger administrative unit makes basic policy choices, sets goals, recruits and assigns personnel, chooses and implements courses of action, allocates resources, establishes organizational forms and structures, gathers and processes information on performance, and takes corrective action based on such evaluation. Interaction among personnel and among organizational units, and changes in processes and interactions within the organization over time, are included.

(b) Research funded under this part must be designed to advance knowledge of basic organizational processes, such as those examples given in paragraph (a) of this section, which appear especially important to understanding elementary and secondary schools. Studies supported under this program may have potential relevance to other kinds of organizations, but must aim to build a body of data and theory particularly useful in designing and managing educational organizations.

(c) Increased understanding of organizational processes related to elementary and secondary schools may require study of other organizations such as school districts, state or Federal agencies, and community groups. Studies supported under this program may include examination of other relevant organizations, to the extent necessary to carry out the main purpose of advancing knowledge about the elementary and secondary school.

(d) Because of the limited funds available, the program will not support large-scale research projects which require gathering of large amounts of new data. At this early stage of development of this program, the Director intends to fund a variety of limited-scale projects, including but not limited to projects which will clarify fundamental concepts, study organizational processes in detail in a few settings, or reanalyze existing data.

(e) A research project may be carried out using any research process or approach consistent with the provisions of § 1480.6.

§ 1480.6 Ineligible projects.

A project whose primary purpose is the operation, development, demonstration, or evaluation of specific programs or materials is not eligible for support under this part. Examples of ineligible projects include:

(a) Operation of an educational program in any elementary or secondary school, postsecondary institution, or other setting or agency.

(b) Improvement of an educational program through the implementation of a new or improved instructional, administrative, or managerial procedure, technique, material, training, or piece of equipment.

(c) Course development through the production of a new curriculum or the improvement of an existing curriculum, including the preparation of new instructional material or the modification of instructional material already in existence.

(d) Development or adaptation in an operational setting of any new or improved instructional, administrative, or managerial procedure, technique, material, training, or piece of equipment.

(e) A demonstration project which shows, exhibits, describes, or explains to others, either in person or through various other communication media, the procedure, technique and/or material which must be employed in the execution of a new or modified instructional task, educational program, or administrative or management process.

(f) Development of a new test or other instrument, either for research or use in educational practice.

(g) Evaluation of the effectiveness of a specific program, curriculum, practice, administrative or management activity, or piece of equipment.

§ 1480.7 Grants; small grants.

(a) *General.* Grants and small grants will be awarded under this part. The same topic areas for investigation, eligibility standards, and evaluation criteria apply to all awards under this part. A simplified application procedure is provided for an application for a small grant, as provided in § 1480.8, and the duration of a small grant award is limited to twelve months, as provided in § 1480.10.

(b) *Small grants.* (1) A small grant is for an amount not to exceed $7500 plus indirect costs (except in the case of an individual applicant not affiliated with any institution, in which case the NIE will not award indirect costs but will reimburse reasonable general and administrative expenses associated with and

directly related to the administration of the small grant). In order to achieve a wide distribution of funds available for small grants, the Director expects that most small grants will be for projects with direct costs of about $5000 or less.

(2) While no restriction exists as to type of project eligible for small grant support, the following are examples of possible projects within the general rules for the program: initial development and testing of a research concept, metaphor, or procedure before design of a larger or longer study; review and synthesis of research findings, methods, trends, or philosophies; summary or secondary analysis of a concluded program of research; projects by investigators who have not previously had any type of research support.

(c) *Grant (other than small grants).* A grant other than a small grant is for an amount in excess of $7500 of direct costs.

§ 1480.8 Application requirements.

(a) *General.* A grant under this part will be awarded only upon a grant application submitted to the Director. An eligible applicant must file an application specifically directed to either the grant or small grants segment of the Program of Research on Organizational Processes in Education.

(b) *Grants (other than small grants).* An applicant for a grant (other than small grant) shall comply with the requirements set forth in this paragraph.

(1) *Preliminary proposal.* An applicant shall submit a preliminary proposal for initial review.

(2) *Preliminary proposal format.* The preliminary proposal must include:

(i) A cover sheet executed by the principal investigator, and where required by the applicant institution, by an individual authorized to execute grant applications for the institution, indicating (A) that the preliminary proposal is submitted to the Program of Research Grants on Organizational Processes in Education, National Institute of Education; (B) the title of the study; (C) the name, department, institution, address, and telephone number of each principal investigator; (D) the estimated budget amount; and (E) the proposed starting date and duration of the project.

(ii) A statement preferably not exceeding five typewritten pages summarizing the proposed project, including:

(A) *Description and rationale.* A description of the proposed research, its relation to what is already known and to the problems of American education, and the importance of its expected addition to knowledge.

(B) *Procedures.* A description of the procedures to be followed in carrying out the research including where appropriate such concerns as sampling, data acquisition, instrumentation and data analyses.

(iii) A description of the facilities and arrangements available to the investigator for conducting the research, including access to suitable organizations for study purposes.

(iv) A vita for each principal investigator, including education, applicable experience, and a list of major publications.

(v) An estimated budget covering direct costs (e.g., salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs proposed to be charged against the grant.

(3) *Full proposal.* A full proposal may only be submitted by an applicant who has submitted a preliminary proposal in the required format, and whose preliminary proposal has been reviewed by NIE. Information concerning the strengths and weaknesses of the preliminary proposal, and its standing relative to others reviewed, will be returned to the applicant, and may be used in preparation of the full proposal.

(4) *Full proposal format.* Full proposals must include the following elements. Discussion of objectives and design, as described under paragraphs (b)(4)(iv) and (v) of this section may not exceed 40 pages.

(i) A cover sheet executed by the principal investigator and, where required by the applicant institution, by an individual authorized to execute grant applications for the institution, indicating (A) that the application is submitted to the Program of Research Grants on Organizational Processes in Education, National Institute of Education; (B) the title of the study; (C) the name, department, institution, address, and telephone number of each principal investigator; (D) the estimated budget amount; and (E) the proposed starting date and duration of the project.

(ii) An abstract of approximately 200–250 words stating clearly the objectives and plans of the proposed research.

(iii) A table of contents.

(iv) A statement of research objectives, including identification of the problem or issue the proposed research will contribute to solving, the anticipated contribution of the research to that solution, and specific questions the research will address.

(v) A research design, clearly linked to the questions the study will try to answer. The scientific or technical work of the project and methods for its accomplishment must be stated clearly. A discussion of related research with appropriate citations must be included to show that investigators are thoroughly familiar with current and prior research in pertinent fields. Data to be obtained and analytic methods to be used upon that data must be explained.

(vi) An organization and management plan, presenting (A) the arrangements intended for direction, coordination, and control of the project; (B) the roles, responsibilities, and project time-commitments of proposed staff; (C) a schedule for major portions of multi-year projects; (D) explanation of any subcontract arrangement.

(vii) A description of facilities and arrangements available for the research. If new data are proposed to be collected, the proposal must give evidence of access to suitable organizations for study purposes. Letters of agreement to participate must be included, showing that relevant authorities in school or school-related organizations have reviewed the research plans and agree to take part willingly. A lengthy and complex study which could place special burdens on parts of the education community may require joint planning and management of the entire project. A proposal for such a study must give detailed information to allow reviewers to judge the adequacy of the arrangement.

(viii) A plan for the dissemination of the research findings, including methods for reaching researchers, theorists, and practicing educators.

(ix) A vita and bibliography for each professional staff person, including professional background and employment as well as education, a chronological list of publications, and a listing of prior and current research support for each individual including requests now being considered regardless of source.

(x) An estimate of expenses proposed to be charged against the grant, including direct costs (e.g., salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs. The proposed budget shall include all other details and explanations, and shall be arranged in such a form, as the Director may request, to allow the cost analyses and other reviews called for by Departmental grant administration policies.

(c) *Small grant applications.* An applicant for a small grant shall submit a proposal including all the elements listed in paragraph (b)(4) of this section. Discussion of objectives and design, as described in paragraphs (b)(4)(iv) and (b)(4)(v) of this section, may not exceed eight pages.

(d) *Submission of applications.* All types of applications for support under this part (preliminary and full grant proposals, and small grant proposals) must be submitted in twelve copies, to the address and at the times the Director shall prescribe.

§ 1480.9 Review procedures and evaluation criteria.

(a) *Review cycle.* Applications will be accepted throughout the fiscal year. Applications will be reviewed at periodic intervals during the fiscal year. Notices of closing dates by which applications must reach NIE to be included in each review will be published in the FEDERAL REGISTER. An application for a grant (other than a small grant) which has been disapproved for funding in one review may be revised and submitted for consideration in any later cycle, without submission of another preliminary proposal. Funds available to the program in a fiscal year will be tentatively allocated to each review cycle. But the amount of funds awarded in any particular review cycle may vary depending on the quality of applications received and the amount of funds requested by the most meritorious applications.

(b) *Review procedures.* The Director will evaluate each application through officers and employees of the Institute and, when considered advisable by the Director, by experts or consultants the Director determines are specially qualified in the areas of research involved in

the project. In deciding whether or not to fund an application, the Director may take into account not only the rating of the application's contents by officers or employees of the Institute and by experts or consultants, but also any other information and views within the Institute or provided to the Institute by other Federal, state, or local officials or the public which bear upon the evaluation criteria described in paragraph (d) or which are expressly required or permitted to be taken into account by statute, executive order, or other applicable regulation. Only the Director, or a designee who shall be directly responsible to the Director, shall take final action on an application.

(c) *Review of preliminary proposals.* The Director will review each preliminary proposal using the criteria listed in paragraph (d) of this section. The Director will notify each applicant of the approximate ranking of the preliminary proposal among those reviewed, and any strength or weakness found during the review. An applicant whose preliminary proposal addresses a topic outside the area of this program, as described in § 1480.5, or involves an ineligible research procedure as described in § 1480.6, will be notified after the initial review, and may submit a full proposal with corrections. Information provided from the first stage of review is intended to assist in preparation of a full research proposal, which must be reviewed on its own merits in the second stage. Furnishing of comments from the initial review shall not constitute a commitment by the Director to award funds to a project even if each indicated weakness is addressed.

(d) *Evaluation criteria.* The Director shall use the following criteria to evaluate each preliminary, full, and small grant proposal:

(1) Significance of the proposed research for American education, including (i) importance of the research topic from the standpoint of basic knowledge or problems of American education; (ii) likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of the results.

(2) Quality of the proposed research project, including (i) adequacy of the design, methodology, and instrumentation where appropriate; (ii) likelihood of success of the project; and (iii) extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed work to it.

(3) Qualifications of the proposed principal investigator and other professional personnel as evidenced by: (i) experience and previous research productivity; and (ii) quality of the discussion and analysis in the application.

(4) Adequacy of the facilities and arrangements available to the investigator to conduct the proposed study, including evidence of access to necessary organizations, groups, and individuals for study purposes and the willingness of study populations to participate in the proposed research.

(5) Reasonableness of the budget for the work to be done and for the anticipated results.

(6) Whether funding the proposed project would contribute to (i) a diversity of projects under the overall program which collectively address a variety of research needs in the area of organizational processes in education; (ii) other research efforts of NIE; or (iii) the educational needs and interests of other Federal agencies.

(e) *Inapplicable criteria.* General criteria in § 1403.10 of this chapter do not apply to applications submitted under this part.

(f) *Disposition of applications.* Following the review of an application, the Director shall either (1) approve the application in whole or in part, for the amount of funds and subject to the conditions the Director finds appropriate for the completion of the approved project; (2) disapprove the application; or (3) defer action on the application.

§ 1480.10 Project duration and budget.

(a) A project supported by a grant under this part (other than a small grant) may be up to three years in duration.

(b) A project supported by a small grant under this part may be up to twelve months in duration.

(c) An application for a grant (other than a small grant) which proposes a multi-year project shall be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and the budget estimates necessary to attain these objectives in any proposed subsequent years.

(d) If the application for a grant (other than a small grant) demonstrates to the Director's satisfaction that multi-year support is needed to carry out the proposed project, the Director may in the initial notification of award for the project (which may be for up to a twelve month period) indicate an intention to assist the project on an appropriate multi-year basis through continuation awards.

(e) A continuation award may be made to a project described in paragraph (d) of this section, subject to the availability of funds.

(f) An application for a continuation award is reviewed on a non-competitive basis to determine:

(1) If the award recipient has complied with award terms and conditions, the General Education Provisions Act, and any applicable regulation; and

(2) The project's effectiveness to date, and any constructive changes proposed as a result of project evaluation.

[FR Doc.77-364 Filed 1-4-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

TAKING AND IMPORTING OF MARINE MAMMALS

Ex Parte Communications List for Hearing

On October 1, 1976, regulations entitled Appendix-Taking of Marine Mammals Incidental to Commercial Fishing Operations; Expedited Procedures for Consideration of Proposed Regulations for Calendar Year 1977 were published in the FEDERAL REGISTER (41 FR 43550). Section 10 of those regulations prohibit ex parte communications to persons who may participate in the decisional process. On October 14, 1976 (41 FR 45015), the National Marine Fisheries Service provided a list of persons who may participate in the decisional process. That list included Dr. Harvey M. Hutchings, Acting Assistant Director for Fisheries Management, NMFS. This position is now held by Mr. Robert J. Ayers. Accordingly, Dr. Hutchings name is removed from and Mr. Ayers name is added to the list of persons who may not receive ex parte communications.

Dated: December 29, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-372 Filed 1-4-77;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

Federal Grain Inspection Service

GRAIN STANDARDS

Michigan Grain Inspection Point

Statement of considerations. The Detroit Board of Trade, Detroit, Michigan, has requested that its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official agency at Detroit, Michigan, be transferred to the Detroit Grain Inspection Service because the Detroit Board of Trade is being disbanded.

The Detroit Grain Inspection Service has applied for designation (in accordance with § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act) to operate as an official agency at Detroit, Michigan. This application does not preclude other interested persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate as an official agency at Detroit, Michigan, pursuant to the requirements set forth in § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

NOTE: Section 7(f) of the Act (7 U.S.C. 79 (f)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official agency at Detroit, Michigan.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than February 4, 1977. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on: December 30, 1976.

DONALD E. WILKINSON,
Interim Administrator.

[FR Doc.77-373 Filed 1-4-77;8:45 am]

Forest Service

TIAK UNIT

Availability of Draft Environmental Statement; Correction

In FR Doc. 76-37656 appearing at page 55915 in the FEDERAL REGISTER of December 23, 1976, in the first paragraph the Forest Service report number "USDA-FS-R8-DES (Adm.)-77-01" is corrected to read "USDA-FS-R8-DES (Adm.)-77-05."

Dated: December 28, 1976.

B. J. HENDERSON,
Acting Forest Supervisor.

[FR Doc.77-287 Filed 1-4-77;8:45 am]

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The White Mountain National Forest Advisory Committee will meet the evening of January 27 and all day January 28, 1977 at the Dana Place Inn in Jackson, New Hampshire.

The purpose of this meeting is to discuss dispersed recreation and the Waterville Unit Plan for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603-524-6450.

PAUL D. WEINGART,
Forest Supervisor.

DECEMBER 27, 1976.

[FR Doc.77-286 Filed 1-4-77;8:45 am]

Office of the Secretary

PARITY INDEX

Procedure for Calculating Parity Index

Pursuant to the authority contained in Section 301(a) of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture determines the data, prices, and indices used for computation of Parity Prices. In accordance with Section 301(a)(1)(C), the Statistical Reporting Service (SRS) calculates, at the end of each month, the ratio of (1) the general level of Prices Paid by Farmers for Commodities and Services, Interest, Taxes, and Farm Wage Rates for the month to (2) the general level of such prices, wages, rates and taxes during the period January 1910 to December 1914, inclusive (the "parity index"). The parity index is published in "Agricultural Prices".

Under the Act, the Parity Index is made up of four major components—prices for articles and services that farmers buy, interest charges on farm mortgages, farm real estate taxes, and wage rates paid to hired farm labor. The prices for articles and services that farmers buy has, in turn, been divided by SRS into prices for commodities used in farm production and prices paid for commodities used in family living. Near the end of each month, SRS computes and publishes an index for each of these components, using data obtained about the middle of the month and other available data and information. These indices are then combined, using appropriate weights, into the parity index.

Notice is hereby given that, beginning in January 1977, SRS will compute the parity index each month using the last available Bureau of Labor Statistics (BLS) Consumer Price Index (CPI) in place of the family living index presently calculated by SRS. The CPI to be used will be the CPI issued by BLS at approximately the middle of the month, which is based primarily on data collected the preceding month. The parity index will be chained with January 1977 as the link month, thus compensating for the relative levels of the two series. Collection and publication of price data for family living items will be discontinued following the January 1977 surveys and publication.

This substitution is desirable because prices being paid by farmers each month for family living items are not significantly different from those paid by other consumers. Accordingly, SRS's index of family living is essentially a duplication of the CPI. Substitution of the CPI will have little or no effect on parity prices, but SRS costs and the reporting burden on the public will be reduced substantially.

It is administratively desirable to put this change into effect on January 1, 1977, in order to have a complete calendar year under the new system. Therefore, it is not practicable to give prior notice and opportunity to comment. Nevertheless, interested persons are invited to submit recommendations, views, and comments in writing on this change to the Director, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C. 20250. Such views and comments will be considered and changes made if determined appropriate.

Until such time as further changes may be made this procedure shall remain in effect.

Done at Washington, D.C. this 29th day of December, 1976.

RICHARD L. FELTNER,
Acting Secretary.

[FR Doc.77-329 Filed 1-4-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

COLORADO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and end at 12:00 noon on January 22, 1977, at the Executive Tower Inn, Room 1706, 1405 Curtis Street, Denver, Colorado 80202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, 1405 Curtis Street, Suite 1700, Denver, Colorado 80202.

The purpose of this meeting is to review the project on domestic violence and plan activities for the coming year.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 27, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.77-443 Filed 1-4-77;8:45 am]

KANSAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U. S. Commission on Civil Rights, that a planning meeting of the Kansas Advisory Committee (SAC) of the Commission will convene at 4:00 pm. and at 10:30 pm. on January 27, 1977, at the Holiday Inn West, 605 Fairlawn, Room 105, Topeka, Kansas.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to continue planning followup activities related to the Kansas report—Inmates Rights in the State Prisons.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 3, 1977.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.77-445 Filed 1-4-77;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 12:00 noon and end at 6:00 p.m. on January 20, 1977, at 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss status of subcommittees and elect committee officials.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 3, 1977.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.77-447 Filed 1-4-77;8:45 am]

NORTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) of the Commission will convene at 2:00 pm. and end at 5:00 pm. on January 27, 1977, at the Velvet Cloak, 1505 Hillsborough Street, Queen Victoria Room, Raleigh, North Carolina 27605.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Ave., N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to continue plans for the migrant study: scheduling trips to camps, identifying appropriate agencies, organizations, and scheduling interviews with same. Receiving reports from subcommittee chairpersons.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 3, 1977.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.77-444 Filed 1-4-77;8:45 am]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission will convene at 10:00 am. and end at 4:00 pm. on January 22, 1977, at the Cleveland Sheraton, Public Square and Superior, NW., Cleveland, Ohio.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting will be to select subcommittee to implement comprehensive study of Cleveland; set goals and timetables for study and priorities phases of study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 3, 1977.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc. 77-446 Filed 1-4-77; 8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 pm. and end at 10:00 pm. on January 24, 1977, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss the priorities of the subcommittees.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 27, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.77-455 Filed 1-4-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on January 26–27, 1977, at the Pentagon, Washington, D.C. The sessions will commence at 8:30 a.m. and terminate at 5:30 p.m. daily.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including intelligence briefings on Soviet strategic and general purpose forces, recent military operations, U.S. Navy strategic planning and future combat systems. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy Alternate Federal Register Liaison Officer.

DECEMBER 29, 1976.

[FR Doc.77-333 Filed 1-4-77;8:45 am]

Office of the Secretary

ACADEMIC ADVISORY BOARD TO THE SUPERINTENDENT, UNITED STATES NAVAL ACADEMY

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Academic Advisory Board to the Superintendent, United States Naval Academy is to advise and assist the Superintendent, United States Naval Academy concerning the education of midshipmen. The Board examines academic policies and practices at the Naval Academy and submits proposals to the Superintendent to aid him in improving educational standards and in solving academic problems.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-94 Filed 1-4-77;8:45 am]

AIR FORCE ACADEMY BOARD OF VISITORS

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Air Force Academy Board of Visitors has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the Air Force Academy Board of Visitors is specified in section 9355, U.S.C. 10. The statute requires the Board to inquire at least annually into the morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the President of its action, and of its views and recommendations pertaining to the Academy. Membership on the Board is also specified by law as nine members of Congress and six Presidential appointees.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-59 Filed 1-4-77;8:45 am]

AIR FORCE HISTORICAL PROGRAM ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Advisory Committee on the Air Force Historical Program has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

This Committee is purely advisory, and any actions to be taken as a result of its work will be made by responsible Government officials, including the Chief, Office of Air Force History. The purpose of the Committee is to assess the global Air Force Historical Program and to make recommendations concerning the mission, scope, progress, and productivity of the current program; conformity of the work and methods of the Office of Air Force History with professional standards; priorities of historical publications and such other aspects of the program as the membership may deem of interest. The Committee consists of two military members (Superintendent, U.S. Air Force Academy; and the Commander, Air University), a member of the Air Force General Counsel, and six civilian members representing the historical profession of the United States. The civilian member approvals made by the Secretary of Defense will be for one year and are renewable at the pleasure of the Secretary of the Air Force. The Air Force General Counsel member serves as the designated Federal representative. The Committee reports to the Secretary of the Air Force and the Chief of Staff, USAF.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-49 Filed 1-4-77;8:45 am]

AIR FORCE ROTC ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Air Force ROTC Advisory Panel has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Air Force ROTC Advisory Panel is to consider, evaluate and recommend policies and procedures jointly with Air Force representatives to guide the evolution of the Air Force ROTC program and its adaptation to changing conditions as well as to identify and recommend solutions for ROTC problems of concern to the Air Force, to the institutions participating in the Air Force ROTC program, or to both. Members on the Air Force ROTC Advisory Panel are approved by letter from the Secretary of Defense.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-63 Filed 1-4-77;8:45 am]

AIR UNIVERSITY BOARD OF VISITORS

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Air University Board of Visitors has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Air University Board of Visitors is to consider and advise the Secretary of the Air Force, through the Commander, AU, on matters pertaining to the educational, doctrinal, and research policies and activities of Air University. The function of the board is solely advisory, and any determination of action to be taken on matters upon which the board advises or recommends shall be made solely by full-time salaried officers or employees of the Air Force.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-48 Filed 1-4-77;8:45 am]

ARMED FORCES EPIDEMIOLOGICAL BOARD

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Armed Forces Epidemiological Board has been found to be in the public interest in connection with the performance

of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Armed Forces Epidemiological Board is to serve as a continuing scientific advisory body to the Surgeons General of the military departments providing them with timely scientific and professional advice and guidance in matters pertaining to operational programs, policy development and research needs for the prevention of disease and injury and promotion of better health by application of new technological and epidemiological principles to the control of acute and chronic diseases, the protection of the environment, the improvement of occupational health programs and the design of new systems of health maintenance.

December 22, 1976.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-52 Filed 1-4-77;8:45 am]

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Army Advisory Panel on ROTC Affairs has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Army Advisory Panel on ROTC Affairs is to provide for a continuous exchange of views between the Department of the Army and educational institutions to improve the Army Senior ROTC program. Scope of activities is constituted primarily in addressing the current and future status of the Senior ROTC program. The deliberations include a continuous evaluation of recruiting, procurement, and training policies; and the problems related to maintaining an effective interface between the Army's ROTC program and the academic community. The specific intent of the Panel is to provide recommendations to the Department of the Army regarding the Senior ROTC program.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-43 Filed 1-4-77;8:45 am]

ARMY SCIENTIFIC ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Army Scientific Advisory Panel (ASAP) has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the ASAP is to advise the Secretary of the Army, the Chief of Staff, the Assistant Secretary of the Army (Research and Development), and the Deputy Chief of Staff for Research, Development, and Acquisition on the scientific and technological matters of interest to the Department of the Army.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-50 Filed 1-4-77;8:45 am]

BALLISTIC MISSILE DEFENSE TECHNOLOGY ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Ballistic Missile Defense Technology Advisory Panel has been found to be in the public interest in connections with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Ballistic Missile Defense Technology Advisory Panel (BMDTAP) is to function as an advisory committee and an independent sounding board for the on-going and future advanced ballistic missile defense technology programs. Specifically, the BMDTAP reviews U.S. Army Ballistic Missile Defense Technology programs and verifies the soundness of the technological approaches being employed or recommends changes as applicable.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-51 Filed 1-4-77;8:45 am]

BOARD OF ADVISORS TO PRESIDENT, NAVAL WAR COLLEGE

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Advisors to the President, Naval War College has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Board of Advisors to the President, Naval War College is to advise and assist the President, Naval War College in educational and support areas. To accomplish this objective, the Board will examine educational, doctrinal and research policies and programs at the Naval War College and submit to the President, Naval War College opinions and recommendations which will aid him in accomplishing his mission more effectively.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-67 Filed 1-4-77;8:45 am]

BOARD OF ADVISORS TO SUPERINTENDENT, NAVAL POSTGRADUATE SCHOOL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Advisors to the Superintendent, Naval Postgraduate School has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Board of Advisors to the Superintendent, Naval Postgraduate School is to advise and assist the Superintendent, Naval Postgraduate School concerning the Naval Postgraduate Education Program. The Board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the Board inquires into the curricula; instruction; physical equipment; administration; state of morale of student body, faculty and staff; fiscal affairs; and such other matters relating to the operation of the Naval Postgraduate Education Program as the Board considers pertinent.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-68 Filed 1-4-77;8:45 am]

BOARD OF VISITORS, DEFENSE INTELLIGENCE SCHOOL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors of the Defense Intelligence School has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Board of Visitors of the Defense Intelligence School is to provide the Commandant and, through him, the Director of the Defense Intelligence Agency with advice, views and recommendations on matters relating to the successful accomplishment of the assigned School mission. Special attention is to be given to new scientific and other developments pertinent to current and projected educational programs conducted by the School.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-65 Filed 1-4-77;8:45 am]

BOARD OF VISITORS, JUDGE ADVOCATE GENERAL'S SCHOOL, U.S. ARMY

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors, The Judge Advocate General's School, U.S. Army, has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Board of Visitors, The Judge Advocate General's School, U.S. Army, is investigative and advisory. At the direction of the Commandant, the Board investigates matters pertaining to the program of instruction of the School. Subsequently, the Board reports its findings and makes its recommendations to the Commandant.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-55 Filed 1-4-77;8:45 am]

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors, United States Military Academy has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The Board of Visitors is an advisory committee, the composition of which is prescribed by 10 USC 4355 as 9 members of the Congress and 6 persons appointed by the President.

Its purpose is to visit the Academy annually, inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and oher matters relating to the Academy that the Board decides to consider; and to report in writing to the President of its actions, its views and recommendations pertaining to the Academy.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-47 Filed 1-4-77;8:45 am]

CHIEF OF ENGINEERS ENVIRONMENTAL ADVISORY BOARD

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Environmental Advisory Board, Chief of Engineers, has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Chief of Engineers Environmental Advisory Board is to provide the Chief of Engineers with a panel of experts representing a broad range of environmental interests whose views and recommendations serve as a basis for developing environmental policy and procedural matters for the Corps of Engineers Civil Works Program. The Board consists of 5-7 members selected by the Chief of Engineers and approved by the Secretary of the Army and Office of the Secretary of Defense. Members are appointed to a two year term and are representative of various environmental disciplines and geographical areas. Meetings are held semi-annually or at the call of the Chief of Engineers, are published in advance in the FEDERAL REGISTER, and are open for public observation and/or participation.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-91 Filed 1-4-77;8:45 am]

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Renewal

In accordance with the provisions of P.L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Chief of Naval Operations Executive Panel Advisory Committee are as follows: The Chief of Naval Operations Executive Panel Advisory Committee has been established to provide an avenue of communications by which members of the civilian and military, scientific, academic, engineering and political communities may advise the CNO on questions related to national seapower. In connection therewith, sub-committees composed of committee members may be formed according to specific areas of interest to the CNO. Three sub-committees established for this purpose are the Technology, Strategic, and Political-Military subpanels. The functions of the Committee are purely advisory in nature. The Committee reports to the CNO, who determines material to be brought before the Committee or its sub-panels.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-74 Filed 1-4-77;8:45 am]

CNO COMMAND AND CONTROL AND COMMUNICATIONS (C^3) ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the CNO Command and Control and Communications (C^3) Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the CNO Command and Control and Communications (C^3) Advisory Committee is to act as an independent advisory group, composed of the highest technical competence which includes experts from the military, industrial and scientific community, to the Chief of Naval Operations. The advice of this Committee is essential to ensure that Navy telecommunications developments are initiated in an effective manner and that Navy C^3 requirements are fulfilled with systems that possess a service life fully adequate to amortize the expense of today's complicated systems. The Navy benefits from both the Committee's endorsement or confirmation of their problem solving methodology and their recommended redirection of effort. The Committee also contributes a balanced view and fresh insights from sectors of government and industry.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-62 Filed 1-4-77;8:45 am]

COMMAND AND GENERAL STAFF COLLEGE ADVISORY COMMITTEE

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Command and General Staff College Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Command and General Staff College Advisory Committee is to advise the Commandant and Faculty of the Command and General Staff College on ways to improve the CCSC educational program, especially its fully accredited Master of Military Art and Science (MMAS) degree program. The committee satisfies the accreditation prerequisite that there be established a civilian body which includes representation reflecting the public interest.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-44 Filed 1-4-77;8:45 am]

COMMANDANT'S ADVISORY COMMITTEE ON MARINE CORPS HISTORY

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Commandant's Advisory Committee on Marine Corps History has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Commandant's Advisory Committee on Marine Corps History is to advise the Commandant on the scope, content, and direction of the Marine Corps Historical Program; and recommend priority of accomplishment of major historical projects and means for encouraging the study and exploitation of Marine Corps historical assets within and outside the Marine Corps, as well as to foster a program for the acquisition of items having sentimental or historical significance to the Marine Corps, including private papers of individuals important in Marine Corps history.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-95 Filed 1-4-77;8:45 am]

COMMUNITY COLLEGE OF THE AIR FORCE (CCAF) ADVISORY COMMITTEE

Establishment

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Community College of the Air Force (CCAF) Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this Advisory Committee and concurs in its establishment.

The nature and purpose of the Community College of the Air Force Advisory Committee is to review the programs and objectives of the Community College of the Air Force and recommend policies through the Commander/Air Training Command, to the Secretary of the Air Force. The Committee provides an external source of expertise which insures continued reflection on CCAF operations and policies.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-60 Filed 1-4-77;8:45 am]

DEFENSE/INDUSTRY ADVISORY GROUP—EUROPE

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Defense/Industry Advisory Group—Europe has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense/Industry Advisory Group—Europe is to provide U.S. Government defense representatives and U.S. defense industry representatives in Europe a forum for the exchange of information pertinent to NATO and European regional organizations. This forum permits direct and candid discussion of the competitive environment with European industry vis-a-vis U.S. Government policies and practices. It also provides government representatives with a better understanding and appreciation of the problems encountered by the U.S. defense industry in Europe. The information and recommendations received from the Defense/Industry Advisory Group—Europe provide a background for USNATO coordination with Washington and assist in the implementation of DOD policy on cooperation and standardization in armaments research, development and procurement through the NATO Conference of National Armaments Directors and subordinate bodies.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-72 Filed 1-4-77;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Defense Intelligence Agency Scientific Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Intelligence Agency Scientific Advisory Committee is to provide the Director, Defense Intelligence Agency with primarily scientific and technical advice and assistance in those areas and disciplines of major importance to the Agency. It also provides a valuable link between the Agency and the scientific and industrial communities of the nation. Its function is solely advisory.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-53 Filed 1-4-77;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Monday, 31 January 1977, Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0845 hours is devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Panel will receive briefings and participate in discussions relative to the Defense Intelligence Agency's assessments of foregn military equipment, operations, and capabilites.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Secretary of Defense (Comptroller).

DECEMBER 30, 1976.

[FR Doc.77-334 Filed 1-4-77;8:45 am]

DEFENSE SCIENCE BOARD

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Defense Science Board has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Science Board is to serve as an advisory committee to the Secretary of Defense, reporting through the Director of Defense Research and Engineering, on scientific, technical and related management matters of particular interest to the Department of Defense. Comprised of a balanced membership of senior appointees representing the industrial, academic and scientific communities, the Board undertakes to analyze and recommend concerning specific issues and problems tasked to it by the Secretary of Defense or the Director of Defense Research and Engineering, or other senior officials of the Department of Defense. Additionally, it examines and provides guidance concerning other important subject areas on an ad hoc basis as such matters are surfaced during the normal course of conduct of the Board's proceedings.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-78 Filed 1-4-77;8:45 am]

DEFENSE SYSTEMS MANAGEMENT COLLEGE BOARD OF VISITORS

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Defense Systems Management College Board of Visitors has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Systems Management College Board of Visitors is to serve as an advisory committee to the Defense Systems Management College Policy Guidance Council, reporting through the Commandant, Defense Systems Management College, on organization, management, curricula, methods of instruction, facilities and related management matters of particular interest to the Department of Defense. Comprised of a balanced membership of senior appointees representing the academic, general business and defense industry communities, the Board undertakes to analyze and recommend actions on specific issues and problems presented to it by the Policy Guidance Council and/or the Commandant. Additionally, the Board examines and provides guidance concerning other important subject areas on an ad hoc basis as such matters are surfaced during the normal course of conduct of the Board's proceedings. The results of its semi-annual examination bearing on the accomplishments of the Defense Systems Management College mission are set forth in its reports.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-66 Filed 1-4-77;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Department of Defense Wage Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the DOD Wage Committee is to make recommendations regarding wage surveys and wage schedules for blue collar employees to the Department of Defense Wage Fixing Authority to discharge the responsibilities assigned by Pub. L. 92–392 to the Civil Service Commission, as set forth in Federal Personnel Manual Supplements 532–1 and –2, "Federal Wage System." The Department of Defense has "lead agency" responsibility for setting wage rates in approximately 300 of the approximately 340 wage areas established under the Federal Wage System.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-83 Filed 1-4-77;8:45 am]

DESIGN AND CONSTRUCTION OF SHELTERS ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Advisory Committee on the Design and Construction of Shelters has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Advisory Committee on the Design and Construction of Shelters is to advise the Director, Defense Civil Preparedness Agency, in the following matters:

(1) Technical problems related to shelter design and construction, including Federal programs to overcome shelter deficits.

(2) Communications relating to shelter design and construction between the Defense Civil Preparedness Agency and the staffs and memberships of the professional organizations.

(3) Methods of stimulating shelter design and construction among architects, engineers, planners, contractors, and building owners.

MAURICE W. ROCHE,
Director, Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-86 Filed 1-4-77;8:45 am]

DOD EDUCATION PROGRAM ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the advisory Panel on DOD Education Programs has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Advisory Panel on DOD Education Programs are to provide the Assistant Secretary of Defense (Manpower and Reserve Affairs) with advice concerning the quality, standards, methods, organization and other features of DOD education programs. Provide means of improving communications with the educational community at the national and state level. Ensure that DOD education policy is consistent with national/state education system policies. Provide recommendations for new policies to permit a more efficient interface with the public and private education systems so as to ensure the cost effective expenditure of DOD funds in support of needed military education programs.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-46 Filed 1-4-77;8:45 am]

DOD ELECTRON DEVICES ADVISORY GROUP

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the DOD Advisory Group on Electron Devices has been found to be in the pub-

lic interest in connection with the performances of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the DOD Advisory Group on Electron Devices is to provide technical advice which will assist the Director, Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments in planning and directing adequate and economical research and development programs in the area of electron devices.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller)

DECEMBER 22, 1976.

[FR Doc.77-76 Filed 1-4-77;8:45 am]

HIGH ENERGY LASER REVIEW GROUP

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the High Energy Laser Review Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the Justification for this advisory committee and concurs with its renewal.

The nature and purpose of the High Energy Laser Review Group is to advise the Director of Defense Research and Engineering, on a continuing basis, regarding economical and effective research, development, test and evaluation efforts in the field of high-energy laser weapon systems that are conducted within the DoD and to relate them to other national laser research programs.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-80 Filed 1-4-77;8:45 am]

HISTORICAL ADVISORY COMMITTEE

Renewal

In accordance with the provisions of P.L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Department of the Army Historical Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Department of the Army Historical Advisory Committee (DAHAC) is to provide the Secretary of the Army and the Chief of Military History with advice and counsel regarding: (1) The conformity of the Army's historical work and methods with professional standards, (2) effective cooperation between the historical and military professions in advancing the purpose of the Army Historical Program and (3) the mission of the U.S. Army Center of Military History to further the study of and interest in military history in both civilian and military schools.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

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

JOINT STRATEGIC TARGET PLANNING STAFF (JSTPS) SCIENTIFIC ADVISORY GROUP (SAG)

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the JSTPS Scientific Advisory Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the JSTPS SAG is that of a continuing advisory committee which provides scientific and technical advice to the Director of Strategic Target Planning (DSTP) to enhance JSTPS planning in such areas as:

1. Developing procedures and techniques to reduce the vulnerability of U.S. weapon systems within the scope of JSTPS responsibilities in this area.
2. Assessing the use of nuclear weapons effects to improve the effectiveness of the offense.
3. Developing procedures and techniques to improve penetration of the enemy defenses.
4. Identifying technical areas in which additional research and test could lead to knowledge having a direct bearing upon the development of the Single Integrated Operational Plan (SIOP).

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-73 Filed 1-4-77;8:45 am]

MILITARY AIRLIFT COMMITTEE OF THE NATIONAL DEFENSE TRANSPORTATION ASSOCIATION

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Military Airlift Committee of the National Defense Transportation Association has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Military Airlift Committee of the National Defense Transportation Association (NDTA) is to assist the Military Airlift Command (MAC) in sustaining an effective management program. The Commander, MAC, obtains the advise, views, and recommendations from members of the industrial, educational, and transportation communities on matters involving the performance of the Command mission. The Committee advises the Commander, MAC, on broad management problems pertaining to military airlift, including the augmentation of military resources by civilian industry. In order to obtain experience and talents not otherwise available to the Air Force, the Commander, MAC, uses the Military Airlift Committee of the NDTA as an advisory committee.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-93 Filed 1-4-77;8:45 am]

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

Establishment

In acccordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the National Board for the Promotion of Rifle Practice has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the National Board for the Promotion of Rifle Practice is to promote marksmanship training with rifled arms among able-bodied citizens of the U.S. and provide the means whereby they may become proficient in the use of such arms. The Secretary of the Army fulfills these requirements through the Civilian Marksmanship Program based upon the recommendations of the National Board for the Promotion of Rifle Practice.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-58 Filed 1-4-77;8:45 am]

NATIONAL DEFENSE UNIVERSITY BOARD OF VISITORS

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors, National Defense University has been found to be in the public interest in connection with the

performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Board of Visitors, National Defense University, is to provide the President of the University and the Commandants, Industrial College of the Armed Forces and The National War College advice on matters relating to faculty, students, curricula, educational methodology, research, and administration for both resident and nonresident programs.

MAURICE W. ROCHE,
Director, Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc. 77-85 Filed 1-4-77;8:45 am]

NATIONAL SECURITY AGENCY SCIENTIFIC ADVISORY BOARD

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the National Security Agency Scientific Advisory Board has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the National Security Agency Scientific Advisory Board is to provide the Director, NSA/Chief, CSS with advice and consultation on matters involving science and technology related to the mission of the NSA/CSS.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-81 Filed 1-4-77;8:45 am]

NAVAL RESEARCH ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Naval Research Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Naval Research Advisory Committee is to know problems of the Navy and the Marine Corps, to keep abreast of the research and development which is being carried on in relation to the problems, and to offer a judgment to the Navy and Marine Corps as to whether the efforts are adequate. The activities of the Committee are limited to serving solely in an advisory capacity to the Secretary of the Navy and other high-ranking personnel of the Navy and Marine Corps. The Committee is the senior scientific advisory group to the Secretary of the Navy, the Chief of Naval Operations, the Chief of Naval Research, the Commandant of the Marine Corps, the Chief of Naval Development, and the Director of Navy Laboratories.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc. 77-64 Filed 1-4-77;8:45 am]

NAVAL WEAPONS CENTER ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Naval Weapons Center Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Naval Weapons Center Advisory Committee is to advise the Naval Weapons Center management concerning technical program content and emphasis, instrumentation, equipment and facilities; relationships with university and industrial laboratories; and other matters essential to optimum Center performance.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-89 Filed 1-4-77;8:45 am]

NAVY RESALE SYSTEM ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Navy Resale System Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Navy Resale System Advisory Committee is to examine the policies, operations and organization of components of the Navy Resale System, and submit recommendations relative thereto to the Secretary of the Navy.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-56 Filed 1-4-77;8:45 am]

SCIENTIFIC ADVISORY COMMITTEE OF THE BALLISTIC RESEARCH LABORATORIES

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Committee of the Ballistic Research Laboratories has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with the renewal.

The nature and purpose of the Scientific Advisory Committee of the Ballistic Research Laboratories is to review critically the scientific and technical programs of this organization and to advise the directing staff on the broad aspects of the work in the highly specialized military science of ballistics as applied to current and future needs of the national defense.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

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

SCIENTIFIC ADVISORY GROUP

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Defense Communications Agency Scientific Advisory Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Communications Agency Scientific Advisory Group is to provide objective advice on major Defense Communications Agency programs and provide technical expertise on major problems in the areas of telecommunications, command and control systems, and ADP systems, to include all DCA programs.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-75 Filed 1-4-77;8:45 am]

SCIENTIFIC ADVISORY GROUP ON EFFECTS

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Group on Effects has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Scientific Advisory Group on Effects are to review and evaluate both long-range plans and current programs for the development of nuclear weapons effects data and to provide advice to the Director, Defense Nuclear Agency, on the adequacy of such plans and programs. The Group recommends new scientific approaches and techniques for determining nuclear weapons effects data.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77–82 Filed 1–4–77;8:45 am]

SECRETARY OF DEFENSE NATURAL RESOURCES CONSERVATION ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Secretary of Defense Natural Resources Conservation Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Secretary of Defense Natural Resources Conservation Advisory Committee with its membership of outstanding civilian and other Federal natural resource conservation leaders is to advise the Department of Defense on the quality of its conservation trusteeship under 16 USC 670 for the 26,000,000 acres of land and water resources it controls. Through the vehicle of an annual awards program, installations and individual efforts are reviewed on-site and achievements or deficiencies are noted. Improvements in policy, techniques and compliance with Federal and State laws are recommended where necessary. The Committee approach has the advantage of providing OSD with a broad range of expertise it does not have in-house nor is able to provide under present circumstances on a full-time basis.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77–79 Filed 1–4–77;8:45 am]

SECRETARY OF THE NAVY OCEANOGRAPHIC ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Secretary of the Navy Oceanographic Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Secretary of the Navy Oceanographic Advisory Committee is an advisory body to the Secretary of the Navy and the Assistant Secretary of the Navy (Research and Development). The Committee, composed of individuals of nationally recognized competence in ocean science and ocean engineering, provides advice of vital importance and contributes significantly to the formulation of recommendations for the overall advancement of the Naval Oceanographic Program. The Committee works to improve coordination between governmental and nongovernmental interests.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77–96 Filed 1–4–77;8:45 am]

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Secretary of the Navy's Advisory Board on Education and Training is to advise the Secretary of the Navy on policy concerning all facets of education and training for Navy and Marine Corps personnel, officer and enlisted, active and inactive. The Board shall review Navy and Marine Corps education and training policy and programs as designated by the Secretary of the Navy or service representatives to the Board, and shall make appropriate recommendations to the Secretary of the Navy regarding Navy and Marine Corps education and training, and assist the Secretary in formulating policy on new and projected programs of education and training.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77–54 Filed 1–4–77;8:45 am]

SECRETARY OF THE NAVY'S ADVISORY COMMITTEE ON NAVAL HISTORY

Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Secretary of the Navy's Advisory Committee on Naval History has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Secretary of the Navy's Advisory Committee on Naval History is to advise the Secretary of the Navy on naval historical programs, including archival, library, and curatorial activities, and to maintain liaison between the Navy's historical programs and the historical profession as a whole.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77–70 Filed 1–4–77;8:45 am]

TANK AUTOMOTIVE RESEARCH AND DEVELOPMENT COMMAND SCIENTIFIC ADVISORY GROUP

Committee Renewal

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Tank Automotive Research and Development Command (TARADCOM) Scientific Advisory Group has been found to be in the pubic interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for

this advisory committee and concurs with its renewal.

The nature and purpose of the TARADCOM Scientific Advisory Group is to bring together members from automotive related industry and the academic research and development community to advise the Commander, US Army Tank Automotive Research and Development Command on scientific and technological matters relevant to the mission of TARADCOM and on other matters of broad scope when requested by the Commander.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-41 Filed 1-4-77;8:45 am]

UNDERWATER SOUND ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Underwater Sound Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Underwater Sound Advisory Committee is to make available to the Chief of Naval Research, the Chief of Naval Development and other interested Naval activities technical guidance in scientific areas relating to underwater acoustics and developing improved means of exchange of information among scientific establishments.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-69 Filed 1-4-77;8:45 am]

US ARMY COASTAL ENGINEERING RESEARCH BOARD

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the US Army Coastal Engineering Research Board has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the US Army Coastal Engineering Research Board (established by Pub. L. 88-172) is to advise the Chief of Engineers on the conduct of the coastal engineering research program of the Corps. To assist the Chief of Engineers, the CERB provides broad policy guidance and reviews plans and fund requirements for the Corps' coastal engineering research program; the CERB also recommends priorities for the accomplishment of research projects in consonance with the needs of Corps of Engineers field offices.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 2, 1976.

[FR Doc.77-88 Filed 1-4-77;8:45 am]

US ARMY MEDICAL RESEARCH AND DEVELOPMENT ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the US Army Medical Research and Development Advisory Panel has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the US Army Medical Research and Development Advisory Panel is to advise the Commander, US Army Medical Research and Development Command (USAMRDC) on scientific and technological aspects of the US Army medical research and development program.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-87 Filed 1-4-77;8:45 am]

U.S. ARMY MILITARY HISTORY RESEARCH COLLECTION ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the U.S. Army Military History Research Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the U.S. Army Military History Research Collection Advisory Committee is to review and evaluate the scholarly aspects of the activities of the United States Army Military History Research Collection and to recommend policies to the Secretary of the Army to be pursued in the continuing development and utilization of the Collection. The committee includes representatives from a wide variety of military and civilian activities including historians, curators and archivists.

December 22, 1976.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OSAD (Comptroller).

[FR Doc. 77-57 Filed 1-4-77;8:45 am]

US ARMY MISSILE COMMAND SCIENTIFIC ADVISORY GROUP

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Group of the U.S. Army Missile Command has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Scientific Advisory Group of the U.S. Army Missile Command is to advise the Commander, U.S. Army Missile Command, on scientific and technological matters pertaining to both existing and planned research and development activities within the framework of the mission of the U.S. Army Missile Command. This Advisory Group also advises the Commander of the U.S. Army Missile Command, as requested, on matters relating to organizational aspects of the research and development activities of the U.S. Army Missile Command.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives. OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-90 Filed 1-4-77;8:45 am]

U.S. NAVAL ACADEMY BOARD OF VISITORS

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors to the United States Naval Academy has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the Board of Visitors to the United States Naval Academy is to advise the President of the United States concerning the state of morale and discipline of the midshipmen, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to

the Naval Academy that the Board decides to consider.

DECEMBER 22, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.77-61 Filed 1-4-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the USAF Scientific Advisory Board has found to be in the public interest in conbeen found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the USAF Scientific Advisory Board is to provide a link between the Air Force and the Nation's scientific community by serving as a means of communicating the most recent scientific information as it applies to the Air Force. The Board was created to strengthen but not duplicate the work of the Air Force Systems Command, and all other Air Force activities that deal with science and technology. The Board reviews and evaluates long range plans for research and development and provides advice on the adequacy of the Air Force program, recommends unusually promising scientific developments for selective Air Force emphasis and new scientific discoveries or techniques for practical application to weapon or support systems, makes a variety of studies designed to improve the Air Force research and development program and serves as a pool of expert advisers to various Air Force activities.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-92 Filed 1-4-77;8:45 am]

UTILIZATION OF GRAVIMETRIC DATA ADVISORY GROUP

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the DoD Advisory Group on Utilization of Gravimetric Data has been found to be in the public interest in connection with the performance of duties imposed on the Departmet of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The mission of the DoD Advisory Group on Utilization of Gravimetric Data is to provide the Director, Defense Research and Engineering, both technical advice and planning on the effective use of gravity data to support strategic operations. Specifically, the Advisory Group will:

a. Determine the contribution of altimeter data to definition of the geoid and the gravitational force field of the earth.

b. Assess the impact of current and future satellite radar altimeter developments to DoD activities.

c. Define the proper balance between oceanic survey and satellite derived gravimetric data for planned operations.

DECEMBER 22, 1976.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

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

WINTER NAVIGATION BOARD

Renewal

In accordance with the provisions of P.L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Winter Navigation Board has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Winter Navigation Board is the management, coordination and reporting of the Winter Navigation Demonstration Program which was established to demonstrate the practicability of extending the shipping season on the Great Lakes St. Lawrence Seaway. This program was authorized by section 107(b) of the 1970 Rivers and Harbors Act (Pub. L. 91-611), as amended.

December 22, 1976.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-42 Filed 1-4-77;8:45 am]

WOMEN IN THE SERVICES DEFENSE ADVISORY COMMITTEE

Renewal

A notice is hereby given that the Defense Advisory Committee on Women in the Services (DACOWITS) has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Advisory Committee on Women in the Services is to provide the Department of Defense, through the Assistant Secretary of Defense (Manpower and Reserve Affairs), with assistance and advice on matters relating to women in the services, to interpret to the public the need for and the role of women in the services and to encourage the acceptance of military service as a career opportunity for qualified women.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-84 Filed 1-4-77;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON THE ASIAN AND PACIFIC AMERICANS POPULATION FOR THE 1980 CENSUS

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I (Supp. V. 1975)), notice is hereby given that the Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census will convene on January 27 and 28, 1977 at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in June 1976 to advise the Director, Bureau of the Census, during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, developing definitions and terminology for improved identification and classification of the Asian and Pacific Americans population, suggesting areas of research, recommending subject content and tabulations of particular use to the Asian and Pacific Americans population, and expanding the dissemination of census results among present and potential users of census data in the Asian and Pacific Americans community.

The Committee is composed of 21 members appointed by the Secretary of Commerce, and constitutes a broad spectrum of community leaders, scholars, and other appropriate persons.

The agenda for the January 27 session is: (1) Current status of 1980 census plans; (2) Federal statistical system planning process; (3) plans for the Oakland, California, pretest census; (4) race, ethnic origin, and language questions; (5) community services program; and (6) mobility of the Asian and Pacific Americans population.

The January 28 meeting, which will end at 12:30 p.m., will consist of: (1) Reports by Committee members on observations of the Camden, New Jersey, pretest census; (2) discussion of the Current Population Survey; and (3) Committee review and recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions at the January 28 meeting. Extensive questions or statements must be submitted in writ-

ing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Clifton S. Jordan, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233) Telephone: (301) 763–5169.

Dated: December 30, 1976.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

[FR Doc. 77-331 Filed 1-4-77; 8:45 am]

CENSUS ADVISORY COMMITTEE ON HOUSING FOR THE 1980 CENSUS

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee on Housing for the 1980 Census will convene on January 24, 1977 at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Housing for the 1980 Census was established in March 1976 to provide technical advice and guidance in planning the forthcoming decennial Census of Housing to ensure that the major statistical requirements of decisionmakers are provided by the 1980 Census of Housing program.

The Committee is composed of 18 members including a representative from each of nine organizations and nine members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Committee comments on housing census content regarding priorities, (2) past measures of housing quality including foreign census inquiries, (3) findings of the five-city housing study and indicators of housing quality from the annual housing survey, (4) report of the Housing Quality Subcommittee of the Federal Agency Council, and (5) Committee discussion of housing quality.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. Arthur F. Young, Chief, Housing Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone: (301) 763–2863.

Dated: December 29, 1976.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

[FR Doc. 77-332 Filed 1-4-77; 8:45 am]

Domestic and International Business Administration

[File Nos. 23(73)-2 and 23(73)-5]

CHRISTOPH BRAND

Order Denying Export Privileges

In the Matter of Christoph Brand, 65 Nordend Strasse, D–6000 Frankfurt 1, Federal Republic of Germany, Respondent.

A charging letter was duly served on Christoph Brand in accordance with 15 CFR 388.3. Three charges were made to the effect that respondent had, "exported or caused to be exported," controlled electronic commodities on separate occasions and a fourth charge that respondent has violated an order entered on June 4, 1970, 35 FR 8704, denying all export privileges to Caramant GmbH, by acting for or in behalf of such denied person.

A hearing was held on August 30, 1976. Based on the assembled record, the Hearing Commissioner reported that although respondent was employed and acted as agent for a denied person the evidence was insufficient to find that he had "exported or caused to be exported," controlled commodities without the requisite validated export license. He reported that respondent admitted violating the 1970 order by acting for and in behalf of his employer in the participation of the transactions involving commodities exported or to be exported from the United States. The Commissioner recommended dismissal of the three charges wherein respondent was charged with illegally exporting or causing to be exported commodities from the United States. He reported that respondent's involvement as an employee and agent of denied party was serious and recommended sanctions as detailed below.

I concur in the recommendations of the Hearing Commissioner. Charges I, II and III are dismissed. Charge IV, that respondent is a related party to a denied person and acted for and in behalf of such denied person, is sustained. Commensurate with the seriousness of the violation detailed in the report of the Commissioner and pursuant to the authority delegated to me in virtue of the Export Administration Regulations, 15 CFR 388, it

ORDERED

1. For the period ending May 31, 1979, the respondent, his successors or assigns, partners, representatives, agents, and employees are hereby denied all privileges of participating directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported in whole or in part, from the United States.

2. Effective June 1, 1979, respondent will be conditionally restored to U.S. export privileges for all general license commodities, i.e., commodities which may be shipped G-DEST to the Federal Republic of Germany and no United States citizen and no other person, firm, corporation, partnership or other business organization in the United States shall export to the respondent or participate in any way in making or effecting an export of any commodity requiring a validated export license.

3. Effective June 1, 1981, respondent will be restored to all export privileges subject to probation. Probation will terminate on June 1, 1986, conditioned on respondent's continued compliance with the Export Administration Regulations.

4. During the period of conditional restoration and probation respondent must maintain a complete record showing receipt and disposition of U.S. commodities. Such record shall be retained for a period of not less than five years and must be available for inspection during reasonable business hours to an authorized agent of the United States Government.

Respondent must comply with all the above conditions and must fully comply with all the Export Administration Regulations and the licenses and orders issued thereunder.

This order shall extend to the respondent, his partners, representatives, agents employees and assigns and to any party with whom respondent now or hereafter may be related by affiliation, ownership, control or other connection in the conduct of trade or other services connected therewith. Upon request of the Office of Export Administration or an authorized representative of the United States, respondent must promptly and fully disclose the details of participation in any and all transactions involving U.S.-origin commodities or technical data, including information to the disposition or intended disposition of such commodity or technical data and shall, upon request, furnish all records and documents relating to such matters. Further, on request the respondent shall promptly disclose the names and addresses of partners, agents, representatives, employees, and other persons associated with him in trade or commerce.

Upon a finding by the Director, Office of Export Administration, or other authorized office that the respondent has failed to comply with any of the conditions of probation, the Director, with or without prior notice to the respondent may revoke the probation and deny all export privileges for such a period as is deemed appropriate. If a supplemental order should be issued because of breach of the terms and conditions herein, it will contain the proscriptions of 15 CFR 387.10 and 388.1. Objection to a supplemental order, a petition that it be set aside or an appeal will not stay the denial of export privileges, but the order of denial will remain in effect until it expires or is modified or cancelled. 15 CFR 388.15.

Dated: December 20, 1976.

RAUER H. MEYER,
Director, Office of
Export Administration.

[FR Doc.77-285 Filed 1-4-77;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL MARINE LABORATORY

Receipt of Endangered Species Permit Application for Scientific Purposes

On August 12, 1976, notice was published in the FEDERAL REGISTER (40 FR 33850), that a Permit had been issued to the Coastal Marine Laboratory, University of California, Santa Cruz, California, by the National Marine Fisheries Service, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

The Permit authorizes the Holder to take, by tagging, 330 Pacific white sided dolphins (*Lagenorhynchus obliquidens*), 130 Pacific bottlenosed dolphins (*Tursiops gilli*), 330 Dall porpoises (*Phocoenoides dalli*), 330 common dolphins (*Delphinus delphis*), 130 Northern right whale dolphins (*Lissodelphis borealis*), 110 Pilot whales (*Globicephala sp*), 30 sei whales (*Balaenoptera borealis*), 50 minke whales (*Balaenoptera acutorostrata*), 30 finback whales (*Balaenoptera physalus*), 30 blue whales (*Balaenoptera musculus*), 200 gray whales (*Eschrichtius robustus*), 100 Risso's dolphins (*Grampus griseus*), and 100 Stenelline dolphins (*Stenella sp.*), in the area of the California Bight as described in the application.

The activities to be conducted included attaching 1,740 color coded spaghetti tags on various numbers of the above mentioned species and to capture and tag 150 dolphins and 10 pilot whales in order to attach plastic roto tags through the dorsal fin and place freeze branded codes on the dorsal surface as a control for tag retention and as a possible method or aerial recognition. Of this latter number, 16 animals will be selected to have radio tracking devices attached by means of a formed saddle around the dorsal fin.

The Applicant has been informed that a permit under the Endangered Species Act of 1973 must be obtained before the proposed research can be conducted with the following endanger species: Blue whales (*Balaenoptera musculus*); fin whales (*Balaenoptera physalus*); sei whales (*Balaenoptera borealis*); and gray whales (*Eschrichtius robustus*).

Accordingly, notice is hereby given that the Coastal Marine Laboratory has applied in due form for a Scientific Purposes Permit, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543). The requested permit would provide the necessary concurrent authority under the Endangered Species Act to engage in the above described research with the endangered species identified above.

The aim of this research is to describe the size, distribution, structure, and movements of populations of cetaceans within this area as part of a contract from the Bureau of Land Management. These baseline studies of the populations will be utilized to assist in evaluating the environmental impact of oil exploration and extraction in this biologically important and sensitive area and contribute to planning for the area's resources.

Documents submitted in connection with this application are available in the following Office:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before February 4, 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 a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: December 23, 1976.

HARVEY M. HUTCHINGS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-370 Filed 1-4-77;8:45 am]

FISHERY CONSERVATION AND MANAGEMENT

Draft Environmental Impact Statements Concerning Silver and Red Hake, Herring, Mackerel, Long and Short-Finned Squid and Other Finfish

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190); and Section 10 (a)(2) of the Federal Advisory Committee Act; notice is hereby given of an additional public meeting to be held by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, to receive further public views and comments on Draft Environmental Impact Statements (DEIS) containing, as an integral part of each, preliminary plans for the management of the following fishery management units:

(a) Silver and Red Hake
(b) Herring
(c) Mackerel
(d) Long and short-finned squid
(e) Other finfish

These are fisheries for which foreign nations may be expected to apply for permits to fish, and for which the newly established Regional Fishery Management Councils may not be able to prepare and implement fishery management plans before March 1, 1977.

The meeting will be held at the following location, date and time:

North Westport, MA; Thursday, 7-10 p.m., January 6, 1977; Whites Restaurant, off I-195 East near Junction of Routes 24 and I-195.

This meeting is being held as follow-up to the December 21 meeting held at the same above location, in response to the concerned public for more information and time to review the Draft Environmental Impact Statesments/Preliminary Fishery Management Plans.

Limited numbers of the DEIS/PFMP's are available from the Regional Director, Northeast Regional Office, National Marine Fisheries Service, Federal Building-14 Elm Street, Gloucester, MA 01930. Please specify which fishery management units are desired. Written comments on the DEIS/PFMP's from interested members of the public may be submitted to the above address.

Dated: December 30, 1976.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-375 Filed 1-4-77;8:45 am]

ROGER WILLIAMS PARK ZOO

Issuance of Permit To Take Marine Mammals

On November 3, 1976, notice was published in the FEDERAL REGISTER (41 FR 48391), that an application had been filed with the National Marine Fisheries Service by Roger Williams Park Zoo, Providence, Rhode Island 02905, for a permit to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on December 29, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Roger Williams Park Zoo subject to certain conditions set forth therein. The Permit is available for review by interested persons 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, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 29, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77-371 Filed 1-4-77;8:45 am]

SEA-ARAMA, INC.

Issuance of Permit To Take Marine Mammals

On September 17, 1976, notice was published in the FEDERAL REGISTER (41 FR 40204) that an application had been filed with the National Marine Fisheries Service by Sea-Arama, Inc., Seawall Boulevard, 91st Street, P.O. Box 3068, Galveston, Texas 77550, to take two (2)

false killer whales (*Pseudorca crassidens*) for public display.

Notice is hereby given that on December 28, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to Sea-Arama, Inc., subject to certain conditions set forth therein. The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 28, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77–369 Filed 1–4–77;8:45 am]

Office of the Secretary

[Dept. Org. Order 10–4; Amdt. 3]

ASSISTANT SECRETARY ECONOMIC DEVELOPMENT

Delegation of Authority

This order effective December 6, 1976 further amends the material appearing at 40 FR 56702 of December 4, 1975, 40 FR 58878 of December 19, 1975 and 41 FR 37829 of September 8, 1976 Department Organization Order 10–4 of September 30, 1975, is hereby amended as shown below. The purpose of this amendment is to delegate the authority of the Secretary under P.L. 94–427, 90 Stat. 1336–1339, to administer the Olympic Winter Games Authorization Act of 1976, to the Assistant Secretary for Economic Development (subparagraphs 4.01h. and 5.p.).

1. *Section 4. Delegation of Authority.* A new subparagraph .01h. is added to read as follows:

"h. Public Law 94–427, 90 Stat. 1336–1339, relating to the XIII international Olympic winter games."

2. *Section 5. General Functions.* a. A new subparagraph p. is added to read as follows:

"p. Assure the adequate and effective administration of Public Law 94–427, 90 Stat. 1336–1339, relating to the XIII international Olympic winter games."

b. In pen and ink reletter the current subparagraph p. as q. respectively.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.77–301 Filed 1–4–77;8:45 am]

[Rept. Org. Order 35–1B; Amdt. 1]

BUREAU OF ECONOMIC ANALYSIS

Organization and Function

This order effective December 2, 1976 amends the material appearing at 40 FR 58878 of December 19, 1975 Department Organization Order 35–1B, dated October 24, 1975, is hereby amended as shown below. The purpose of this amendment is to: (1) transfer certain research functions and the planning and editing associated with the *Survey of Current Business* into the Current Business Analysis Division (paragraph 5.02), and (2) transfer to the newly formed Information Services Division functions related to public information, processing of staff papers, publications and references services (paragraph 8.03).

1. *Section 5. Associate Director for National Analysis and Projections.* Paragraph .02 is revised to read as follows:

".02 The *Current Business Analysis Division* shall prepare and publish monthly in the *Survey of Current Business* interpretations of the current business situation; shall conduct on a continuing basis analyses of short-term, cyclical, and long-term developments in business activity for publication in the *Survey of Current Business;* shall participate in the planning, edit and review of all materials to be published in the *Survey of Current Business*; and shall conduct research required for publishing in the *Survey of Current Business* and its *Business Statistics Supplement* a detailed and comprehensive set of data produced by the Bureau and other organizations and used to evaluate the business situation."

2. *Section 8. Support Divisions.* A new paragraph .03 is added to read as follows:

".03 The *Information Service Division* shall carry out all public information activities, including the preparation and pre-clearance review of press releases and other technical material, and the preparation of nontechnical educational material explaining the substance of the Bureau's work to the public; shall monitor and review staff papers and similar materials published by the Bureau; shall provide publication services, including conduct of research, in cooperation with Departmental offices, in the technologies of preparing manuscripts and data for publication; shall provide reference services, including the maintenance of the Bureau's library and provision of research services to the Bureau's staff; and shall direct, coordinate, and control the Bureau's functions relating to the Freedom of Information Act."

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc. 77–302 Filed 1–4–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180104; FRL 666–3]

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Issuance of Specific Exemption To Use Sodium Chlorate as a Harvest Aid to Desiccate Barley

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 (a) et seq.), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use a sodium chlorate formulation as a harvest aid to desiccate 2,000 acres of barley in Siskiyou and Modoc Counties. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW, Room E–315, Washington DC 20460.

According to the Applicant, the moisture content of the barley crop this year is unusually high, due to heavy rains in California. The Applicant stated that seasonal rains normally start during the latter half of October, and it was essential that harvest be completed before the rains began. The wet grain has prevented the proper operation of the harvest machinery; therefore, desiccation is necessary. There appeared to be no registered pesticide or alternative method of control available to resolve this problem. Without the use of a desiccant chemical to facilitate harvesting, heavy losses were likely to occur. The entire crop, valued by the Applicant at $250,000, was in jeopardy.

The Applicant proposed to apply by aircraft two to three gallons of a 18.5 percent sodium chlorate formulation per acre of barley as soon as possible. Approximately 2,000 acres in Siskiyou and Modoc Counties, California, were involved.

There is neither an established tolerance, nor an exemption from the requirement of a tolerance for sodium chlorate on barley. However, sodium chlorate is exempted from the requirement of a tolerance for residues in or on cottonseed, chili peppers, rice, and sorghum grain. The maximum rate of application proposed by the Applicant was equivalent to six (6) pounds of sodium chlorate per acre, which is the same rate as that granted by EPA for the use of this pesticide on sorghum and rice; furthermore, the use pattern is essentially the same. It should be noted that the exemptions granted above required a 14-day preharvest interval; however, the Applicant informed EPA that there would be serious risk to the barley crop if a 14-day pre-harvest interval was observed, due to the probability of seasonal rains during this period. Therefore, EPA determined that the growers could harvest the barley crop four (4) days after application of sodium chlorate, but they would have to allow 14 days for the residues to reduce to chlorides before the barley or barley products could be utilized as food or feed. The Food and Drug Administration of the U.S. Department of Health, Educa-

tion, and Welfare has been advised of this action.

The Fish and Wildlife Service of the U.S. Department of the Interior reported that no adverse effects on fish and wildlife populations will occur from the sodium chlorate application to barley.

After reviewing the application and other available information, EPA has determined that (a) there is no pesticide presently registered and available for use to desiccate the barley in California; (b) there are no alternative means of control, taking into account the efficacy and hazard; (c) significant economic problems may result if the situation is not controlled; and (d) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 22, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The dosage rate shall not exceed three (3) gallons of 18.5 percent sodium chlorate per acre;

2. Total sodium chlorate applied shall not exceed 6,000 gallons of 18.5 percent formulation;

3. The treated area shall not exceed 2,000 acres located in the two counties mentioned;

4. Barley may not be harvested within four (4) days after application of the pesticide, and a fourteen (14) day preutilization interval (the interval of time from harvest to processing of barley or products as food or feed) will be enforced;

5. Personnel applying sodium chlorate will be instructed in the proper application procedures by trained personnel of the California Department of Food Agriculture; and

6. The Applicant must supervise aerial application to avoid or minimize drift to non-target areas.

Dated: December 28, 1976.

E. L. J. GRANDPIERRE,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-297 Filed 1-4-77;8:45 am]

CALIFORNIA STATE STANDARDS

[FRL 666-1]

Motor Vehicle Pollution Control; Public Hearing

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 1857f-6a(a), provides: "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * [or] * * * shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b) of the Act directs the Administrator of the Environmental Protection Agency, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State 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 Clean Air Act.

By letter dated November 12, 1976, the California Air Resources Board (CARB) notified the Administrator that the Board had taken a number of actions to revise California's motor vehicle emissions control program. The CARB requested that waivers be granted for those items in the revisions which in the judgment of the Administrator require such waivers, and that a public hearing be convened by the Administrator if necessary.

The Environmental Protection Agency (EPA) has informed the CARB that the actions indicated in its November 12, 1976, letter to the Administrator will require a waiver before they can be effectuated by California. These actions are the adoption of exhaust emission standards and test procedures for 1979, 1980–1982, and 1983 and subsequent model year heavy duty gasoline-powered and diesel-powered vehicles and engines.

Therefore, I hereby give notice that:

(i) California has requested a waiver from the prohibitions of section 209(a) with respect to the actions noted in its November 12, 1976, letter, for which no waiver has heretofore been granted, and

(ii) a public hearing on this waiver request will be convened in the auditorium of the Department of Water and Power Building, 111 North Hope Street, Los Angeles, California, on January 27 and 28, commencing at 10:00 a.m. (No parking facilities will be available on the building grounds.)

Any person desiring to make a statement at the hearing or to submit material for the record of the hearing should file a notice of such intention and ten copies of his or her proposed statement (and other relevant material) by January 14, 1976, with the Director, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. In addition, fifteen copies of such statement or material for the record of the hearing should be submitted to the Presiding Officer at the time of the public hearing.

The pertinent California standards and test procedures can be found in:

(i) Section 1956.5, Title 13, California Administrative Code, adopted October 5, 1976, and "California Exhaust Emission Standards and Test Procedures for 1979 and Subsequent Model-Year Heavy-Duty Engines and Vehicles," adopted October 5, 1976.[1]

A copy of the above-described material 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, S.W., Washington, D.C. 20460. Copies of the California standards and test procedures are available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95814.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be made under oath and the participants will not be subject to cross-examination.

Presentation by the participants should be limited to the following considerations:

(i) whether the California standards (including test procedures) mentioned above are more stringent than applicable Federal standards,

(ii) whether compelling and extraordinary conditions continue to exist in California, and

(iii) whether such standards and accompanying enforcement procedures are consistent with section 202(a) of the Act, in particular with respect to their technological feasibility in the lead time remaining.

In order to assure full opportunity for the presentation of data, views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the record of the hearing.

A verbatim record of the proceeding will be made and a copy of the transcript will be made available on request at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken with respect to the waiver of the prohibition of section 209(a) for the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information, not presented at the public hearing, may also be considered. This information will be available for public inspection prior to the Ad-

[1] In conjunction with the adoption of heavy duty standards and test procedures for 1979 and subsequent model years, technical amendments were made to sections 1956(d) and 1957(d) of Title 13, California Administrative Code.

ministrator's determination on this matter.

Dated: December 28, 1976.

NORMAN D. SHUTLER,
Acting Assistant Administrator for Enforcement (EN-339).

[FR Doc.77-296 Filed 1-4-77;8:45 am]

[FRL 667-4]

CHLOROFLUOROCARBONS

Notice of Public Meeting; Solicitation of Comments

For the purpose of obtaining additional information from interested persons, the Agency will hold a second public meeting on nonessential aerosol use of chlorofluorocarbons. The meeting will be held on January 18, 1977, at the Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, Room 2117, from 10 a.m. to 4:30 p.m.

Participants are encouraged to focus discussion on the following issues:

1. Which chlorofluorocarbon compounds should be regulated? The Agency has under consideration the following compounds: the fully halogenated chlorofluoroalkanes, the fully halogenated bromofluoroalkanes and the fully halogenated bromochlorofluoroalkanes.

2. What is the definition of an aerosol product? The Agency has under consideration the following definition: A product whose use depends on the power of a liquefied or a compressed gas to expel gas, liquid or solid contents from a container. Initial regulation would postpone the control of the following use: Containers using fully halogenated chlorofluoroalkanes, bromofluoroalkanes and bromochlorofluoroalkanes to fill or refill air conditioning or refrigeration systems.

3. What are the criteria for essentiality? The Agency has under consideration the following:

a. Nonavailability of alternative products;

b. Economic significance of the products including the economic effects of removing the product from the market;

c. Environmental/health significance of the product; and

d. Effects on the "Quality of Life" resulting from no longer having the product available or using an alternative product.

4. What is the economic impact of possible regulation?

5. When should the regulation become effective?

Persons who wish to respond to these issues or make a presentation at the meeting should call Perry W. Brunner at 202-426-9000. Persons are also invited to submit written data, opinion, or arguments. Communication on these or any other aspects of this program should be submitted to: The Enviromnental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street, S.W., Washington, D.C. 20460, Attention: Mr. George F. Wirth.

Dated: January 3, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

[FR Doc.77-506 Filed 1-4-77;8:45 am]

[ERL 665-8]

MINNESOTA MARINE SANITATION DEVICE STANDARD

Receipt of Petition

Notice is hereby given that a petition has been received from the State of Minnesota for a determination pursuant to section 312(f)(3) of Pub. L. 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for certain waters, specified below, within the State of Minnesota.

The petition requests that the abovementioned determination be made for the waters of the Mississippi River from Lock and Dam #2 at Hastings, Minnesota, to the Coon Rapids Dam and for the waters of the Minnesota River from its mouth to the end of the commercial channel near Shakopee, Minnesota. The distance of the Mississippi River addressed by the petition is approximately 54 miles, whereas the distance addressed by the petition for the Minnesota River is approximately 22 miles. The State certifies that the combination of stationary pump-out facilities for recreational and commercial vessels and septic tank pumpers for commercial vessels available within a short distance of docks and marinas will exclude no vessels because of insufficient water depth and are capable of accommodating all commercial and recreational vessel traffic. The Twin City Barge and Towing facility has service available 24 hours a day for the entire shipping season and is capable of accommodating all commercial and recreational craft. There are four statutory pump-out facilities that accommodate only recreational craft. The Hastings Marina is open the entire season from 8:00 a.m. until 6:00 p.m. on weekdays or until 10:00 p.m. on weekends; the King's Cove operates from June through September from noon to dusk on weekdays and 9:00 a.m. until 9:00 p.m. on weekends; the Jolly Roger Marina operates from April through October from 8:00 a.m. to 1:00 a.m. on weekdays and weekends; and the Hidden Harbor Marina operates from June through September from 8:00 a.m. until 11:00 p.m. on weekdays and weekends. In addition, the petition specifies 18 septic tank pumping establishments that are located within 10 miles of docks and marinas in the metropolitan areas and within 20 miles of such facilities at out-State areas, which can be utilized in the removal of sewage from commercial vessel holding tanks when required. The State of Minnesota certifies that all wastes from vessels removed at stationary pump-out facilities and by septic tank pumpers are required to be disposed of at a National Pollutant Discharge Elimination System's permitted facility or applied onto land in conformance with applicable Federal, State, or local requirements.

The petition addresses the waters of the St. Croix River from the Wisconsin border to Taylor Falls. The State of Minnesota certifies that this reach of the St. Croix River is not capable of navigation by interstate vessel traffic with onboard marine sanitation devices.

The petition addresses, further, all other waters of the State except the waters of Lake Superior (together with Superior and St. Louis Bays), and the lower Mississippi and lower St. Croix Rivers, which will be addressed in a petition filed in conjunction with a similar petition for those waters from the State of Wisconsin. The State of Minnesota certifies that all other freshwater lakes, reservoirs or impoundments are such as to prevent the ingress or egress by vessels which have marine sanitation devices, and that all other rivers, creeks and streams are not capable of navigation by interstate vessel traffic, which have installed marine sanitation devices. There are four exceptions within the remaining waters of the State and these are: Lake of the Woods, Rainy Lake, Kabetogama Lake, and Manakan Lake. There are no stationary pump-out facilities on Lake of the Woods; there is one septic tank pumping establishment in Roseau, Minnesota. The State of Minnesota has no data on private commercial operations which may have their own pump-out facilities, and the State believes that some of the commercial operations may be in that category. There are two pump-out facilities on Rainy Lake: one at Thunderbird Lodge, which operates from 8:00 a.m. to 8:00 p.m. and one at the Northernaire Floating Lodges, which operates from 10:00 a.m. to 11:00 p.m.

In addition, there are two septic tank pump operators in Ranier, Minnesota. Most of Rainy Lake is located within Voyageurs National Park and, to the best knowledge of State officials, there are no permanent vessel moorings in that portion of the Lake. Access to the Lake by road and the permanent vessel moorings are on the western end of the Lake near Ranier and International Falls, Minnesota. There are no pump-out facilities on either Lakes Kabetogaman or Namakan. The nearest facilities would be the stationary facilities on Rainy Lake (about 40 miles from the easternmost edge of Lake Namakan) or the two septic tank pumping operators in Ranier, Minnesota.

The State of Minnesota certifies that all wastes from vessels removed at stationary pump-out facilities and by septic tank pump operators are required to be disposed of at a National Pollutant Discharge Elimination System's permitted facility or applied onto land in conformance with applicable Federal, State or local requirements. The State certifies

further that the septic tank pump operators are able to reach all docks.

Comments and views regarding this request for action may be filed within 45 days of the date of publication of this notice. Such communication, or request for a copy of the applicant's petition, should be addressed to the Director, Criteria & Standards Division (WH–585), Office of Water Planning & Standards, OWHM, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Dated: December 27, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77–299 Filed 1–4–77;8:45 am]

[FRL 666–4]

POLYCHLORINATED BIPHENYLS (PCBs)

Rescheduling of Public Meeting

The public meeting on the implementation of section 6(e) of the Toxic Substances Control Act (TSCA), Pub. L. 94–469 has been rescheduled to the new date of January 24, 1977, at 10:00 a.m. in Room 2117, Waterside Mall, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460. The meeting had been announced previously for January 11, 1977, in the December 8, 1976, FEDERAL REGISTER, 41 FR 53692.

This change will enable the Agency to present tentative regulatory alternatives for the control of PCBs under section 6(e) of TSCA at the public meeting and thereby encourage a more effective expression of views.

The Agency invites comments on the implementation of 6(e) and regulatory alternatives. Anyone wishing to make oral statements on this subject at the January 24, 1977, meeting should contact George F. Wirth at the address given below.

All persons who wish to submit written data, views, or comments concerning section 6(e)(1) for the development of proposed regulations are requested to present them to the Agency. All comments received will be made available to the public. Copies will be available for inspection and copying during normal working hours at the U.S. Environmental Agency's Public Information Reference Unit in Room 2922 at the address given below.

All communications or correspondence (in triplicate) should be addressed to: U. S. Environmental Protection Agency, Office of Toxic Substances (WH–557), 401 M Street, SW., Washington, D.C., 20460, Attention: Mr. George F. Wirth.

Dated: December 27, 1976.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

[FR Doc.77–298 Filed 1–4–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FUEL ECONOMY OF MOTOR VEHICLES

Notice of Availability of 1977 Gas Mileage Guide

The Federal Energy Administration (FEA) hereby gives notice of the availability of the 1977 Gas Mileage Guide. On November 2, 1976 the Environmental Protection Agency (EPA) issued regulations on Fuel Economy, Testing, Labeling and Information Disclosure Procedures and Requirements (41 FR 49752, November 10, 1976) which, among other things, contains requirements for dealers of 1977 and later model year automobiles and light trucks to have copies of a booklet, The Gas Mileage Guide, available in their showrooms. In this booklet prospective purchasers will be able to find the fuel economies of the various models of those vehicles offered for sale in a given model year. FEA is required by section 506(b)(1) of the Energy Policy and Conservation Act (89 Stat. 871 et seq.) to publish and distribute such booklet. Section 600.405–77 of the EPA regulations states that dealers will be expected to make such booklets available as soon as they are received by them, but in no case later than 15 working days after notification is given of booklet availability. The publication today of this notice constitutes such notification.

The 1977 Gas Mileage Guide is available for display and distribution by dealers in their showrooms. Any dealer who has not already received Guides from FEA or requires additional copies should request copies by writing to the following address, specifying the quantity desired of the 49-State and/or the California version:

Fuel Economy, Federal Energy Administration, DPM Room 6500, Washington, D.C. 20461.

Issued in Washington, D.C., December 30, 1976.

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

[FR Doc.76–38498 Filed 12–30–76;5:04 pm]

FEDERAL HOME LOAN BANK BOARD

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF BELOIT

[No. AC–24]

Notice of Approval of Conversion; Final Action

DECEMBER 30, 1976.

Notice is hereby given that on December 22, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76–982 approved the application of First Federal Savings and Loan Association of Beloit, Beloit, Kansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, Federal Home Loan Bank Building, Seventh and Harrision Streets, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 77–355 Filed 1–4–77;8:45 am]

[No. AC–23]

VALLEY FEDERAL SAVINGS AND LOAN ASSN. OF HUTCHINSON

Notice of Approval of Conversion; Final Action

Date: December 30, 1976.

Notice is hereby given that on December 22, 1976, the Federal Home Loan

Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76-983 approved the application of Valley Federal Savings and Loan Association of Hutchinson, Hutchinson, Kansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, Federal Home Loan Bank Building, Seventh and Harrison Streets, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-356 Filed 1-4-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. ER77-5, ER77-6, ER77-7 and E-9544]

OTTER TAIL POWER CO.

Order Accepting for Filing and Suspending Certain Proposed Rate Schedule Filings, Establishing Procedures, Consolidating Proceedings and Granting Interventions

DECEMBER 28, 1976.

On October 4, 1976, Otter Tail Power Company (Otter Tail) tendered for filing an intial rate schedule providing, primarily, for transmission service by Otter Tail to municipal customers to replace transmission service provided to the United States Bureau of Reclamation (Bureau) for the benefit of the municipalities (Docket No. ER77-5). Otter Tail was advised by letter dated October 28, 1976, that its submittal was deficient. The filing was completed with the submittal of the required information on November 15, 1976, the official filing date. Additionally, on October 4, 1976, Otter Tail filed a Notice of Termination of Rate Schedule No. 84, an interconnection agreement between Otter Tail and the Bureau which provides for, among other services, the aforementioned transmission of preference power to municipal customers (Docket No. ER 77-6); and Notice of Termination of Special Municipal Electric Service Agreements with the municipal customers (Docket No. ER77-7).

Otter Tail's proposed rates will result in additional charges to municipal customers of $944,731 (286%) for the twelve month period ending December 31, 1977 (individual increases range from 183% to 332%). The proposed rates provide for a firm transmission charge of $21.05/kw/year (approximately 4.2 mill/kwh). Otter Tail will supply power and energy in excess of the amount allotted to it through its arrangements with the Bureau, at a rate of $60.56/kw/year and $1.0836¢/kwh. Otter Tail requests that the instant agreement become effective January 1, 1977.

The Notice of Termination which Otter Tail has submitted for its FPC Rate Schedule No. 84 (ER77-6) would terminate an agreement that provides a myriad of services between the parties in addition to the transmission of preference power for the Bureau. The agreement provides for sales of secondary and dump energy to Otter Tail, interchange of emergency, supplies, and standby services, and wheeling for the account of each other. The parties are interconnected at no less than seventeen points in three states pursuant to the agreement. The 115 kv and 230 kv lines form an essential part of an extensive regional transmission system. The termination of Rate Schedule No. 84 will impact significantly on the electric systems in this area.

On October 4, 1976, Otter Tail submitted for filing Notices of Termination of Special Municipal Electric Service Agreements (Special Agreements) between 17 municipal customers and itself. The Special Agreements provide for firming transmission service, supplemental power and energy, reserve capacity service, economy and maintenance energy, and emergency service. Three of these agreements do not expire pursuant to their own terms until later this decade.[1]

DOCKET NO. E-9544

On November 28, 1975, the Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Tyler, and Warren, Minnesota (Cities) filed a complaint against Otter Tail pursuant to Section 205(c) of the Federal Power Act and § 1.6 of the Commission's Rules of Practice and Procedure, alleging that Otter Tail had failed to comply with § 35.15 of the Commission's Regulations (Docket No. E-9544). The Cities' Special Agreements ostensibly terminated by their own terms as follows:

City	FPC rate schedule No.	Expiration date of agreement
Alexandria, Minn.	125	Oct. 28, 1973
Barnesville, Minn.	135	Nov. 30, 1975
Benson, Minn.	133	Do.
Detroit Lakes, Minn.	139	Do.
Henning, Minn.	134	Do.
Tyler, Minn.	116	Mar. 22, 1972
Warren, Minn.	140	Nov. 30, 1975

The Cities state that Alexandria and Tyler requested Otter Tail to continue to furnish service under the Special Agreements beyond the expiration date of their contracts. They assert that Alexandria and Tyler terminated the service by letters dated February 12, 1975 and February 18, 1976,[2] and ceased receiving and paying for services after the date of their respective termination letters. Additionally, the Cities maintain that Barnesville, Benson, Detroit Lakes, Henning, and Warren have confirmed the expiration of their Special Agreements with Otter Tail and notified it that they no longer desired to receive firming transmission service after the expiration of the Special Agreements.[3] The Cities allege that Alexandria and Tyler did not receive a response from Otter Tail to their letters of termination and that Barnesville, Benson, Detroit Lakes, Henning and Warren received responses from Otter Tail indicating that Otter Tail intended to continue to provide services under the Special Agreements after the expiration of the Agreements and the Cities' refusal to accept such services.

Section 35.15 of the Commission's regulations, Notices of Cancellation or Termination, provides that when a rate schedule required to be filed with the Commission is proposed to be cancelled or is to terminate by its own terms and no new schedule is to be filed in its place, the party required to file the schedule shall notify the Commission of the cancellation or termination. The Cities, in their complaint, request that the Commission confirm termination of Alexandria's and Tyler's Special Agreements in accordance with their proffered notices and compel Otter Tail to file appropriate Notices of Termination for Barnesville, Benson, Detroit Lakes, Henning, and Warren, Minnesota, or, in the alternative, confirm such terminations in accordance with the terms of the Special Agreements.

PUBLIC NOTICE

Docket No. ER77-5—Notice was issued October 14, 1976, with petitions to intervene or protests due on November 19, 1976. On that date nine of the affected municipalities [4] jointly filed a petition to intervene contending that:

(1) The submittal must be treated as a rate change under § 35.13 of the regulations;

(2) The supplemental service rate is discrimiatory in that it contains different rates than the Elbow Lake agreements;

(3) The cost-of-service data is not responsive to the Regulations; and

(4) The filed transmission rate is higher than Otter Tail's own cost-of-service determination.

They maintain that the filing will have a significant impact on the individual Cities and request that the filing be rejected because of its deficiencies, or, in the alternative, be suspended for five months.

On November 16, 1976, the City of Breckenridge, Minnesota requested that the Commission reject Otter Tail's filing. The City contends that:

(1) The depreciation for plant and equipment appears unjustifiably high;

(2) The allocation of cost on a peak demand basis is not reasonable; and

(3) Its costs will double.

[1] Table of agreement provisions filed as part of the original document.

[2] Cities complaint, Exhibits A and B respectively.

[3] Complaint, Exhibits C, D, E, F, G.

[4] The Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota, and Big Stone City, South Dakota.

On November 22, 1976, the Department of the Interior (Interior), on behalf of the Bureau, filed an untimely petition to intervene. Interior states that during renegotiation of the present Bureau-Otter Tail Agreement, Otter Tail stated that it would wheel power to the municipalities under independent Agreements but would not wheel Bureau power to the municipalities under a Bureau-Otter Tail Agreement. Interior's grounds for intervention are: (1) its concern over the rates Otter Tail will charge to wheel Bureau power and (2) a desire to offer its customers the benefit of its engineering expertise.

DOCKET NO. ER77-6

Notice of Termination of the Bureau-Otter Tail Agreement was issued on November 10, 1976, with protests or petitions to intervene due on or before November 24, 1976. On November 26, 1976, a joint petition to intervene was filed by the Cities of Alexandria (Minnesota), et al.[5] The Cities contend that the proposed termination of the Bureau-Otter Tail Agreement may lead to transmission rates which may be unjust, unreasonable, and unduly discriminatory. The Cities request that the proposed termination be suspended until the issues in Docket No. ER77-5 are adjudicated.

DOCKET NO. ER77-7

Notice of Termination of the Special Agreements was issued on November 10, 1976, with protests or petitions to intervene due on or before November 24, 1976. On November 26, 1976, the Cities of Alexandria, Minnesota, et al.,[6] filed a joint petition to intervene. The Cities maintain that allowing the Special Agreements to terminate on December 31, 1976, would lend credence to Otter Tail's position that they are tied to the Bureau-Otter Tail Agreement. They contend that under the Special Agreements between Otter Tail and the Cities of Lake Park and Ortonville, Minnesota, Otter Tail supplies transformers that step down the power and energy from 41.6 kv to 4.16 kv; and that acceptance of the termination for these Cities will leave them without electric service. The proposed rate schedule in Docket No. ER77-5 contains no provision for transformation, and the Cities do not own such equipment.

Review of Otter Tail's proposed transmission rate schedule submitted for filing as an initial rate schedule in Docket No. ER77-5 indicates that it should be treated as a change in rates which is properly filed under § 35.13 of the Regulations. Although Otter Tail is currently transmitting power for Bureau pursuant to the terms of Rate Schedule No. 84, the beneficiaries of the transmission are the municipal customers. The Bureau pays Otter Tail 1.0 mill/kwh and the Bureau recovers that cost in its power rates from the municipal customers. Otter Tail's filing will in effect increase the rates that the municipalities will have to pay for the transmission of Bureau power.

Otter Tail's proposed rates rendered for filing in Docket No. ER77-5 have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory.

The Cities of Barnesville, Benson, Detroit Lakes, Henning, and Warren notified Otter Tail by letters that, after the expiration dates of their respective Special Agreements with Otter Tail, November 30, 1975, they would no longer require the services provided thereunder. The Commission will treat November 30, 1975, as the effective termination date of the Cities of Barnesville, Benson, Detroit Lakes, Henning, and Warren's Special Agreements.

The Commission orders that the Notice of Termination of the Special Agreements in Docket No. ER77-7 be consolidated for purposes of a hearing and a decision with Docket No. ER77-6. An expedited investigation will be instituted to determine the impact such terminations will have on the continuation of service in the area.

The issues in Docket Nos. ER77-5 and E-9544 deal with common questions of law and fact. We will therefore consolidate these two proceedings for the purposes of hearing and decision.

The Commission finds. (1) Good cause exists to accept for filing Otter Tail's proposed transmission rates tendered on October 4, 1976, and to suspend those rates for five months, beyond the requested effective date of January 1, 1977, until June 1, 1977, when they will be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

(2) The participation of the Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota, and Big Stone City, South Dakota, and the Department of the Interior, in Docket No. ER77-5, may be in the public interest.

(3) It is in the public interest to consolidate Docket Nos. ER77-6 and ER77-7 and to institute an investigation to determine the impact such terminations will have on the continuation of service in the area.

(4) The participation of the Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota, and Big Stone City, South Dakota, in Docket Nos. ER77-6 and ER77-7 may be in the public interest.

(5) Good cause exists to consolidate the proceedings in Docket Nos. E-9544 and ER77-5 for the purposes of hearing and decision.

The Commission orders. (A) Pending a hearing and decision thereon, Otter Tail's proposed transmission rates in Docket No. ER77-5 are hereby accepted for filing and suspended for five months, until June 1, 1977, when they will be permitted to become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, a hearing shall be held concerning the justness and reasonableness of Otter Tail's proposed transmission rates.

(C) Commission Staff shall prepare and serve top sheets on all parties on or before May 1, 1977 (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exception of petitions to intervene,

[5] These are the same Cities that filed a joint petition to intervene in Docket No. ER77-5.

[6] These are the same Cities that filed a joint petition to intervene in Docket No. ER77-5.

motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Otter Tail shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19(a) of the Commission's Regulations, 18 CFR 35.19(a).

(F) The Notice of Termination of the Bureau-Otter Tail Agreement and the Notices of Termination of the Special Agreements for the Cities of Badger, Big Stone City, and Estelline, South Dakota, and Breckenridge, Lake Park, New Folden, Nielsville, Ortonville, Shelly, and Stephen, Minnesota, are hereby suspended for five months.

(G) Docket Nos. ER77–6 and ER77–7 are hereby consolidated for purposes of a hearing and decision.

(H) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, shall conduct an expedited hearing in consolidated Docket Nos. ER77–6 and ER77–7 to determine if the proposed determinations are in the public interest. The Presiding Judge shall prescribe necessary procedures not provided for in this order, and shall otherwise conduct the hearing in accordance with the Commission's Rules and Regulations.

(I) The Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota, and Big Stone City, South Dakota, are hereby permitted to intervene in Docket Nos. ER77–5, ER77–6, and ER77–7. The Department of Interior is hereby permitted to intervene in Docket No. ER77–5. The above interventions are subject to the Commission's Rules and Regulations. Participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene. The admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

(J) The effective termination date of Alexandria, Minnesota's Special Agreement is March 20, 1975. The effective termination date of Tyler, Minnesota's Special Agreement is February 18, 1975. The effective termination date of the Cities of Barnesville, Benson, Detroit Lakes, Henning, and Warren, Minnesota's Special Agreements is November 30, 1975.

(K) The proceedings in Docket Nos. E–9544 and ER77–5 are hereby consolidated for purposes of hearing and decision.

(L) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-288 Filed 1-4-77;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS BANK AND TRUST CO.

Statement Regarding Board's Approval of Application To Become Member of the Federal Reserve System

Citizens Bank and Trust Company, Alabaster, Alabama ("Applicant"), a new bank chartered under the laws of the State of Alabama, applied, pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 321–338) and the Board's Regulation H (12 CFR Part 208), to become a member of the Federal Reserve System. On November 10, 1976, the Board notified Applicant that the application was approved and that the Board would issue a statement regarding the approval action.

Applicant, which has not yet opened for business, was organized in 1975 for the purpose of obtaining a State bank charter and engaging in a commercial banking business. It filed a charter application in August 1975, which was approved by the State Banking Department of Alabama by letter dated November 18, 1975. Approximately one year earlier, in December 1974, a charter application filed on behalf of Applicant by substantially the same organizers was denied by the State Banking Department of Alabama. Approval of Applicant's charter in November 1975 was conditioned in part upon Applicant obtaining insurance coverage for its deposits from the Federal Deposit Insurance Corporation ("FDIC"). In anticipation of this requirement, Applicant had filed an application for insurance in August 1975, pursuant to section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815). That applicant was withdrawn by Applicant in March 1976, after a formal hearing was held at the request of persons protesting the application. Consequently, the FDIC ended its consideration of the matter without making a final determination.

Under section 9 of the Federal Reserve Act, the Board, in acting upon an application to become a member of the Federal Reserve System, is required to consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers of the institution are consistent with the purposes of the Federal Reserve Act. In addition, under section 4(b) of the Federal Deposit Insurance Act (12 U.S.C. 1814), the admission to membership in the Federal Reserve System of an uninsured State bank automatically confers deposit insurance upon the bank from the time the Board certifies to the FDIC that the bank is a member of the Federal Reserve System. The Board's certificate to the FDIC is required to state that the Board has given consideration to the factors enumerated in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816), namely, the financial history and condition of the bank; the adequacy of the capital structure; the bank's future earnings prospects; the general character of its management; the convenience and needs of the community to be served by the bank; and whether or not the bank's corporate powers are consistent with the purposes of the Federal Deposit Insurance Act.

The Board has considered the subject application and all comments received with respect thereto, including those submitted in opposition to the application by First Bank of Alabaster, Alabaster, Alabama, First Shelby National Bank and Shelby State Bank, both of Pelham, Alabama, and Merchants and Planters Bank, Montevallo, Alabama (hereinafter referred to as "Protestants").

Alabaster is located in central Alabama, in Shelby County (population 38,037 as of the 1970 census). Applicant's proposed service area is approximated by the northern portion of Shelby County, including Alabaster and the towns of Helena and Pelham. During the past several years, Shelby County has experienced significant population growth and a transition from an agricultural economy to a more diversified economy. The population of Shelby County has grown from 32,132 in 1960 to 38,037 in 1970, and to an estimated 50,000 in 1974. Alabaster itself presently has a population of about 5,200 and a trade area population (not including Helena and Pelham) of approximately 14,000. The trade area of Pelham, Helena and Alabaster represents approximately 50 percent of Shelby County's population and generally reflects the migration into the county from neighboring Jefferson County and the city of Birmingham, which is approximately 25 miles directly north of Alabaster.

Another indication of the area's growth is the increase in housing starts in Alabaster from 60 in 1972 to 137 in 1975. Also, Alabaster has fourteen businesses and industries with employment of nearly 1,800 and a combined annual payroll of approximately $12 million. In addition, information from the Alabama Power Company indicates that presently the northern half of Shelby County is adding approximately 100 customers per month, a 10 percent per annum increase. The record indicates that Route I–65, to the east of and parallel to the site of Applicant's proposed office on Highway 31, is due for completion by 1981. With the completion of Route I–65, the areas in the northern half of Shelby County to be served by Applicant can be expected to experience further development, both residential and industrial.

Presently, Protestants operate six banking offices in Shelby County. Despite the fact that most of the services that would be provided by Applicant are currently being offered by Protestants, the record reflects a desire on the part of a significant number of local residents for a locally owned bank such as Applicant. On the other hand, Protestants have indicated that there is no present need for another bank in Shelby County, particularly in view of the fact that First Shelby National Bank, Pelham, Ala-

bama, opened for business in February 1976, in temporary quarters approximately 3½ miles north of Applicant's proposed location. However, it appears that First Shelby National Bank has experienced reasonable growth, with deposits of $2.4 million as of June 30, 1976, and that the addition of Applicant as another banking alternative would not significantly affect First Shelby National Bank's future growth prospects. In addition, Applicant has committed to delay opening for business until its permanent quarters have been constructed. Based on the local economic conditions and the apparent local support the Applicant would enjoy, the Board concludes that considerations with regard to the convenience and needs of the community to be served by Applicant are consistent with approval of the subject application.

Applicant has no operating history, and its future earnings prospects are, of course, related to the amount of deposits it will be able to attract. As mentioned above, there are indications in the record of strong community support for a new bank in Alabaster. The initial stock offering of $1,250,000 by Applicant was fully subscribed, with each subscriber limited to purchasing four percent of the offering. From the list of 85 subscribers submitted by Applicant, it appears that many of the subscribers are owners or presidents of businesses or professionals or other self-employed individuals who will be able to provide Applicant with an initial nucleus of customers to serve. In the Board's judgment, such expressions of local support are a positive factor not only with respect to the convenience and needs of the community but also with respect to the future earnings prospects of Applicant.

In assessing the future earnings prospects of Applicant, the Board also considered the views of the State Banking Department,[1] the Federal Reserve Bank of Atlanta and the Board's staff, all of which project that Applicant will achieve profitability by the end of its third year of operation.[2] The Protestants have indicated that Applicant would not achieve profitability in that period due primarily to lower deposit projections than were used by the above organizations and to the fact that a new bank, First Shelby National Bank, recently opened in the Alabaster area and the opening of another bank would heave an adverse effect on First Shelby National Bank. In the Board's opinion, Protestants, projections with respect to deposits of Applicant are low and Protestants' concerns about the adverse impact that Applicant's opening would have on First Shelby National Bank are overly pessimistic, particularly in view of First Shelby National Bank's deposit figures mentioned above and the generally optimistic economic outlook for the Alabaster area. Thus, the Board concluded that Applicant's future earnings prospects are consistent with approval of the subject application.

While Applicant has no operating or financial history, it appears that it would open with adequate capital structure. The general character of Applicant's management also appears satisfactory, and the corporate powers of Applicant are consistent with the Federal Reserve Act and the Federal Deposit Insurance Act.

For the foregoing reasons, the Board approved Applicant's application to become a member bank in the Federal Reserve System.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-354 Filed 1-4-77;8:45 am]

[1] Under applicable State law, the Superintendent of the State Banking Department, before granting a certificate, is required to satisfy himself that there is sufficient business to support the proopsed bank in the community, Code of Alabama, Tit. 5 § 88. Approval of Applicant's charter application therefore reflects a favorable determination by State authorities with regard to the future earnings prospects of Applicant.

[2] Comments on the Applicant were requested of the FDIC regional office in Atlanta, and the response from the FDIC to the Federal Reserve Bank of Atlanta indicated merely that upon Applicant's withdrawal of its earlier insurance application, the FDIC's files were closed.

FEDERAL OPEN MARKET COMMITTEE

Authorizations and Directive

In accordance with § 271.3 of its rules regarding availability of information, there are set forth below the following authorizations and directive of the Committee: (1) authorization for foreign currency operations, (2) foreign currency directive and (3) special authorization under paragraph 1(D) of Authorization for Foreign Currency Operations.

1. AUTHORIZATION FOR FOREIGN CURRENCY OPERATIONS

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive and express authorizations by the Committee pursuant thereto, and in conformity with such procedural instructions as the Committee may issue from time to time:

A. To purchase and sell the following foreign currencies in the form of cable transfers through spot or forward transactions on the open market at home and abroad, including transactions with the U.S. Exchange Stabilization Fund established by Section 10 of the Gold Reserve Act of 1934, with foreign monetary authorities, with the Bank for International Settlements, and with other international financial institutions:

Austrian schillings	Italian lire
Belgian francs	Japanese yen
Canadian dollars	Mexican pesos
Danish kroner	Netherlands guilders
Pounds sterling	Norwegian kroner
French francs	Swedish kronor
German marks	Swiss francs

B. To hold balances of, and to have outstanding forward contracts to receive or to deliver, the foreign currencies listed in paragraph A above.

C. To draw foreign currencies and to permit foreign banks to draw dollars under the reciprocal currency arrangements listed in paragraph 2 below, provided that drawings by either party to any such arrangement shall be fully liquidated within 12 months after any amount outstanding at that time was first drawn, unless the Committee, because of exceptional circumstances, specifically authorizes a delay.

D. To maintain an overall open position in all foreign currencies not exceeding $1.0 billion, unless a larger position is expressly authorized by the Committee. For this purpose, the overall open position in all foreign currencies is defined as the sum (disregarding signs) of open positions in each currency. The open position in a single foreign currency is defined as holdings of balances in that currency, plus outstanding contracts for future receipt, minus outstanding contracts for future delivery of that currency, i.e., as the sum of these elements with due regard to sign.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for the System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under § 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	*Amount of arrangement (millions of dollars equivalent)*
Austrian National Bank	250
National Bank of Belgium	1,000
Bank of Canada	2,000
National Bank of Denmark	250
Bank of England	3,000
Bank of France	2,000
German Federal Bank	2,000
Bank of Italy	3,000
Bank of Japan	2,000
Bank of Mexico	360
Netherlands Bank	500
Bank of Norway	250
Bank of Sweden	300
Swiss National Bank	1,400
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against authorized European currencies other than Swiss francs	1,250

Any changes in the terms of existing swap arrangements, and the proposed terms of any new arrangements that may be authorized, shall be referred for review and approval to the Committee.

3. Currencies to be used for liquidation of System swap commitments may be purchased from the foreign central bank drawn on, at the same exchange rate as that employed in the drawing to be liquidated. Apart from any such purchases at the rate of the drawing, all transactions in foreign currencies undertaken under paragraph 1(A) above shall, unless otherwise expressly authorized by the Committee, be at prevailing market rates.

4. It shall be the normal practice to arrange with foreign central banks for the coordination of foreign currency transactions. In making operating arrangements with foreign central banks on System holdings of foreign currencies, the Federal Reserve Bank of New York shall not commit itself to maintain any specific balance, unless authorized by the Federal Open Market Committee. Any agreements or understandings concerning the administration of the accounts maintained by the Federal Reserve Bank of New York with the foreign banks designated by the Board of Governors under § 214.5 of Regulation N shall be referred for review and approval to the Committee.

5. Foreign currency holdings shall be invested insofar as practicable, considering needs for minimum working balances. Such investments shall be in accordance with section 14(e) of the Federal Reserve Act.

6. All operations undertaken pursuant to the preceding paragraphs shall be reported daily to the Foreign Currency Subcommittee. The Foreign Currency Subcommittee consists of the Chairman and Vice Chairman of the Committee, the Vice Chairman of the Board of Governors, and such other member of the Board as the Chairman may designate (or in the absence of members of the Board serving on the Subcommittee, other Board Members designated by the Chairman as alternates, and in the absence of the Vice Chairman of the Committee, his alternate). Meetings of the Subcommittee shall be called at the request of any member, or at the request of the Manager, for the purposes of reviewing recent or contemplated operations and of consulting with the Manager on other matters relating to his responsibilities. At the request of any member of the Subcommittee, questions arising from such reviews and consultations shall be referred for determination to the Federal Open Market Committee.

7. The Chairman is authorized:

A. With the approval of the Committee, to enter into any needed agreement or understanding with the Secretary of the Treasury about the division of responsibility for foreign currency operations between the System and the Treasury;

B. To keep the Secretary of the Treasury fully advised concerning System foreign currency operations, and to consult with the Secretary on policy matters relating to foreign currency operations.

C. From time to time, to transmit appropriate reports and information to the National Advisory Council on International Monetary and Financial Policies.

8. Staff officers of the Committee are authorized to transmit pertinent information on System foreign currency operations to appropriate officials of the Treasury Department.

9. All Federal Reserve Banks shall participate in the foreign currency operations for System Account in accordance with paragraph 3 G(1) of the Board of Governors' Statement of Procedure with Respect to Foreign Relationships of Federal Reserve Banks dated January 1, 1944.

2. FOREIGN CURRENCY DIRECTIVE

1. System operations in foreign currencies shall generally be directed at countering disorderly market conditions, provided that market exchange rates for the U.S. dollar reflect actions and behavior consistent with the proposed IMF Article IV, Section 1.

2. To achieve this end the System shall:

A. Undertake spot and forward purchases and sales of foreign exchange.

B. Maintain reciprocal currency ("swap") arrangements with selected foreign central banks and with the Bank for International Settlements.

C. Cooperate in other respects with central banks of other countries and with international monetary institutions.

3. Transactions may also be undertaken:

A. To adjust System balances in light of probable future needs for currencies.

B. To provide means for meeting System and Treasury commitments in particular currencies, and to facilitate operations of the Exchange Stabilization Fund.

C. For such other purposes as may be expressly authorized by the Committee.

4. System foreign currency operations shall be conducted:

A. In close and continuous consultation and cooperation with the United States Treasury;

B. In cooperation, as appropriate, with foreign monetary authorities; and

C. In a manner consistent with the obligations of the United States in the International Monetary Fund regarding exchange arrangements under the proposed IMF Article IV.

3. SPECIAL AUTHORIZATION UNDER PARAGRAPH 1(D) OF AUTHORIZATION FOR FOREIGN CURRENCY OPERATIONS

The Federal Open Market Committee authorizes the Federal Reserve Bank of New York to maintain an overall open position in foreign currencies exceeding the figure of $1 billion specified in paragraph 1(D) of the Authorization for Foreign Currency Operations by an amount equal to the remaining forward commitment associated with the System's outstanding 1971 swap drawings in Swiss francs.

All changes in this document are effective December 28, 1976.

By order of the Federal Open Market Committee, December 29, 1976.

MURRAY ALTMANN,
Deputy Secretary.

[FR Doc.77-353; Filed 1-4-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Extension of Time To File Comments

The deadline for filing comments on the proposed Federal Energy Administration Form C607-S-O entitled "Major Fuel Burning Installations—Early Planning Process Report," Schedule A-3 is hereby extended to January 12, 1977. This notice amends the General Accounting Office notice of December 17, 1976, (41 FR 55239).

NORMAN F. HEYL,
Regulatory Reports,
Review Officer.

[FR Doc.77-385 Filed 1-4-77;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Revised Justification for Report Proposal

On November 11, 1976, the Regulatory Reports Review Staff, GAO, received and accepted a request for clearance of a proposed report intended for use in collecting information from the public. (See 44 U.S.C. 3512 (c) and (d).) GAO caused to have published a notice in the FEDERAL REGISTER on November 18, 1976, at 41 FR 50869, announcing that a form had been received and accepted. The purpose of publishing this notice is to inform the public that GAO has suspended its current review of an FEA form because on December 29, 1976, GAO received an expanded supporting statement and, therefore, desires to solicit further comments on two aspects of the report.

The FEA has requested clearance of FEA-P124-M-1 entitled "Domestic Crude Oil Purchasers Report." In its original justification materials, FEA emphasized that this form would permit FEA to monitor the weighted average first sale price of domestic crude petroleum. GAO received comments on this form from 30 potential respondents, most of whom stated that too much information was being requested to satisfy this one specifically stated purpose. In addition, most respondents stated that information required by the report is not currently available in the format requested.

After analyzing the report and reviewing the comments, GAO met with FEA representatives to discuss the specific purposes for this information and other issues related to the report. GAO requested that FEA explain fully in writing why each schedule of information is being required. FEA did provide this written explanation on December 29, 1976, in the form of an expanded justification statement which follows this announcement.

GAO is now asking respondents to reconsider the report and its schedules in the light of this new justification statement. Since only two issues cannot be resolved without further information from the potential respondents, GAO asks specifically that respondents limit their comments to two issues: (1) Whether the information requested is appropriate and adequate to satisfy the purposes stated in the expanded justification; and (2) what respondents must do to their accounting systems in order to provide the information requested in the format FEA has proposed. GAO wants to assure respondents that comments which have already been received have been

considered and will remain part of the record of our review.

Written comments are invited from all interested persons, organizations, public interest groups, and affected businesses. Because respondents already have reviewed and commented on the original package and this solicitation of comments is limited to two issues, the deadline for filing comments on the revised justification for proposed form FEA–P124–M–1 will be January 20, 1977. Comments (in triplicate) must be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy Stuart of the Regulatory Reports Review Staff, (202) 376–5425.

FEDERAL ENERGY ADMINISTRATION REVISED SUPPORTING STATEMENT

The P124–M–1 is a result of significant redesign with the emphasis on reducing the burden on the Petroleum Industry. The first data source considered by the Federal Energy Administration to acquire adequate data was producers of crude oil. Producers of crude oil are for the most part small business and, with the exception of a few large producers, do not have any computerized accounting or reporting system. To require these firms to report would impose an extreme burden on thousands of small businesses.

The P124–M–1 is a drastically reduced version of the P124–M–0 because of industries comments as to the burden to report 300,000 to 450,000 domestic crude oil leases. The FEA has minimized its data requirements needs in order to put the least burden on the fewest number of firms but still continue to obtain the information needed by the Agency.

The FEA plans to use the data gathered from the P124–M–1 for various purposes to include:

a. Monitor the first sale price of domestic crude oil.

b. Provide statistics necessary for a complete and comprehensive compliance effort in the Domestic Crude Oil Program.

The Conference report on EPCA (Pub. L. 94–163) stated that

> • • • the conference fully intend that the measure of actual weighted average first-sale prices of domestic crude oil which is adopted for purposes of this act shall be valid, reliable, and completely defensible whether based on a continuation and expansion of the existing FEA data system or its replacement by a new and more comprehensive one. Finally, the conferees intend that the current FEA audit of crude oil price and production data be continued or replaced by a new system which results in a more complete and comprehensive auditing of actual domestic oil pricing practices.

c. Monitor and obtain compliance with crude regulations as they apply to wholesalers and retailers.

d. Provide necessary statistics for analysis of the complete structure and performance of the petroleum industry.

e. Provide statistical data necessary for policy decisions relating to domestic crude oil. For example, this detailed data will allow the FEA to better understand how domestic crude production is declining on a geographic basis.

The proposed P124–M–1 is made up of six (6) schedules; A—Administrative Information; B—Summary of Transactions; C—First Purchases by State of Production; D—Other Purchases; E—Producer Report; F—Producer/Operator Identification. Each of these schedules was developed as part of the total comprehensive data collection effort in order to address specific requirements of various uses of the data; i.e., Policy and Planning functions, Compliance and Statistical data needs. A schedule-by-schedule analysis follows:

Schedule A. Schedule A provides information about each reporting entity necessary for the administration of the reporting system to include; company name, company location, company contact person, company point, company IRS Employers Identification Number (EIN), and company certification of the data in the other five (5) schedules.

Schedule B. Schedule B collects summary data from each reporting firm on beginning inventory, inventory additions and reductions and ending inventory. This summary information lends itself to rapid automated data processing (and, if required, manual processing) and reporting that will enable FEA to monitor the weighted average price on a real time basis as well as provide a cross reference foot check to the detailed data provided in schedules C, D, and E. By the use of a data summary form, the degree of reliability that can be placed in computer comparison of the data is greatly enhanced. In particular, the validity of the transcription of the detail from the form to the computer can be verified by cross checking the totals provided by the companies with the totals generated by FEA from the detail.

Schedule C. Schedule C provides monthly statistics on state-by-state crude production. This monthly information will be used to measure decline rates, price variances between states, as well as other statistical purposes. The state information will also be used as an input to the Compliance targeting system. Schedule C was generated to get needed state statistics on a timely basis and have detailed producer data reported quarterly on Schedule E. In addition, it provides a validity check on the detail provided on Schedule E.

State level statistics have numerous uses to include supportive evidence for exception and appeal cases, special production incentives studies and assisting state regulatory agencies in monitoring state crude oil production. The state level statistics would also assist the FEA in addressing numerous Congressional, industrial, and public requests for data on domestic crude oil production and prices by tier within various states.

Schedule D. Schedule D provides information to the Compliance reseller program and will enable the targeting of firms that may be in violation of various regulations including cost pass throughs, the changing of the crude oil mix to enable the charging of higher prices, false certifications and other violations. In addition, FEA has explicit requirements for the detailed crude oil sales, purchases, and exchange data that would be collected on Schedule D. This data will be used for FEA's analysis of the competitive structure conduct, and performance of the petroleum industry.

Specifically, Schedule D would yield detailed information on the sales, purchases, and exchanges of products between specific companies. From this data, FEA could analyze the patterns of crude oil transactions between majors, independent refiners, and independent marketers. FEA could determine how much crude oil is handled in open market transactions, and whether there is evidence of discrimination (refusals to deal with independents) in the majors exchange agreements.

Schedule E. Schedule E provides the data necessary to adequately target crude oil producers for audit based upon targeting criteria applied to the detailed information gathered. The U.S. General Accounting Office stated in its October 2, 1976, report on FEA's Efforts to Audit Domestic Crude Oil Producers that FEA needs a more systematic method for selecting independent producers for audit so that audit efforts can be concentrated on those producers most likely to be in violation of pricing regulations. GAO went on to state that "We believe FEA must strengthen and improve its audits of crude producers in order to provide adequate assurances that producers are in substantial compliance with crude pricing regulations."

This proposed schedule will provide that data necessary to concentrate the resources available to FEA for audit purposes in those firms that are most likely to be in violation of pricing regulations. In addition, this schedule will also be used to analyze the patterns of first sale crude oil transactions between majors, independent refiners, and independent marketers to determine the market conditions for crude oil between producers and refiners.

Schedule F. Schedule F provides the name and address information necessary to assign auditors to producers selected by the crude producer targeting system.

The burden of reporting can be most easily reduced if each firm would agree to forward schedules D, E, and F to FEA on computer tape accompanied by a certified printout of the contents of the tape. Detailed instructions on the technical characteristics of the tape and specifications of the record layouts will be agreed upon with each firm that elects this option.

The implementation of the Domestic Crude Oil Purchaser System has been a phased process. The Phase I implementation involved gathering by the P124–M–O summary first-sale information and purchaser/reseller identification for other

than first purchases. The Phase II implementation of the P124 system will be to: (a) Require that each purchaser continue to file the information previously submitted on the P124–M–O (i.e., require schedules A and B 45 days after approval of the form); (b) require that schedules E and F be filed 60 days after approval of the form; and (c) require that schedules C and D be filed 90 days after approval of the P124.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77–386 Filed 1–4–77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice No. 13]

ALABAMA PUBLIC SERVICE COMMISSION AND ALABAMA POWER CO.

Proposed Intervention In Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Alabama Public Service Commission concerning the application of the Alabama Power Company for an increase in its annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

The Alabama Power Company has filed a request for revised electric rates to increase revenues by $173.9 million annually. The estimated impact on the Federal executive agencies is in excess of $1 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW., Washington, DC, 20405, telephone (202) 566–0750, on or before February 4, 1977 and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)))

Dated: December 13, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77–303 Filed 1–4–77;8:45 am]

[Intervention Notice No. 14]

ARKANSAS PUBLIC SERVICE COMMISSION AND ARKANSAS POWER AND LIGHT CO.

Proposed Intervention In Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Arkansas Public Service Commission concerning the petition of the Arkansas Power and Light Company for increased electric rates. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

The Arkansas Power and Light Company has filed a petition which includes a Cost of Service Index clause, which would allow automatic adjustment of electric rates without hearings. The increase would impact Federal agencies by $324,000 annually; howeever, the precedential impact of the Cost of Service Index clause is more significant than this initial impact.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW, Washington, DC, 20405, telephone (202) 566–0750, on or before February 4, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)))

Dated: December 13, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77–304 Filed 1–4–77;8:45 am]

[Intervention Notice No. 15]

[Docket No. 7610–1021]

NEW JERSEY BOARD OF PUBLIC UTILITY COMMISSIONERS AND JERSEY CENTRAL POWER AND LIGHT CO.

Proposed Intervention In Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the New Jersey Board of Public Utility Commissioners concerning the application of the Jersey Power and Light Company for an increase in annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

The Jersey Central Power and Light Company has filed a request for approval of an increase to its current revenues of $107 million, or 21 percent. The estimated impact to Federal executive agencies is in excess of $1 million annually.

Persons desiring to make inquires concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division. General Serviles Administration, 18th & F Streets, NW., Washington, D.C., 20405, telephone (202) 566–0750, on or before February 4, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)))

Dated: December 13, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77–305 Filed 1–4–77;8:45 am]

[Intervention Notice No. 16]

OHIO PUBLIC UTILITIES COMMISSION AND DAYTON POWER AND LIGHT CO.

Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Ohio Public Utilities Commission concerning the application of the Dayton Power and Light Company for an increase its annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

The Dayton Power and Light Company has filed a request for revision and modification of its electric rates by $30 million, or 10.5 percent overall. The proposed rate increase would have an impact in excess of $1 million annually on the Federal executive agencies.

Persons desiring to make inquires concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, NW, Washington, DC, 20405, telephone (202) 566–0750, on or before February 4, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4).)

Dated: December 13, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77–306 Filed 1–4–77;8:45 am]

[Docket No. 7]

[Intervention Notice No. 17]

PENNSYLVANIA PUBLIC UTILITY COMMISSION AND BELL TELEPHONE CO. OF PENNSYLVANIA

Proposed Intervention in Telephone Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Pennsylvania Public Utility Commission concerning the application of the Bell Telephone Company of Pennsylvania for an increase in annual revenues. The GSA represents the interests of the executive agencies of the United States Government as users of telecommunications services.

Bell Telephone Company of Pennsylvania filed proposed tariff changes which changes which would increase their annual revenues by $139 million. It is estimated that these rate changes would impact the Federal Government by over $1.1 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW, Washington, DC, 20405, telephone (202) 566–0750, on or before February 4, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4) Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4).)

Dated: December 14, 1976.

JACK ECKERD,
Administrator of General Services.

RESOURCE ALLOCATION

1. Case: Bell Telephone of Pennsylvania.
2. Impact: Estimated $1.1 million on $6 million in gross billings.
3. Estimate of travel:

17 days per diem at $33 equal	$561
2 trips to Pittsburgh at $72 equal	144
Miscellaneous (GOV to Harrisburg) equal	200
Total	$905

4. Transcripts: 95¢ per page, average 170 pages per day ×15 hearing days-$2,450. (Based on bill average from PPL case and Philadelphia Electric case.)

[FR Doc.77-307 Filed 1-4-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1977:

Name: Maternal and Child Health Research Grants Review Committee.

Date and Time: February 2–3, 1977, 9:00 a.m.

Place: Conference Room B, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open February 2, 9:00 a.m.–10:00 a.m. Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda: The Committee will be performing the review of grant applications for Federal assistance. This meeting will be open to the public from 9:00 to 10:00 a.m. on February 2 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552(b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should contact Gerald D. LaVeck, M.D., Room 7-36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Agenda items are subject to change as priorities dictate.

Date: December 29, 1976.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for Management.

[FR Doc.77-318 Filed 1-4-77;8:45 am]

Office of Assistant Secretary for Education

EDUCATIONAL AGENCIES AND INSTITUTIONS

Comments on Collection of Information and Data Acquisition Activity

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics and the National Institute of Education have proposed collections of information and data acquisition activities, which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to afford each educational agency or institution subject to a request under the proposed collection of information and data acquisition activites and their representative organizations an opportunity, during a 30-day period before transmittal to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collections of information and data acquisition activities.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activity are invited. Comments must be received on or before February 4, 1977 and should be addressed to Administrator, National Center for Education Statistics, Attn: Manager, Information Acquisition, Plannnig, and Utilization, Room 3001, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Further information may obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202–245–1022.

Dated: December 29, 1976.

MARJORIE O. CHANDLER,
Acting Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Agency/bureau/office—National Center for Education Statistics.

2. Agency form number—NCES 2397.

3. Title of proposed activity—Survey of teachers' language skills. (A survey to determine the number of currently employed elementary and secondary public school teachers in the 50 States and the District of Columbia having qualifications likely to enable them to provide bilingual education with little or no retraining.)

4. Legislative authority for this activity—"• • • The Commissioner • • • shall submit to the Congress and the President a report on the condition of bilingual education in the Nation • • •. Such report shall include— • • • a • • • plan for the training of the necessary teachers • • • (and) • • • an assessment of the number of teachers • • • needed to carry out programs of bilingual education • • •" (Pub. L. 93–380, Sec. 105; Section 731 of the Elementary and Secondary Education Act, Title VII (Bilingual Education Act) as amended; 20 U.S.C. 880b–10).

"• • • The (National) Center (for Education Statistics) shall— • • • collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States • • •" (Pub. L. 93–380, Sec. 501(a); Sec. 406(b)(1) of the General Education Provisions Act as amended; 20 U.S.C. 1221e–1).

"• • • The Center shall— • • • conduct a • • • survey • • • to determine the demand for, and the availability of, qualified teachers • • • in critical areas within education • • •" (Pub. L. 94–482, Sec. 401(a); Sec. 406.(b)(5) of the General Education Provisions Act as amended; 20 U.S.C. 1221e–1).

5. Voluntary/obligatory nature of response—Voluntary.

6. How information to be collected will be used—The findings will be included in the report to the Congress and the President which the Commissioner of Education is required to make. It is anticipated that this information will be used by the Congress in the deliberations concerning the extension or revision of the Bilingual Education Act. It is necessary to ascertain where the necessary number of teachers may come from—preservice training, inservice training, or other sources, in order that the Congress may make decisions concerning the need for programs and their projected funding levels. This survey is designed to provide an estimate of the number of currently employed elementary and secondary school teachers in the United States with basic qualifications such that with little or no retraining they can become qualified teachers of these children.

In addition to information required by the Commissioner's report, some of the requested information will be used by the National Center for Education Statistics in reporting on the demand for and availability of qualified teachers in critical areas within education. This survey will help to indicate (along with other surveys) to what extent qualified teachers are presently available.

The lists of teachers' names to be submitted by principals or other administrative personnel will be used for drawing a sample of the teacher respondents.

7. Data acquisition plan—a. Method of collection: Mail.

b. Time of collection: Spring, 1977.

c. Frequency: Single time.

8. Respondents—a. Type: Local education agencies or principals (school).

b. Number: Sample: approximately 3,000.

c. Estimated average man-hours per respondent: 15 minutes.

a. Type: Teachers, elementary/secondary.

b. Number: Sample: 12,000.

c. Estimated average man-hours per respondent: 10 minutes.

9. Information to be collected—a. From principals or other agents of the public education establishment:

A list of names of all full-time elementary and secondary teachers in designated schools.

b. From teachers: Demographic characteristics; Highest degree earned; Whether teaching during school year 1975–76; Other work status during 1975–76; and Grade level and subject area of current teaching assignment.

Teacher self-rating of: Ability to speak a non-English language; Ability to teach in a non-English language; Fluency in English; and Ability to teach various subjects in English.

Description of the situation in which: English was learned; and Non-English language was learned.

Teacher's formal training in bilingual education: College or university courses relating to bilingual education; Areas of study represented by these courses; Number of courses taken; Were courses language-specific? and Which languages were involved?

Other relevant training: Type and duration of training; Was training language-specific? and Which languages were involved?

Teacher's experience in non-English language teaching: Grades and subjects taught; Languages used; Percent of time spent daily teaching in a non-English language; Experience in teaching English as a second language (ESL); Percent of time spent daily in teaching ESL; and What other provisions are made for students with limited English-speaking ability?

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Agency/bureau/office—National Institute of Education.

2. Agency form number—NIE 174.

3. Title of proposed activity—Registry of Research Organizations in Education (A Survey of Organizations which Perform Education RDDE—Research, Development, Dissemination, Evaluation and Policy Studies).

4. Legislative authority for this activity—"The National Institute (of Education) shall * * * seek to improve education * * * through * * * building an effective educational research and development system." (Section 405(b)(2)(D) of the General Education Provisions Act (GEPA); 20 USC 1221 e.)

"The (National) Council (on Education Research) shall * * * prepare an annual report to the Assistant Secretary on the current status and needs of educational research in the United States," (Section 405(c)(3), (E)(F) of GEPA; 20 USC 1221e.)

"There is established within the Institute a Federal Council on Educational Research and Development * * * The Federal Council shall * * * make an annual report to the Congress and the President on the status of educational research and development in the United States." (Section 405(g) of GEPA; 20 USC 1221e.)

5. Voluntary/obligatory nature of response—Voluntary.

6. How information collected will be used—*Congressional mandates:* The information will enable the National Institute of Education, the National Council on Educational Research, and the Federal Council on Educational Research and Development, to meet the specified Congressional mandates. Data will be used to draft the required annual reports.

Institute policy planning: Survey information will be used in Institute policy planning and development regarding agency-field relations, regionalism, and other research, development, disseminations, evaluation and policy (RDDE) issues. An analytical report will address questions of current interest to NIE and to other governmental and private policy makers. Such issues include: the extent to which education RDDE is concentrated in a few organizations; the proportion of RDDE carried out in organizations whose primary mission is education; the extent to which organizations specialize in particular RDDE functions; the types of education and education levels to which funds are applied; and the educational level of the professional RDDE workforce.

Research: As a listing of organizations in the education RDDE universe and their activities and resources, the survey will provide presently unavailable sampling frames, to be used by NIE and others for subsequent more detailed sample studies.

Education RDDE community: A final and very important use of the data is to serve and strengthen the respondents themselves, i.e. the education RDDE community. Survey data will be used to create a Registry of Research Organizations in Education, to be employed by NIE providing information, services, and support to the education RDDE community. A printed Directory, the most comprehensive listing of its kind, will be made available to all participants in education RDDE for their own purposes of intercommunication and information. The Directory will provide information about education research resources in every area of the country.

7. Data acquisition plan—a. Method of collection: Mail and Personal (Telephone) Interview.

b. Time of collection: Spring, 1977.

c. Frequency: Single Time.

8. Respondents—a. Type: State Education Agencies.

b. Number: Universe.

c. Estimated man-hours per respondent: .5.

a. Type: Local Education Agencies.

b. Number: Sample (1,500).

c. Estimated man-hours per respondent: .5.

a. Type: Colleges and Universities.

b. Number: Sample (700).

c. Estimated man-hours per respondent: .5.

a. Type: Nonprofit organizations.

b. Number: Sample (300).

c. Estimated man-hours per respondent: .5.

a. Type: Intermediate service agencies.

b. Number: Universe.

c. Estimated man-hours per respondent: .5.

a. Type: For profit organizations.

b. Number: Sample (250).

c. Estimated man-hours per respondent: .5.

9. Information to be collected—The study will seek to collect information about the educational research, development, dissemination, evaluation and policy study activities of respondent organizations. Information will be sought about the organizations' (1) general purposes; (2) fields in which RDDE is performed; (3) financing of education RDDE; (4) size and specialties of RDDE staff; (5) typical number, size and duration of ongoing activities; (6) media used to disseminate the results of work performed.

The data will be comparable for all respondent types. Questions obviously unsuited for particular respondent types will be omitted from the respective instrument version.

[FR Doc.77-349 Filed 1-4-77;8:45 am]

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Notice of Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Advisory Council on Financial Aid to Students will be held on January 27 and 28, 1977, from 9:00 a.m. to 5 p.m. at the Ramada-Scottsdale Inn, Scottsdale, Arizona.

The Advisory Council on Financial Aid to Students is established under section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public .The proposed agenda includes:

1. Discussion of work papers to be prepared by the Council members on selected topics related to student financial aid. These papers will serve as basis for deliberation during the following meetings of the Council, preparatory to publishing its Third Annual Report to the Commissioner and to Congress.

Records shall be kept of all Committee Proceedings and shall be available for public inspection at the Council's Office located in Room 4931, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed in Washington, D.C. on December 21, 1976.

WARREN T. TROUTMAN,
OE Delegate.

[FR Doc.77-328 Filed 1-4-77;8:45 am]

CONSUMERS' EDUCATION PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 811 of the Elementary and Secondary Education Act of 1965, as enacted by section 505 of the Education Amendments of 1972, Pub. L. 93–380, 20 U.S.C. 887d, applications are being accepted from institutions of higher education, local education agencies, State education agencies and other public and private non-profit organizations and institutions (including libraries) for the support of research, demonstration, and pilot projects designed to provide consumers' education to the public.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 10, 1977.

A. Applications sent by mail: An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202; Attention 13.564. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 7, 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 March 10, 1977 by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. Hand delivered applications: An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 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 instructions and forms: Information and application forms may be obtained from the Office of Consumers' Education, Bureau of Occupational and Adult Education, Office of Education, ROB-3, Room 5624, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

D. *Program information:* (1) The amount of funds available under this program is $3,135,000, with approximately $3 million going for grant awards and approximately $135,000 for procurement contracts.

(2) It is estimated that a total of approximately 65 new grants will be awarded during Fiscal Year 1977. There will be no continuation awards in Fiscal Year 1977.

(3) The average grant is expected to be about $45,000 though no minimum or maximum amounts have been predetermined.

E. *Applicable regulations:* Awards made pursuant to this notice will be subject to (1) The Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) published in the FEDERAL REGISTER on November 6, 1973 and, (2) the regulation for the Consumers' Education Program published in the FEDERAL REGISTER on May 24, 1976 (41 FR 21191-21199).

(20 U.S.C. 887d.)

(Catalog of Federal Domestic Assistance No. 13.564; Consumers' Education.)

Dated: December 30, 1976.

JOHN W. EVANS,
Acting U.S. Commissioner of Education.

[FR Doc. 77-350 Filed 1-4-77;8:45 am]

COLLEGE LIBRARY RESOURCES

Closing Date for Receipt of Applications for Fiscal Year 1977; Correction

In the FEDERAL REGISTER document 76-37581 published on December 22, 1976 on page 55748, dates should be as follows:

Applications must be received by the U.S. Office of Education Application Control Center on or before February 28, 1977, and under A.(1). The application was sent by registered or certified mail not later than February 23, 1977 as evidenced by the U.S. Postal Service postmark * * *"

(Catalog of Federal Domestic Assistance Program No. 13.406, College Library.)

Dated: December 29, 1976.

JOHN W. EVANS,
Acting U.S. Commissioner of Education.

[FR Doc.77-351 Filed 1-4-77;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH ET AL.

Delegations of Authority

Notice is hereby given that the following delegations with authority for redelegation, have been made under section 222(a) of the Social Security Amendments of 1972, sections 402 (a) and (b) of the Social Security Amendments of 1967, as amended, and sections 245 (a), (b), and (c) of the Social Security Amendments of 1972, providing for experiments and demonstration projects with respect to prospective reimbursement, other alternative methods of reimbursement, payment for incidental services, state rate setting, combined rates of reimbursement for teaching and patient care, intermediate care facilities and homemaker services alternatives to post hospital benefits under Title XVIII of the Social Security Act, fixed price and performance contracting, reimbursement for physician assistant services, reimbursement for day care services under Titles XVIII and XIX of the Social Security Act, reimbursement for clinical psychologist services under Titles XVIII and XIX of the Social Security Act, and durable medical equipment under Title XVIII of the Social Security Act:

1. Delegation from the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health, effective on the date of publication, of the authority vested in the Secretary under:

(a) Section 222(a) of Public Law 92-603, excluding the authority to issue regulations; the authority to submit any report to Congress or to a Congressional committee; and the authority under section 222(a)(3) to waive compliance with the requirements of Titles XVIII and XIX of the Social Security Act in the case of any experiment or demonstration project under section 222(a)(1), insofar as such requirements relate to methods of payment for services provided;

(b) Section 402(a) of the Social Security Amendments of 1967, as amended by section 222(b)(1) of Public Law 92-603, excluding the authority to issue regulations;

(c) Section 402(b) of the Social Security Amendments of 1967, as amended by section 222(b)(2) of Public Law 92-603, excluding the authority to waive compliance with the requirements of Titles XVIII and XIX of the Social Security Act, in the case of any experiment or demonstration project under section 402(a) of the Social Security Amendments of 1967, as amended, insofar as such requirements relate to reimbursement or payment on the basis of reasonable cost, or (in the case of physicians) on the basis of reasonable charge, or to reimbursement or payment only for such services or items as may be specified in the experiment; and

(d) Section 245 (a), (b), and (c) of Public Law 92-603, excluding the authority to issue regulations and the authority to waive the 20 percent coinsurance amount applicable under section 1833 of the Social Security Act.

2. I hereby delegate to the Commissioner of Social Security with authority to redelegate, the authority vested in the Secretary of Health, Education, and Welfare under:

(a) Section 222(a)(3) of Public Law 92-603 for the waiver of compliance with requirements of Title XVIII of the Social Security Act with respect to experiments and demonstration projects under section 222(a)(1) of Public Law 92-603;

(b) Section 402(b) of the Social Security Amendments of 1967, as amended by section 222(b)(2) of Public Law 92-603 for the waiver of compliance with requirements of Title XVIII of the Social Security Act with respect to experiments and demonstration projects under section 402(a) of the Social Security Amendments of 1967 as amended by Section 222(b)(1) of Public Law and 92-603; and

(c) Section 245(b) of Public Law 92-603 for the waiver of compliance with requirements of Title XVIII of the Social Security Act with respect to experiments and demonstration projects under section 245(a) of Public Law 92-603.

3. I hereby delegate to the Administrator, Social and Rehabilitation Service, with authority to redelegate, the authority vested in the Secretary of Health, Education, and Welfare under:

(a) Section 222(a)(3) of Public Law 92-603 for the waiver of compliance with requirements of Title XIX of the Social Security Act with respect to experiments and demonstration projects under section 222(a)(1) of Public Law 92-603; and

(b) Section 402(b) of the Social Security Amendments of 1967, as amended by section 222(b)(2) of Public Law 92-603 for the waiver of compliance with requirements of Title XIX of the Social Security Act with respect to experiments and demonstration projects under section 402(a) of the Social Security Amendments of 1967, as amended by section 222(b)(1) of Public Law 92-603.

This delegation supersedes previous delegations of authority by the Secretary of Health, Education, and Welfare under sections 402(a) and (b) of the Social Security Amendments of 1967 and Sections 222 and 245(a), (b), and (c) of the Social Security Amendments of 1972. Delegations and redelegations made pursuant to previous delegations by the Secretary of Health, Education, and

Welfare of such authority which are in effect on the date of approval of this delegation shall continue in effect until new redelegations are approved.

This delegation is effective on the date of my signature.

Dated: December 20, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.77-363 Filed 1-4-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. 76-690]

NATIONAL INSURANCE DEVELOPMENT ADVISORY BOARD

Public Meeting

The purpose of this notice is to announce that the Acting Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, will hold the quarterly Public Meeting of the National Insurance Development Advisory Board in Room 10233 of the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. on Wednesday, January 26, 1977, commencing at 10 a.m.

The National Insurance Development Advisory Board, established under the authority of Section 1202 of the National Housing Act, enacted by the Urban Property Protection and Reinsurance Act of 1968, as amended by the National Insurance Development Act of 1975 (Pub. L. 94-13, April 8, 1975), advises the Secretary of existing or potential problems of unavailability of essential property insurance, and other matters related to FAIR (Fair Access to Insurance Requirements) Plan operations and riot reinsurance rates and coverage.

The effectiveness of the private sector to provide essential property insurance on reasonable terms and conditions at reasonable rates is a matter of deep concern.

The Federal Insurance Administration is charged with the responsibility to assure that the programs authorized under the Urban Property Protection and Reinsurance Act of 1968, as amended, aid the insurance purchasing consumer.

The Chairman and Acting Federal Insurance Administrator, J. Robert Hunter, announces that the quarterly Public Meeting of the Advisory Board will be held on January 26, 1977 to consider the following:

(a) Review of the minutes from September 22, 1976 meeting;

(b) Continue discussion of the extension of the Urban Property Protection Act of 1968, as Amended;

(c) "Redlining"—

1. Review of Justice Department's suit and complaints against insurers in New York, New York; Detroit, Michigan; St. Louis, Missouri; Gary, Indiana;

2. Review of *Franklin-Quincy Corporation v. Public Service Mutual Insurance Company"* suit as it relates to Title VIII of the Civil Rights Act of 1968;

3. Homeowners insurance in Detroit: A Study of Redlining Practices and Discriminatory Rates;

(d) FAIR Plan growth through third quarter of 1976;

(e) Review of the Final Report by Battelle Laboratories entitled, "Arson: America's Malignant Crime";

(f) New states where crime insurance is now available;

(g) Other matters.

The meeting is open to the public. Public attendance may be limited depending on available space. Any member of the public may file a written statement before, during or after the meeting. To the extent that time permits, interested persons will be allowed public presentation of oral statements at the meeting.

All communications concerning this meeting should be addressed to Acting Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Issued in Washington, D.C., on December 27, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-551 Filed 1-4-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-12817]

IDAHO

Notice of Application

DECEMBER 28, 1976.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), as amended by the Act of October 21, 1976 (90 Stat. 2743), Agricultural Flite Services, Inc., P.O. Box 72, Nampa, Idaho 83651, has applied for an airport lease for the following land:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 3 W., Sec. 28, NE¼, N½SE¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

WILLIAM E. IRELAND,
Acting Chief,
Branch of L&M Operations.

[FR Doc.77-335 Filed 1-4-77;8:45 am]

[NM 29448, 29449 and 29463]

NEW MEXICO

Notice of Applications

DECEMBER 28, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 30, S½NW¼ and NW¼SW¼.
T. 29 N., R. 7 W.,
Sec. 25, NE¼SE¼.
T. 29 N., R. 8 W.,
Sec. 14, W½SW¼.
T. 32 N., R. 11 W.,
Sec. 15, W½SW¼.

These pipelines will convey natural gas across .633 of a mile of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-389 Filed 1-4-77;8:45 am]

WESTERN SLOPE GAS CO.

Notice of Pipeline Application

[Colorado 24661]

DECEMBER 27, 1976.

In FR Doc. 76-36146 appearing at page 53855 in the FEDERAL REGISTER of Thursday, December 9, 1976, the legal description is corrected to read:

T. 2 S., R. 101 W., 6th P.M.;
Sections 21, 22, 28, 32, and 33
T. 3 S., R. 101 W., 6th P.M.;
Section 5.

MERRILL G. ANDERSON,
Acting Chief,
Branch of Land Operations.

[FR Doc.77-308 Filed 1-4-77;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77-49]

BENTLEY & DERRY COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bentley & Derry Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls.

The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5)(i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that having canopies installed on its equipment is creating a hazard to the operators. Petitioner has attempted to use the canopies.

2. Petitioner's equipment consists of: two 14Bu7AE Joy loaders; one 11RU Joy cutting machine; one Long-Airdox LRB–15A roof bolt machine; and two Porter Industries end dump shuttle cars.

3. The No. 5 Mine is in the Peach Orchard seam which ranges from 44 to 48 inches in height. In this seam Petitioner is using crossbars to pin hill seams and to collar where needed. Petitioner has been running into dips and rolls in the bottom. By installing canopies on this equipment Petitioner is limiting the vision of the equipment operators, creating a safety hazard for them and their fellow workers. With canopies installed on the equipment, it cannot enter some sections of the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director, Office of Hearings and Appeals.

DECEMBER 28, 1976.

[FR Doc.77-336 Filed 1-4-77;8:45 am]

[Docket No. M 77-51]

BLUE DIAMOND COALS OF RISNER, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Blue Diamond Coals of Risner, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 6 Mine, located in Floyd County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5)(i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner cannot utilize its deep mine equipment with the canopy attached due to the irregularity of the coal seam. The coal seam, in which the equipment has been used until recently, runs between 36 and 42 inches. The roof and bottom roll and dip to such a great extent the equipment could not be operated except at intervals with the canopies. In other words, where the coal seam pinches off to 36 inches due to the rolls and bottoms, this equipment cannot be operated. The canopy strikes the roof, preventing operation of Petitioner's equipment.

2. The equipment runs approximately 30 inches and Petitioner uses header blocks occasionally.

3. Petitioner requests that the regulation be modified to permit it to use equipment without canopies, otherwise, it will be necessary that Petitioner shut down its mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director, Office of Hearings and Appeals.

DECEMBER 27, 1976.

[FR Doc.77-337 Filed 1-4-77;8:45 am]

[Docket No. M 77-60]

BORGMAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Borgman Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Borgman No. 10 Mine, located in Preston County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5)(i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner believes that due to the variations in the heights of its mine, which is 38 to 50 inches, and the height of its machines, the loading machine being 32 inches high and the cutting machine being 32 inches high, petitioner can not safely comply with 30 CFR 75.1710. The top in petitioner's mine is mostly sandstone and tends to roll periodically. This makes it hard for petitioner to get its machines in these places, much less a machine equipped with a canopy attached.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 27, 1976.

[FR Doc.77-338 Filed 1-4-77;8:45 am]

[Docket No. M 77-58]

C & S COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), C & S Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Honaker, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

* * *

The substance of Petitioner's statement is as follows:

1. Petitioner's equipment consists of one S & S scoop, model 480 which is 28 inches in height with a length of 25 feet, and a width of 10 feet, and one Epling tractor, model 100 which is 24 inches in height, 14 feet long and 6 feet 6 inches wide.

2. Petitioner's mine is 1 month old and has a projected life of 3 years. Petitioner's mine is located in the Widow Kennedy coal seam. The thickness of the coal seam is 31 inches. The average height of the coal seam in those locations where equipment, which is subject to cabs and canopy regulations, is being used is 31 inches. The danger in utilizing cabs and canopies on equipment at each working section stems from the fact that the height of the mine is too low.

3. The coal height at Petitioner's mine varies at times from 31 inches to 48 inches in height. Petitioner plans to use the equipment subject to this petition indefinitely and the present height of the coal will not permit canopies to be installed. Petitioner has considered and investigated the potential problems related to usage of cabs and canopies at its mine.

4. An approved roof control plan issued by federal and state inspectors is utilized at Petitioner's mine. Forty-eight inch roof bolts, collars and timbers are utilized at the mine for roof fall prevention. Petitioner will train employees regarding the modified systems.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 27, 1976.

[FR Doc.77-339 Filed 1-4-77;8:45 am]

[Docket No. M 77-63]

GATEWAY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Gateway Coal Company has filed a petition of 30 CFR 75.1700 to its Gateway Mine, located in Greene County, Pennsylvania.

30 CFR 75.1700 provides:

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

The substance of Petitioner's statement is as follows:

1. Petitioner's Gateway Mine has a gas well, Number 1306, which was abandoned when gas in a commercial quantity was not found. The borehole of the well penetrates the Pittsburgh Coal Seam in the 10 Butt, 2 Face Section where Petitioner intends to mine.

2. The barrier around the well, required by 30 CFR 75.1700, interferes with Petitioner's (1) maintenance of effective roof control, and (2) improvement of mining safety and conservation by requiring a barrier of coal when more efficient and secure methods to prevent well gas leaks are available.

3. Extensive research conducted by the United States Bureau of Mines and Energy Research and Development Administration (ERDA) has developed feasible and safe methods to plug abandoned gas wells and eliminate the need for coal barriers around such wells. This research has disclosed that certain plugging methods can effectively prevent explosive well gases from entering the mine during regular mining operations and allow additional safety and operational benefits that are not possible under 30 CFR 75.1700.

4. Pursuant to a cooperative agreement between Petitioner and ERDA, in cooperation with the Mining Enforcement and Safety Administration, Well No. 1306 was cleaned out, plugged and sealed in the presence of and under the direct supervision of ERDA personnel. A tracer unit of sulfur hexafluoride was placed in the well and since sealing operations were completed, representatives of MESA have monitored the mine atmosphere and have detected no traces of sulfur hexafluoride.

5. In lieu of leaving the barrier pillar required by 30 CFR 75.1700, Petitioner

proposes to mine through the barrier pillar in the course of the normal mining cycle and in accordance with mining projections approved by the MESA District Manager and with procedures and safeguards as may be determined by the parties to be appropriate in the circumstances.

6. The proposed alternative method described herein at all times will guarantee no less than the same measure of protection afforded the miners at the Gateway Mine as that afforded by 30 CFR 75.1700.

7. The Pennsylvania Department of Environmental Resources, through its Office of Deep Mine Safety, has indicated its approval of mining through the barrier pillar surrounding Well No. 1306.

8. Based on current mining projections of Petitioner, it is anticipated that the barrier pillar surrounding Well No. 1306 will be reached on or about February 1, 1977, and safe mining practices require that the normal mining cycle not be interrupted or delayed. Due to the fact that Petitioner undertook the well plugging operations described herein as a demonstration project, in cooperation with ERDA, MESA and the Pennsylvania Office of Deep Mine Safety, Petitioner did not realize until December 10, 1976; that a modification of the application of 30 CFR 75.1700 was required before Petitioner could mine through Well No. 1306. Petitioner states that it has contacted representatives of MESA and has reason to believe that MESA approves its proposed plan of mining through the barrier pillar. In addition, Petitioner believes that the representative of the miners employed in the Gateway Mine will not oppose the granting of the Petition.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 28, 1976.

[FR Doc.77-340 Filed 1-4-77;8:45 am]

[Docket No. M 77-57]

POND CREEK COAL

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pond Creek Coal has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less tha 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The coal height in Petitioner's mine is 50 inches and there is 47 inches of clearance where collars have to be installed. As such, the canopies have to be placed on the equipment at a height which results in a hazard for the operator. The operator cannot see properly from his position under the canopy, and it is extremely uncomfortable due to lack of space under the canopy. The operators are constantly hitting their heads on the canopy, which knocks their safety hats from their heads. Operators also receive bruises from banging their arms and legs against the canopies.

2. The canopies, in some cases, have caught on crossbars and roof bolts. This has either loosened the roof supports or damaged the canopy. Therefore, I and my employees feel that the canopies constitute more of a danger than a safeguard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 27, 1976.

[FR Doc.77-341 Filed 1-4-77;8:45 am]

[Docket No. M 77-59]

STURGILL MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Sturgill Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Harlan County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The projected life of Petitioner's No. 1 Mine is greater than 1 year. The mine is operated by three partners and employs no employees.

2. The mine is located in the No. 3 Upper Mason Seam. The average coal height is 38 inches. The height of the present working section is 38 inches. The physical limitatons of the coalbed in the mine consist of an undulating bottom and a varying seam height.

3. The equipment in the mine consists of an Elkhorn AR–4 scoop. This equipment had been reconditioned less than 12 months ago and meets all regulations and is equipped with the latest safety features.

4. The entries are normally driven on 70 foot centers with an entry width of 20 feet. The roof control plan consists of timbers which are installed on 4-foot centers leaving a 14-foot roadway. The roof and rib condition is good. This mine has been in operation for 3 months and has no injuries due to roof or rib falls.

5. A request was made by all partners of the mine to evaluate the cabs and canopies and to determine if they could be used safely. The findings of Petitioner's partners and management are as follows:

A. The vision of the equipment operator is seriously impaired and could cause serious injury to fellow workmen or to the operator himself. Some of the hazards are as follows:

a. The ventilation personnel, timbering personnel, and general labor are endangered with the movement of the face equipment.

b. The operator of the equipment cannot effectively evaluate the roof height due to the obstruction of the cab or canopy.

c. The operator places a portion of his body out of the deck or operating position in order to see.

d. The present roof control plan used at the mine would be seriously weakened by dislodgement of timbers due to the impaired vision of the operator.

e. The cramped position of the operator makes it virtually impossible for him to operate the equipment safely.

f. The impaired vision of the operator creates a hazard for other workmen and other operators of equipment.

6. The plans and devices, listed as follows, are in Petitioner's opinion as adequate to maintain high safety factors as would be an installation of cabs and canopies.

A. The use of effective roof and rib control measures to prevent roof falls.

B. A training program to inform the underground personnel of proper roof control requirements.

7. In the opinion of all personnel at Petitioner's mine, the installation of cabs and canopies would seriously distract from safety and place the workmen in a hazardous condition. Petitioner feels this mine does not warrant the use of cabs or canopies because of the known condition of the roof of the coalbed. Petitioner feels the technology used in the installation and design of the cabs and canopies is inadequate for this coalbed.

8. Petitioner's first concern is a safe working environment for its personnel and as such Petitioner asks for this request for modification.

9. This petition will be posted at the mine site.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director, Office of Hearings and Appeals.

DECEMBER 27, 1976.

[FR Doc.77–342 Filed 1–4–77;8:45 am]

Office of the Secretary

CALIFORNIA

Availability of Draft Environmental Statement Regarding Proposed Crude Oil Transportation System: Valdez, Alaska, to Midland, Texas

The Deputy Assistant Secretary of the Interior announced in the FEDERAL REGISTER of November 24, 1976 (41 FR 51886), the availability of the draft environmental statement for the proposed crude oil transportation system from Valdez, Alaska, to Midland, Texas. A 45-day period ending January 10, 1977, was made available for public comment on the draft statement. Written responses and comments received as of this date indicate that additional time will be required in order to obtain adequate public input into the environmental statement process. Therefore, an additional review period of 15 days, commencing January 11, 1977, and ending January 25, 1977, is hereby granted.

DENNIS N. SACHS,
Deputy Assistant Secretary of the Interior.

DECEMBER 30, 1976.

[FR Doc.77–368 Filed 1–4–77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[USITC SE–76–6C]

MEETING

Additional Agenda Item

At its meeting of December 30, 1976, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with proposed 19 C.F.R. 201.38, voted to add the following item to its agenda for the meeting of December 30, 1976:

7. Supplemental budget request to transfer funds from personnel to travel.

Commissioners Minchew, Parker, Leonard, Moore, and Ablondi voted by unanimous consent, that Commission business requires the change in subject matter by addition of the agenda item, affirmed that no earlier announcement of the addition to this agenda was possible, and directed the issuance of this notice at the earliest practicable time. (Commissioner Bedell was not present for the vote.)

By order of the Commission.

Issued: December 30, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.77–394 Filed 1–4–77;8:45 am]

[USITC SE–76–6B]

MEETING

Additional Agenda Item

At its meeting of December 30, 1976, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with proposed 19 CFR 201.38, voted to add the following item to its agenda for the meeting of December 30, 1976:

6. Meeting to say farewell to retirees.

Commissioners Minchew, Parker, Leonard and Ablondi voted by unanimous consent, that Commission business requires the change in subject matter by addition of this agenda item, affirmed that no earlier announcement of the addition to this agenda was possible, and directed the issuance of this notice at the earlier practicable time. (Commissioners Moore and Bedell were not present for the vote.)

By order of the Commission.

Issued: December 30, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.77–366 Filed 1–4–77;8:45 am]

PRIVACY ACT OF 1974

Additional Routine Uses

On November 30, 1976, the United States International Trade Commission proposed to establish additional "routine uses" on the system of records it maintains on identifiable individuals in accordance with 5 U.S.C. 552a((e)(11), as added by section 3 of the Privacy Act of 1974 (Public Law 93–579). Notice of this proposal was published in the FEDERAL REGISTER (41 FR 52921) on December 2, 1976.

The FEDERAL REGISTER notice invited public comment on the additional routine uses. Such comments were to have been submitted to the United States International Trade Commission on or before December 15, 1976. No comments have been received. Accordingly, the Commission adopts the additional routine uses as set forth below:

I. Employment and Financial Disclosure Records;

II. Budgetary and Payroll-related Records; and

III. Time and Attendance Records. Notice of adoption of the proposed systems notices was published in the FEDERAL REGISTER (40 FR 47978) on October 10, 1975.

All other systems of records on identifiable individuals maintained by the United States International Trade Commission are covered by the notices for government-wide systems of records published by the Civil Service Commission.

With the addition of the proposed routine uses, the Budgetary and Payroll-Related Records system is revised to read as follows:

System name:

Budgetary and Payroll-Related Records—U.S.I.T.C.

System location:

1. For all budgetary and payroll-related records:

Office of Financial Management, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

2. For activity accounting sheets only:

Office of Automatic Data Processing (Same address as above).

Categories of individuals covered by the system:

1. Current U.S.I.T.C. employees (e.g. three-year budget cards).

2. Former U.S.I.T.C. employees (e.g. lump-sum leave payments records).

Categories of records in the system:

This system of records consists of 16 identifiable sub-systems: (1) action cards (of step increases and personnel actions); (2) three-year budget cards; (3) lump-sum leave payments; (4) reassignment and reclassification records; (5) overtime records; (7) financial statements; (8) leave without pay records; (9) records of separations; (10) records of new appointments; (11) the comprehensive payroll; (12) bond listing; (13) the master list of employees; (14) activity accounting sheets; (15) financial aid applications for non-government training; (16) travel vouchers and travel authorization records.

(1) Action cards contain information as to the dates and amounts of step increases, salary adjustments and promotions.

(2) Three-year budget cards give an employee's basic salary for the preceding year, grade for the current year, dates and amounts of step increases. basic salary at the end of the current year, basic salary in the interim, the activity, division and grade number.

(3) Lump sum leave payments record the amount paid, the number of days involved and are indexed by name and date.

(4) Reassignment and reclassification records are indexed by name and include information on the date of increase, the annual rate, the accumulated increase. the added cost per pay period, the estimated cost, the accumulated cost and the division.

(5) Overtime records are indexed by division and by name and contain information as to an employee's social security number, grade and salary, and the number of hours overtime.

(6) Cost of intermittent employees and consultants records list the hours the individual worked and the amount paid.

(7) Financial statements contain information by division by name which is used in computing the budget.

(8) Leave without pay records list the cumulative amount by pay period and by names.

(9) Records of separations list the date, division, grade, annual salary, accumulated annual salary, rate per pay period, number of pay periods, fiscal year cost, accumulated fiscal year cost, and appointment action.

(10) Records of new appointments contain the same types of information as records of separations.

(1) The Comprehensive payroll lists an employee's gross pay, deductions, federal and state taxes, insurance, bonds, overtime, leave used and accumulated.

(12) The bond listing shows what an employee spent on bonds, the purchase price, denomination, the previous balance, the amount deducted each pay period.

(13) The master list of employees contains an employee's grade, current address, all deductions to pay, and the number of hours worked.

(14) Activity accounting sheets contain the employee's name, project number and title.

(15) Financial aid applications for non-government training contain the employee's name, course number, institution, course description, reimbursable costs, tuition, and a listing of all government-sponsored training at non-government facilities which the employee has taken for the past ten years.

(16) Travel vouchers and travel authorizations list expenses which an employee has incurred while traveling on U.S.I.T.C. business, dates, destinations and names.

Authority for maintenance of the system:

31 U.S.C. 1 et seq. O.M.B. Circular A-11, June, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used only for the purpose of computing the budget and keeping a record of certain employees' expenses. Certain of these records are also routinely kept by G.S.A. Disclosure of such records to C.S.C. auditors occurs periodically.

Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or in the absence thereof, pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof in response to a written request from an appropriate official of the taxing jurisdiction to the Chief of Financial Management, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Chief of Financial Management, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, Public Law 93–579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained on index cards or in file folders as the case may be. Activity accounting records are maintained in two locations within the agency: The Office of Financial Management and the Office of Automatic Data Processing. A.D.P. punches this information and feeds it, via the U.S.I.T.C. terminal, into the computer for the District of Columbia government, U.S.I.T.C. records in the custody of the D.C. government are maintained on tape in lockable cabinets.

Retrievability:

These records are indexed by the names of the individuals on whom they are maintained. In certain instances the social security number and certain dates (e.g. date of step increase) are also used as identifiers.

Safeguards:

These records are all kept in lockable metal filing cabinets or secured rooms. Only authorized employees are permitted access to them.

Retention and disposals:

These records are maintained for as long as necessary to fulfill their purpose. For instance, activity accounting records are only useful in computing costs of activities for a particular fiscal year, hence, these records are disposed of, or, in the case of tapes, erased at the end of each year. Where a general records retention

and disposal schedule or the records control schedules of the U.S.I.T.C. are applicable, such records are retained in accordance with the periods specified therein and are disposed of in accordance therewith.

System manager(s) and address:

Chief, Office of Financial Management, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

Notification procedures:

Director, Office of Personnel and Management Systems (Same address as above).

Record access procedures:

Director, Office of Personnel and Management Systems (Same address as above).

Record source categories:

Information in this system largely comes from personnel forms completed by the individual and from the original comprehensive payroll, maintained by G.S.A.

The following appendix of "routine uses" for all the systems of records maintained on individuals is added:

APPENDIX

In the event that a system of records maintained by this agency to carry out its functions indicates a violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

By order of the Commission.

Issued: December 28, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.77-362 Filed 1-4-77;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

JANUARY 3, 1977.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp V, 1975), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a two-day meeting on Monday and Tuesday, January 24–25, 1977. The sessions will be open to the public and will be held in Room 4830 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street, NW. Washington, D.C. beginning at 9:00 a.m. on both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Pub. L. 92–125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The general agenda includes the following topics:

JANUARY 24, 1977

MORNING

Begins at 9:00 a.m. in Room 4830 of the U.S. Department of Commerce Building, Washington, D.C. Adjournment at approximately 12:30.

Project Seafarer Briefings—U.S. Navy Speakers.
Staff Report on the New Congress.
Staff Report on the Ford Budget.
Staff Report on Climate Program Plans and Legislation.
Discussion of NACOA Work Schedule and Future Plans.

AFTERNOON—1330–1700

Work Sessions for NACOA Panels.
Goals and Objectives Panel.
Marine Education Panel.
Atmospheric Panel.

JANUARY 25, 1977

MORNING

Briefings on Marine Transportation Issues—Industry and Labor Viewpoints.
Reports from NACOA Panel Chairmen.
Plans for the Future.

Adjournment at approximately 1300.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377–3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.77-409 Filed 1-4-77;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Routine Use of Systems of Records; Payroll Records

The National Credit Union Administration's "system of records," as that term is defined by the Privacy Act of 1974 (5 U.S.C. 552a), were most recently published beginning at page 44982 of the October 13, 1976, edition of the FEDERAL REGISTER.

System NCUA–9, as set forth in that publication, describes the system of records maintained in connection with the National Credit Union Administration's payroll functions. One of the routine uses of information contained in System NCUA–9 is described as follows in the October 13, 1976, publication: "[I]nformation in this system is used to make reporting to state and local taxing authorities."

Since the publication of that language, questions have arisen as to the exact nature of the information provided to state and local taxing authorities and the specific identity of the recipients, or guidelines pursuant to which authorized recipients are identified. In the interest of an-

swering these questions, the sentence in which the above quoted language appears is hereby deleted from the "routine uses" portion of System NCUA–9, and the self explanatory language set forth below is inserted in lieu thereof.

This publication does not involve the proposal of a new or intended routine use, but rather sets forth a clarification of an existing and previously published routine use, and thus is not considered to be technically subject to the prior publication requirement of Section 3(e)(11) of the Privacy Act (5 U.S.C. 552a(e)(11)). In the interest of the fullest possible compliance with the spirit of the Privacy Act, however, written data, views and arguments concerning this publication will be entertained if received in the Office of the Administrator, National Credit Union Administration, 2025 M Street, NW, Washington, DC 20456, on or before January 1, 1977.

C. AUSTIN MONTGOMERY,
Administrator.

DECEMBER 13, 1976.

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

NCUA–9

System name:

Payroll Records System, NCUA.

System location:

Office of Fiscal Affairs; National Credit Union Administration, 2025 M Street, NW., Washington, DC 20456; General Services Administration, Region VI, Kansas City, Missouri.

Categories of individuals covered by the system:

Employees of NCUA.

Categories of records in the system:

Salary and related payroll data, including time and attendance information.

Authority for maintenance of the system:

5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To make all necessary and appropriate financial reporting analysis and planning involving disclosures both intraagency and to the General Services Administration, and generally to insure proper compensation to all NCUA employees. Also, to document time worked and provide a record of attendance to support payment of salaries, use of annual and sick leave and nonpayed leave. Record of attendance is also maintained for information of superviser in supervising the employee. Users of the time and attendance information include the office's timekeeper, the supervisor, the payroll officer and the GSA Payroll Processing Branch in Kansas City, Missouri. Routine uses of records maintained in this system shall include providing a copy of an employee's Department of Treasury Form W–2, Wage and Tax Statement, to the state, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the state, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the system manager. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the system manager. In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, Public Law 93–579. Finally, disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage—computer tape, paper hard copy, microfilm. Retrievability—by name or social security number. Safeguards—maintained in secured offices, access by written authorization only. Retention and disposal—in accordance with GSA policy.

System manager(s) and address:

Primary: Payroll Officer, National Credit Union Administration, 2025 M Street, NW., Washington, DC 20456; Secondary: Timekeepers, National Credit Union Administration, Central Office and Regional Offices.

Notification procedure:

Same as above.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual whom the record concerns, Civil Service Commission, General Services Administration. Also, time and attendance information is prepared by the timekeeper in a given employee's office.

[FR Doc.77–139 Filed 1–4–77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science Engineering and Technology Advisory Panel, Steering Committee.

Date: January 21, 1977.

Time: 9:30–11:00 a.m.

Place: New Executive Office Building, 726 Jackson Place, N.W., Room 3104, Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President, telephone (202) 395–4931. Anyone who plans to attend should contact Mr. Blair by January 17, 1977.

Purpose of the Panel: The Intergovernmental Science Engineering and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify state, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

TENTATIVE AGENDA

Agenda setting for full meeting of the Panel in late March. Review of on-going activity related to the Panel's charter. Discussion of future Panel activities.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

DECEMBER 30, 1976.

[FR Doc.77–376 Filed 1–4–77;8:45 am]

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 94–463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering and Technology Advisory Panel, Processes Task Force.

Date: January 14, 1977.

Time: 9:30 a.m.–4:00 p.m.

Place: Denver Museum of Art, Denver, Colorado.

Type of Meeting: Open.

Contact Person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President. Telephone: (202) 395–4931. Anyone who plans to attend should contract Mr. Blair by January 13, 1977.

Purpose of the Panel: The Panel is to identify state, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings. The Processes Task Force

is to make recommendations to the Panel on mechanisms for improving the transfer of research and development findings.

TENTATIVE AGENDA

Organization of the Task Force.
Discussion of future Task Force activities.
Reason for late notice: The Panel has to meet to develop a report for the Steering Committee. The date of January 21 for the Steering Committee meeting was set on December 30, 1976. January 14, 1977 was the only feasible meeting date for Task Force members.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

JANUARY 3, 1977.

[FR Doc.77-549 Filed 1-4-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-1316; File No. SR-MSRB-76-12]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes; 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. 94-19, 16 (June 4, 1975), notice is hereby given that on December 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follow:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed rule changes filed by the Municipal Securities Rulemaking Board (the "Board") would codify uniform industry practices for the processing, clearance and settlement of transactions in municipal securities and related matters. The text of the proposed rule changes appears below.

The Board is of the view that rules governing industry practices in the areas referred to above are necessary and appropriate to facilitate transactions in municipal securities, to render the operation of the municipal markets more efficient, and thereby to benefit public investors in municipal securities, issuers of municipal securities, and municipal market professionals.

The proposed rule changes cover the following matters:

(1) Establishment of uniform settlement dates for transactions in municipal securities;

(2) Exchange and comparison of dealer confirmations;

(3) Procedures for resolving discrepancies in confirmations which result in unrecognized transactions;

(4) Establishment of uniform requirements for good delivery of municipal securities;

(5) Procedures for rejection and reclamation of municipal securities;

(6) Close-out procedures for transactions in municipal securities; and

(7) The time periods within which good faith deposits must be returned and syndicate accounts settled.

With the exception of the provisions relating to dealer confirmations, the return of good faith deposits, and the settlement of syndicate accounts, the requirements of proposed rule G-12 may be altered by agreement between the parties. The proposed rule changes provide for a 60-day delay in effectiveness following approval by the Securities and Exchange Commission (the "Commission").

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

The purpose of the proposed rule changes is to establish uniform industry practices concerning the processing, clearance and settlement of transactions in municipal securities. The proposed rule changes are designed to expedite such transactions and thus are, in the Board's view, necessary and appropriate in the public interest and in furtherance of the purposes of the Securities Exchange Act of 1934, as amended (the "Act").

At present, there exists no uniform code of practice recognized by all participants in the municipal securities industry. The Uniform Practice Code of the National Association of Securities Dealers, Inc. (the "NASD") governs industry practice with respect to corporate securities traded over-the-counter. The national securities exchanges prescribe rules for use of their trading facilities. These regulations do not apply to transactions in municipal securities or to the activites of bank dealers.

Proposed rule G-12 would, if approved by the Commission, establish uniform practices for all professionals with respect to transactions in municipal securities in a manner which the Board believes appropriate for the municipal markets. At the same time, the Board has sought in proposed rule G-12 to avoid conflict with existing systems for the processing and clearance of securities transactions, to the extent consistent with the goal of developing a body of regulation appropriate for the municipal securities industry.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted proposed rule G-12 pursuant to the general provisions of section 15B(b)(2) of the Act, which authorize and direct the Board to propose and adopt rules governing transactions in municipal securities effected by brokers, dealers and municipal securities dealers, and pursuant to section 15B(b)(2)(C) of the Act, which authorizes and directs the Board to adopt rules which are:

Designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

The Board also notes the statement contained in the Senate Report on the Securities Acts Amendments of 1975, with respect to the Board's role in the regulation of processing, clearance and settlement of transactions in municipal securities:

In particular, it should be noted that although Section 15(c)(6) [of the Act], pertaining to the Commission's rulemaking powers over, among other things, the time and method of, and documents used in connection with, making settlements, payments, transfers, and deliveries of securities, specifically excludes municipal securities from the Commission's direct rulemaking power, comprehensive authority over these matters with respect to municipal securities is vested in the Board, subject to the Commission's oversight powers. Sen. Rep. 94-75, 94th Cong., 1st Sess., at 48.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

On April 22, 1976 the Board issued an exposure draft of proposed rule G-12. In response to its solicitation of public comment on such draft, the Board received 45 letters of comment, from the following persons:

American Bankers Association Committee on Corporate Trust Activities.
American Stock Exchange, Inc.
Baer & McGoldrick (representing the National Municipal Securities Dealers Association, Inc.).
Bankers Trust Company.
Alex. Brown & Sons.
Carter, Ledyard & Milburn (representing United States Trust Company of New York) (two letters).
Carty & Company, Inc.
Coughlin & Co., Inc.
Dealer Bank Association.
The Depositor Trust Company, (two letters).
Gerwin and Company.
Goldman, Sachs & Co.
Halpert, Oberst & Company.
Hanifen Imhoff Samford, Inc.
Hendrix, Mohr & Yardley.
Charles A. Hinsch & Company, Inc.
Irving Trust Company.
Lebanthal & Co., Inc.
Lex Jolley & Co., Inc.
Liberty National Bank and Trust Company.
Mercantile Trust Company N.A.
Merrill Lynch, Pierce, Fenner & Smith, Inc.
Midwest Securities Trust Company.
Municipal Advisory Council of Texas.
National Association of Securities Dealers, Inc.
National Municipal Securities Dealers Association, Inc.
John Nuveen & Co. Incorporated.
Omaha National Bank.
O'Neill Feldman Inc.
Pacific Clearing Corporation.
Samuel A. Ramirez & Co., Inc.
Schaffer, Necker & Co.
Seasongood & Mayer.
Securities Industry Association, Subcommittee on Operations of the Municipal Securities Committee (the "SIA Subcommittee").
Shearson Hayden Stone, Inc.
Smith Barney, Harris Upham & Co., Inc.
Standard & Poor's Corporation.
Stock Clearing Corporation of Philadelphia.
Stoever Glass & Co.
Summers & Company, Inc.
Sweney Cartwright & Co.
Wauterlek & Brown, Inc.
Wells Fargo Bank, N.A.

Copies of the above letters of comment are on file at the offices of the Commis-

sion and of the Board. Various letters of comment received in response to the Board's exposure draft on proposed rule G–15 relating to customer confirmations are also relevant to proposed rule G–12 insofar as the content of dealer confirmations is concerned. Copies of letters of comment on proposed rule G–15 have been filed with the Commission as Exhibit 2 to File No. SR–MSRB–76–9.

As a result of the observations and suggestions of public commentators on the Board's exposure draft, the Board made a number of changes in the proposed rule as reflected in this filing. In view of the substantial number of comment letters received on the draft rule and the broad range of technical suggestions contained in such letters, this discussion is limited to a summary of the major categories of comment on the draft rule.

A number of commentators recommended that the provisions for notice in the draft rule be clarified. In response to these suggestions, the Board inserted a new paragraph (a)(iii) in the proposed rule relating to "immediate notice" and has attempted to clarify throughout the proposed rule the various circumstances under which immediate notice, written notice return receipt requested, and other forms of notice must be given.

With regard to settlement dates for "when, as and if issued" transactions, several commentators expressed concern that permitting acceleration of settlement dates by each seller would result in confusion. To address this concern, the Board has provided that the manager of a syndicate or similar account must immediately notify members of the syndicate or account upon determination of an accelerated settlement date, and acceleration of settlement dates by persons other than the manager may occur only upon, and to the same extent as, acceleration by the manager.

A number of letters were received by the Board concerning the Board's original proposal to require the inclusion of CUSIP numbers in dealers confirmations. While many commentators favored mandating the use of CUSIP for identification of securities, representatives of sole municipal firms urged that such a requirement would, at the present time, impose unwarranted and burdensome costs on such firms and not result in increased efficiencies for such firms. The Board has decided not to mandate the use of CUSIP numbers at this time. However, as stated in the Board's notice dated July 28, 1976 concerning its recordkeeping proposals, the Board intends to review this question in the future.

Several comments were received relating to the exchange and comparison of written confirmations of municipal securities transactions. Among these, it was suggested that the provision as drafted would permit transactions to be cancelled on the basis of minor discrepancies. In the proposed rule changes the Board has limited cancellation of transactions based on discrepancies in confirmations to situations in which "material discrepancies and differences, basic to the transaction" cannot be resolved.

The SIA Subcommittee recommended that the Board adopt, with certain modifications, the NASD procedure for resolving unrecognized transactions. The procedures set forth in proposed rule G–12 are substantially consistent with those of the NASD except in two respects. First, under the NASD procedure, a party receiving a confirmation which it does not recognize is not required to alert the confirming party. Under proposed rule G–12, a party receiving a confirmation which it does not recognize is under an obligation to seek to ascertain whether a trade did, in fact, occur and to notify the confirming party if its records indicate that no trade occurred. The Board believes that this relatively simple requirement will promote earlier resolution of disagreements between parties concerning transactions in municipal securities and thus facilitate the processing and clearance of such transactions. Second, the NASD procedure requires use of a uniform "don't know" notice. The Board believes that it would be unduly burdensome to sole municipal firms and others not previously subject to the uniform form requirements of the NASD Uniform Practice Code to mandate use of such forms. At the same time, the informational requirements of the Board's proposed procedures on unrecognized transactions could be met by use of the "don't know" notice required for transactions in corporate securities by the NASD Code.

Several comments addressed the subject of partial deliveries, with certain commentators expressing concern that a purchaser might reject delivery of securities relating to one trade because they were not accompanied by securities relating to another trade which had been combined on one confirmation or which were considered by the purchaser to be part of one transaction. The proposed rule changes would not permit rejection under these circumstances. However, a purchaser would not be required to accept partial delivery with respect to a single trade.

A number of comments concerned the denominations of securities for delivery. One commentator suggested that denominations of notes always be specified on confirmations, while others suggested modification in the amounts which would constitute normal units. The proposed rule changes require specification of note denominations in all cases but other provisions relating to denominations remain unchanged since the Board believes the denominations prescribed are appropriate. In any event, the units of delivery may be changed by agreement of the parties to the transaction.

Several commentators stated that a guarantee by a commercial bank should not be considered sufficient to render a mutilated certificate acceptable for delivery pursuant to paragraph (e)(vi) of proposed rule G–12. Reference to a commercial bank guarantee has, accordingly, been omitted in this filing.

Several commentators suggested that bank checks or drafts issued by the seller should be deemed acceptable delivery in lieu of missing coupons, rather than requiring certified or cashier's checks. Similar comments were received on the provisions relating to payment of interest and registered securities traded "flat." The Board is of the view, however, that firms should not be required to accept a check backed only by the financial standing of a dealer with whom they may not be familiar and has accordingly retained the requirement for a certified or cashier's check in the proposed rule changes.

Paragraph (e)(xv) relating to maximum permissible money differences at time of delivery elicited several comments, both as to the amount of permissible differences and whether the calculations of the seller or buyer are to be utilized. The proposed rule changes provide that the seller's calculations are to govern. The Board also concluded, upon consideration of the matter, that the money differences specified in proposed rule G–12 are reasonable.

With respect to section (g) of proposed rule G–12, relating to rejections and reclamations, a number of commentators suggested shortening the time periods provided for reclamation. The proposed rule changes reflect the Board's conclusion that certain of the time periods should be reduced.

Section (h) relating to close-out procedures also elicited a number of comments. The purpose of this section is to promote efficient clearance procedures in the municipal securities industry and to provide definite time limits to a party's exposure with respect to a transaction which has not settled. The section permits close-out of transactions under specified circumstances and pursuant to specified procedures. Comments received on this aspect of proposed rule G–12 represented a rage of views, with some commentators expressing approval of the proposal, others opposition to it, and still others suggesting a need for further study. Two commentators recommended that the Board consider a "mark-to-market" procedure to augment the buy-in provisions of the rule, but the Board believes that this proposal would be impracticable at the present time.

Several comments concerning details of the close-out procedures were received. These suggestions have been incorporated in the proposed rule changes to the extent the Board deemed appropriate. The Board also concluded that it may be appropriate to include in the section on close-out procedures a specific reference to arbitration as an additional means of resolving disputes concerning transactions in municipal securities.

With respect to section (i), relating to the return of good faith deposits, one commentator suggested that the section address the situation in which a syndicate is unsuccessful in bidding for an issue. This suggestion has been incorporated in the proposed rule.

It was recommended that section (j), which requires settlement of syndicate or similar accounts within 60 days, be made applicable to settlement of secondary joint trading accounts and this recommendation has been incorporated in the proposed rule.

A number of other comments were received by the Board on proposed rule G–12 which were of a technical nature or suggested minor modifications of language not affecting the substance of the proposed rule. These drafting suggestions have been incorporated in the proposed rule changes to the extent the Board deemed appropriate.

Certain commentators recommended that the Board adopt the NASD Uniform Practice Code, modified as necessary, as the Board's proposed rule on industry practices. On the other hand, the NASD recommended to the Board adoption of a code of procedures similar to the Uniform Practice Code, but having application to transactions in municipal securities. At an early stage, the NASD submitted to the Board a proposed code for the municipal securities industry, which has been largely incorporated in proposed rule G–12, modified to the extent the Board believed appropriate. The Board has also had the benefit of study of the Standard Practice Manual for Municipal Operations Units published in September 1975 by the Securities Industry Association. The Board has incorporated in proposed rule G–12 many of the ideas set forth in the Manual. Burden on Competition.

The Board is of the opinion that the proposed rule changes will not impose any burden on competition among brokers, dealers or municipal securities dealers inasmuch as the proposed rule changes will apply uniformly to all brokers, dealers and municipal securities dealers who effect transactions in municipal securities. In many respects, the Board expects that the operation of proposed rule G–12 will result in lowered operating costs to the industry generally by promoting efficiencies in the processing, clearance and setttlement of transactions in municipal securities.

On or before February 8, 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 abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

The Board has consented to an extension of the time periods specified in section 19(b)(2) of the Act.

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 above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 18, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 28, 1976.

Rule G–12. Uniform Practice. (a) *Scope and notice.* (i) All transactions in municipal securities between any broker, dealer or municipal securities dealer and any other broker, dealer or municipal securities dealer shall be subject to the provisions of this rule.

(ii) Failure to deliver securities sold or to pay for securities as delivered, on or after the settlement date, does not effect a cancellation of a transaction which is subject to the provisions of this rule, unless otherwise provided in this rule or agreed upon by the parties.

(iii) Unless otherwise specifically indicated, any notice required by this rule to be given "immediately" may be given by telephone, telegraph or any other means of communication having same day receipt capability and confirmed in writing within one business day.

(b) *Settlement dates.* (i) Definitions. For purposes of this rule, the following terms shall have the following meanings:

(A) Settlement Date. The term "settlement date" shall mean the day used in price and interest computations, which shall also be the day delivery is due unless otherwise agreed by the parties.

(B) Business Day. The term "business day" shall mean a day recognized by the National Association of Securities Dealers, Inc. as a day on which securities transactions may be settled.

(ii) Settlement Dates. Settlement dates shall be as follows:

(A) For "cash" transactions, the trade date;

(B) For "regular way" transactions, the fifth business day following the trade date;

(C) For "when, as and if issued" transactions, a date agreed upon by both parties, which date shall not be earlier than the fifth business day following the date the confirmation indicating the final settlement date is sent, or, with respect to transactions between the manager and members of a syndicate or account formed to purchase securities from an issuer, a date not earlier than the sixth business day following the date the confirmation indicating the final settlement date is sent; provided, however, that if the issuer gives notice of pending delivery within less than six business days before delivery, the settlement date for transactions between the manager and members of the syndicate or account with respect to such issue of securities may be accelerated as determined by the manager, and, in such event, all other "when, as and if issued" transactions with respect to such issue of securities may be similarly accelerated by each seller; and

(D) For all other transactions, a date agreed upon by both parties.

(iii) Notice of Accelerated Delivery. In the event the issuer gives notice of pending delivery of securities within less than six business days before delivery, the manager of a syndicate or account formed to purchase the securities from the issuer shall, immediately upon determination of the accelerated delivery date pursuant to subparagraph (b)(ii)(C) hereof, give notice to the members of the syndicate or account of the settlement date for transactions between the manager and the members.

(c) *Dealer confirmations.* (i) Except as otherwise indicated in this section (c), each party to a transaction shall send a confirmation of the transaction to the other party within two business days following the trade date.

(ii) Confirmations of cash transactions shall be exchanged on the trade date, which may be accomplished by telephone with written confirmations sent within one business day following the trade date.

(iii) For transactions effected on a "when, as and if issued" basis, initial confirmations shall be sent within two business days following the trade date. Confirmations from a syndicate or account manager to the members of the syndicate or account may be in the form of a letter, covering all maturities of the issue, setting forth the information hereafter specified in this section (c). Confirmations indicating the final settlement date shall be sent by the seller at least five business days prior to the settlement date or, with respect to transactions between the manager and members of a syndicate or account formed to purchase securities from an issuer, at least six business days prior to the settlement date; provided, however, that if the settlement date is accelerated pursuant to subparagraph (b)(ii)(C) above, final confirmations shall be sent by each seller immediately upon determination by it of the settlement date.

(iv) Each confirmation shall contain the following information:

(A) Confirming party's name, address and telephone number;

(B) "Contra party" identification;

(C) Designation of purchase from or sale to;

(D) Par value of the securities;

(E) Description of the securities, including at a minimum the name of the issuer, interest rate, maturity date, and if the securities are limited tax, subject to redemption prior to maturity (callable), or revenue bonds, an indication to such effect, including in the case of revenue bonds the type of revenue, if necessary for a materially complete description of the securities; and in the case of any securities, if necessary for a materially complete description of the securities, the name of any company or other person in addition to the issuer obligated, directly or indirectly, with respect to debt service or, if there is more than one such obligor, the statement "multiple obligors" may be shown;

(F) Trade date;

(G) Settlement date;

(H) Yield to maturity [1] and resulting dollar price, except in the case of securities

[1] In cases which securities are priced to call, this must be stated; where a transaction is effected on a yield basis, the calculation of dollar price shall be to the lower of price to call or price to maturity.

which are traded on the basis of dollar price or securities sold at par, in which event only dollar price need be shown;

(I) Amount of concession, if any, per $1,000 par value unless stated to be an aggregate figure;

(J) Amount of accrued interest;

(K) Extended principal amount;

(L) Total dollar amount of transaction; and

(M) Instructions, if available, regarding receipt or delivery of securities, and form of payment if other than as usual and customary between the parties.

The initial confirmation for a "when, as and if issued" transaction shall not be required to contain the information specified in subparagraphs (G), (J), (K), and (L) of this paragraph or the resulting dollar price as specified in subparagraph (H).

(v) In addition to the information required by paragraph (iv) above, each confirmation shall contain the following information, if applicable:

(A) Dated date if it affects the price or interest calculation, and first interest payment date, if other than semi-annual;

(B) If the securities are "fully registered" or "registered as to principal only," a designation to such effect;

(C) If the securities are "called" or "prerefunded," a designation to such effect, the date of maturity which has been fixed by the call notice, and the amount of call price;

(D) Denominations of notes and, if other than those specified in paragraph (e)(iv) hereof, denominations of bonds;

(E) Any special instructions or qualifications, or factors affecting payment of principal or interest, such as (A) "ex legal," or (B) if the securities are traded without interest, "flat," or (C) if the securities are in default as to the payment of interest or principal, "in default"; and

(F) Such other information as may be necessary to ensure that the parties agree to the details of the transaction.

(d) *Comparison and verification of confirmations; unrecognized transactions.*

(i) Promptly upon receipt of a confirmation, each party to a transaction shall compare and verify such confirmation to ascertain whether any discrepancies exist. If any discrepancies exist in the information as set forth in the confirmation, the party discovering such discrepancies shall promptly communicate such discrepancies to the contra party and both parties shall promptly attempt to resolve the discrepancies. In the event the parties are able to resolve the discrepancies, the party in error shall promptly send to the contra party a corrected confirmation. Such confirmation shall indicate that it is a correction and the date of the correction.

(ii) In the event a party receives a confirmation for a transaction which it does not recognize, it shall promptly seek to ascertain whether a trade occurred and the terms of the trade. In the event it determines that a trade occurred and the confirmation it received was correct, such party shall immediately notify the contra party by telephone and promptly thereafter send to the contra party a written confirmation of the transaction. In the event the trade cannot be confirmed, the party which does not recognize the trade shall immediately notify the contra party by telephone and promptly thereafter send, return receipt requested, a written notice to the contra party indicating nonrecognition of the transaction and the contra party shall, promptly upon receipt of such notice, vertify its records and, if it agrees with the party sending the notice indicating nonrecognition of the transaction, send, return receipt requested, a notice of cancellation of the transaction.

(iii) In the event a party has sent a confirmation of a transaction but fails to receive a confirmation from the contra party or a notice indicating nonrecognition of the transaction within four business days of the trade date, the confirming party shall promptly seek to ascertain whether a trade occurred. If, after such vertification, such party believes that a trade occurred, it shall immediately notify the contra party by telephone to such effect and send within one business day, return receipt requested, a written notice indicating failure to confirm. Promptly following receipt of telephone notice from the confirming party, the contra party shall seek to ascertain whether a trade occurred and the terms of the trade. In the event the contra party determines that a trade occurred, it shall immediately notify the confirming party by telephone to such effect and promptly thereafter send a written confirmation of the transaction. In the event the trade cannot be confirmed, the contra party shall promptly send, return receipt requested, a written notice indicating nonrecognition to the confirming party.

(iv) In the event any material discrepancies or differences, basic to the transaction, remain unresolved by the close of the business day following receipt of a written notice indicating nonrecognition or by the close of the business day following the date the confirming party gave telephone notice of the transaction to the contra party pursuant to paragraph (iii) above, whichever first occurs, the transaction may be cancelled by the confirming party or, in the event there exists disagreement concerning the terms of the transaction, by either confirming party. Nothing herein contained shall be construed to affect whatever rights the confirming party or parties may otherwise have with respect to a transaction which is cancelled pursuant to this paragraph.

(v) Nothing herein contained shall be construed to prevent the settlement of a transaction prior to completion of the procedures prescribed in this section (d); *provided* That each party to the transaction shall be responsible for sending to the other party, within one business day of such settlement, a confirmation evidencing the terms of the transaction.

(vi) The notices referred to in this section indicating nonrecognition of a transaction or failure to confirm a transaction shall contain sufficient information to identify the confirmation to which the notice relates including, at a minimum, the information set forth in subparagraphs (D) through (G) of paragraph (c)(iv), as well as the confirmation number. In addition, such notice shall identify the firm and person providing such notice and the date thereof. The requirements of this paragraph may be satisfied by providing a copy of the confirmation of an unrecognized transaction, marked "don't know," together with the name of the firm and person providing such notice and the date thereof.

(e) *Delivery of Securities.* The following provisions shall, unless otherwise agreed by the parties, govern the delivery of securities:

(i) Place and Time of Delivery. Delivery shall be made at the office of the purchaser, or its designated agent, between the hours established by rule or practice in the community in which such office is located.

(ii) Delivery Ticket. A delivery ticket shall accompany the delivery of securities. Such ticket shall contain the information set forth in subparagraphs (A) through (G), (L) and (M) of paragraph (c)(iv) and, to the extent applicable, the information set forth in subparagraphs (A), (B), (D), (E) and (F) of paragraph (c)(v) and shall have attached to it an extra copy of the ticket which may be used to acknowledge receipt of the securities.

(iii) Partial Delivery. The purchaser shall not be required to accept a partial delivery with respect to a single trade.

(iv) Units of Delivery. Delivery of bonds shall be made in the following denominations:

(A) For bearer bonds, in denominations of $1,000 or $5,000 par value; and

(B) For registered bonds, in denominations which are multiples of $1,000 par value, up to $100,000 par value.

Delivery of notes shall be made in the denominations specified on the confirmation as required pursuant to paragraph (c)(v) of this rule.

(v) Bearer and Registered Form. Delivery of securities which are issuable in both bearer and registered form shall be in bearer form.

(vi) Mutilated Certificates. Delivery of a certificate which is damaged to the extent that any of the following is not ascertainable:

(A) Name of issuer;

(B) Par value;

(C) Signature;

(D) Coupon rate;

(E) Maturity date;

(F) Seal of the issuer; or

(G) Bond or note number shall not constitute good delivery unless validated by the trustee, registrar, transfer agent, paying agent or issuer of the securities or by an authorized agent or official of the issuer.

(vii) Coupon Securities.

(A) Coupon securities shall have securely attached to the certificate in the correct sequence all appropriate coupons, including supplemental coupons if specified at the time of trade, which in the case of securities upon which interest is in default shall include all unpaid coupons. All coupons attached to the certificate must have the same serial number as the certificate.

(B) Anything herein to the contrary notwithstanding, if securities are traded "and interest" and the settlement date is on or after the interest payment date, such securities shall be delivered without the coupon payable on such interest payment date.

(C) If delivery of securities is due within 30 calendar days prior to an interest payment date, the seller may deliver to the purchaser a cashier's or certified check, payable on the date delivery is made, in an amount equal to the interest due, in lieu of the coupon.

(viii) Mutilated or Cancelled Coupons. Delivery of a certificate which bears a coupon which is damaged to the extent that any one of the following cannot be ascertain from the coupon:

(A) Title of the issuer;

(B) Bond or note number;

(C) coupon number or payment date; [2] or

(D) the fact that there is a signature; or which coupon has been cancelled, shall not constitute good delivery unless the coupon is endorsed or guaranteed. In the case of damaged coupons, such endorsement or guarantee must be by the issuer or by a commercial bank. In the case of cancelled coupons, such endorsement or guarantee must be by the issuer or an authorized agent or official of the issuer, or by the trustee or paying agent.

(ix) Delivery of Certificates Called for Redemption. A certificate for which a notice of call has been published prior to the trade date shall not constitute good delivery unless the securities are identified as "called" at the time of trade. If a notice of called is published on or after the trade date, the transaction shall be deemed cancelled.

(x) Delivery Without Legal Opinions or Other Documents. Delivery of certificates

[2] If either the coupon number of the payment date is ascertainable from the coupon, the coupon will not be mutilated.

without legal opinions or other documents legally required to accompany the certificates shall not constitute good delivery unless identified as "ex legal" at the time of trade.

(xi) Insured Securities. Delivery of certificates for securities traded as insured securities traded as insured securities shall be accompanied by evidence of such insurance, either on the face of the certificate or in a document attached to the certificate.

(xii) Endorsements for Banking or Insurance Requirements. A security bearing an endorsement indicating that it was deposited in accordance with legal requirements applicable to banking institutions or insurance companies shall not constitute good delivery unless it bears a release acknowledged before an officer authorized to take such acknowledgments and was designated as a released endorsed security at the time of trade.

(xiii) Delivery of Registered Securities.

(A) Assignments. Delivery of a certificate in registered form must be accompanied by an assignment on the certificate or on a separate bond power for such certificate, containing a signature which corresponds in every particular with the name written upon the certificate, except that the following shall be interchangeable: "and" or "&"; "Company" or "Co."; "Incorporated" or "Inc."; and "Limited" or "Ltd."

(B) Detached Assignment Requirements. A detached assignment shall provide for the irrevocable appointment of an attorney, with power of substitution, a full description of the security, including the name of the issuer, the maturity date and interest rate, the bond or note number, and the par value (expressed in words and numerals).

(C) Power of Substitution. When the name of an individual or firm has been inserted in an assignment as attorney, a power of substitution shall be executed in blank by such individual or firm. When the name of an individual or firm has been inserted in a power of substitution as a substitute attorney, a new power of substitution shall be executed in blank by such substitute attorney.

(D) Guarantee. Each assignment, endorsement, alteration and erasure shall bear a guarantee acceptable to the transfer agent or registrar.

(E) Certificate in Name of a Party Other Than a Natural Person. A certificate registered in the name of a party other than a natural person, or in a name with official designation, shall constitute good delivery only if the statement "Proper papers for transfer filed by assignor" is placed on the assignment and signed by the transfer agent.

(F) Certificate in Name of Deceased Person, Trustee, Etc.

(1) A certificate shall not constitute good delivery if executed with a qualification, restriction or special designation or if delivered in the name of, or with an assignment or power of substitution executed by a person since deceased; a minor; a receiver in bankruptcy; an agent; an attorney; or, except as provided in subparagraph (2) below, a trustee or trustees (except for trustees acting in the capacity of a board of directors of a corporation or association in which case the requirements of subparagraph (E) above shall apply), a guardian, an executor, or an administrator.

(2) A certificate shall constitute good delivery with an assignment or a power of substitution executed by an individual executor or administrator; an individual trustee under an inter vivos or testamentary trust; a guardian (including committees, conservators and curators); or a custodian acting pursuant to the provisions of the Uniform Gifts to Minors Act.

(G) Payment of Interest. If a registered security is traded "and interest" and transfer of record ownership cannot be accomplished on or before the record date for the determination of registered holders for the payment of interest, delivery shall be accompanied by a cashier's or certified check, payable on the date delivery is made, for the amount of the interest.

(H) Registered Securities Traded "Flat". If a registered security is traded "flat" (i.e. is in default in the payment of interest) and transfer of record ownership cannot be accomplished on or before the record date for the determination of registered holders for the payment of interest, an interest payment date having been established on or after the trade date, delivery shall be accompanied by a cashier's or certified check, payable on the date delivery is made, for the amount of the payment to be made by the issuer, unless the security is traded "ex-interest."

(xiv) Expenses of Shipment. Expenses of shipment of securities, including insurance, postage, draft, and collection charges, shall be paid by the seller.

(xv) Money Differences. The following money differences shall not be sufficient to cause rejection of delivery:

Par value	*Maximum differences per transaction*
$1,000 to $24,999	$10
$25,000 to $99,999	25
$100,000 to $249,999	60
$250,000 to $999,999	250
$1,000,000 and over	500

The calculations of the seller shall be utilized in determining the maximum permissible differences and amount of payment to be made upon delivery. Any such money differences must be reconciled by the parties within ten business days following settlement.

(f) *Payment.* (i) Calculation of Interest. Unless otherwise agreed by the parties, in the settlement of transactions in interest-paying securities there shall be added to the dollar price interest at the rate specified in the security, which shall be computed up to but not including the settlement date.

(ii) Calculation of Price. Calculations to determine the price and yield to maturity of municipal securities shall be made in accordance with applicable rules of the Board, if any.

(g) *Rejections and Reclamations.* (i) Definitions. For purposes of this section, the terms "rejection" and "reclamation" shall have the following meanings:

(A) "Rejection" shall mean refusal to accept securities which have been presented for delivery.

(B) "Reclamation" shall mean return by the receiving party of securities previously accepted for delivery or a demand by the delivering party for return of securities which have been delivered.

(ii) Basis for Rejection. Securities presented for delivery may be rejected if the contra party fails to make a good delivery.

(iii) Basis for Reclamation and Time Limits. A reclamation may be made by either the receiving party or the delivering party if, subsequent to delivery, information is discovered which, if known at the time of the delivery, would have caused the delivery not to constitute good delivery, provided such reclamation is made within the following time limits:

(A) Reclamation by reason of the following shall be made within 18 months following the date of delivery:

(1) Irregularity in delivery, including, but not limited to, delivery of the wrong issue (i.e., issuer, coupon rate or maturity date), duplicate delivery, delivery to the wrong party or location, or over delivery; or

(2) Refusal to transfer or deregister by the transfer agent.

(B) Reclamation by reason of the following shall be made within one business day following the date of delivery:

(1) Not good delivery because a coupon, or an interest check in lieu thereof, required by this rule to accompany delivery was missing; or

(2) Not good delivery because a certificate or coupon was mutilated in a manner inconsistent with the provisions of paragraphs (e) (vi) or (viii) hereof.

(C) Reclamation because an interest check accompanying delivery was not honored shall be made within three business days following the date of delivery.

(D) Reclamation by reason of the following may be made without any time limitation:

(1) The security delivered is reported missing, stolen, fraudulent or counterfeit or

(2) Not good delivery because notice of call for the certificate was published prior to the trade date and this was not specified at the time of trade.

The running of any of the time periods specified in this paragraph shall not be deemed to foreclose a party's right to pursue its claim via other means, including arbitration.

(iv) Procedure for Rejection or Reclamation. If a party elects to reject or reclaim securities, rejection or reclamation shall be effected by sending a written notice which contains sufficient information to identify the delivery to which the notice relates, including a copy of the original delivery ticket or other proof of delivery and to the extent not set forth on such document, the following:

(A) The name of the party delivering the securities;

(B) The name of the party receiving the securities;

(C) A description of the securities;

(D) The date the securities were delivered;

(E) The date of rejection or reclamation;

(F) The par value of the securities which are being rejected or reclaimed;

(G) In the case of a reclamation, the amount of money the securities are reclaimed for;

(H) The reason for rejection or reclamation; and

(I) The name and telephone number of the person to contact concerning the rejection or reclamation.

(v) Acceptance or Delivery of Securities. Upon rejection or reclamation properly made pursuant to this rule, the securities rejected or reclaimed shall be accepted or delivered as required by the notice of rejection or reclamation and the exchange of correct monies or securities shall be made.

(vi) Effect of Rejection or Reclamation. Rejection or reclamation of securities shall not constitute a cancellation of the transaction.

(h) Close-Out. Transactions which have been confirmed or otherwise agreed upon by both parties but which have not been completed may be closed out in accordance with this section, or as otherwise agreed by the parties.

(i) Close-Out by Purchaser. With respect to a transaction which has not been completed by the seller according to its terms and the requirements of this rule, the purchaser may close out the transaction in accordance with the following procedures:

(A) Notice of Close-Out. If the purchaser elects to close out a transaction in accordance with this paragraph (i), the purchaser shall, not earlier than the fifth business day following the settlement date, notify the seller by telephone of the purchaser's inten-

tion to close out the transaction and immediately thereafter send, return receipt requested, a written notice of close-out to the seller. Such notice shall be accompanied by a copy of the seller's confirmation of the transaction to be closed out or other written evidence of the contract between the parties. The notice shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the fifth business day following the date the telephonic notice is given, or as provided in subparagraph (C) below, the transaction may be closed out in accordance with this section.

(B) Response. The seller shall respond to the notice of close-out in writing, or by telephone call promptly confirmed in writing, return receipt requested, within one business day following the date the telephonic notice required by subparagraph (A) is given, stating the seller's reasons for failing to complete the transaction. The seller may retransmit the notice of close-out to another party from whom the securities are due, *Provided* That the retransmitted notice must be received by such other party not later than one business day preceding the specified date for close-out. Any party receiving a retransmitted notice of closeout shall respond to the party retransmitting the notice within the time periods and according to the procedures provided herein for the seller's response.

(C) Time Periods. If by the close of the fifth business day following the date the close-out notice was given, the purchaser has received no response or has received a response which fails to provide an adequate explanation, as described below, for the seller's failure to complete the transaction, the purchaser may close out the transaction in accordance with the terms of the close-out notice. If the purchaser has received an adequate explanation of the seller's failure to complete the transaction, the purchaser may not close out the transaction before the close of the fifteenth business day following the date the close-out notice was given. For purposes of this subparagraph, a seller shall be deemed to have provided an adequate explanation for its failure to complete the transaction if it is taking steps necessary to effect good delivery of the securities and so states or if it has an offsetting fail to receive outstanding of the same security and so states.

(D) Purchaser's options. To close out a transaction as provided herein the purchaser may, at its option:

(1) Purchase ("buy-in") at the current market all or any part of the securities necessary to complete the transaction, for the account and liability of the seller;

(2) Cancel the transaction as to all or any part of the securities necessary to complete the transaction;

(3) Accept from the seller in satisfaction of the seller's obligation under the original contract (which shall be concurrently cancelled) the delivery of municipal securities which are comparable to those originally bought in quantity, quality, yield or price, and maturity, with any additional expenses or any additional cost of acquiring such substituted securities being borne by the seller; or

(4) Require the seller to repurchase the securities on terms which provide that the seller pay an amount equal to accrued interest and bear the burden of any change in market price or yield.

A close-out will operate to close out all transactions covered under retransmitted notices. A buy-in may be executed from a long position in customers' accounts maintained with the party executing the buy-in or, with the agreement of the seller, from the purchaser's contra party. In all cases, the purchaser must be prepared to defend the price at which the close-out is executed relative to market conditions at the time of the execution.

(E) Close-out not completed. A close-out procedure instituted pursuant to this rule (including any action by the purchaser pursuant to subparagraph (D) of this paragraph) must be completed not later than the thirtieth business day following the settlement date. If a close-out pursuant to a notice of close-out is not completed in accordance with the terms of the notice and the provisions of this rule, the notice shall expire and no further close-out notices for the same transaction may be issued.

(F) "Cash" transactions. The purchaser may close out transactions made for "cash" or made for or amended to include guaranteed delivery during normal trading hours on the business day following the day delivery is due, *Provided*, That the purchaser shall give the seller at least one business day's notice of the close-out by telephone or telegraph, immediately confirmed in writing.

(ii) Close-out by seller. If a seller makes good delivery according to the terms of the transaction and the requirements of this rule and the purchaser rejects delivery, the seller may close out the transaction in accordance with the following procedures:

(A) Notice of close-out. If the seller elects to close out a transaction in accordance with this paragraph (ii), the seller shall, not earlier than one business day following the date of delivery, notify the purchaser by telephone of the seller's intention to close out the transaction and immediately thereafter send, return receipt requested, a written notice of close-out to the purchaser. Such notice shall be accompanied by a copy of the purchaser's confirmation of the transaction to be closed out or other written evidence of the contract between the parties. The notice shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the third business day following the date the telephonic notice is given, the transaction may be closed out in accordance with this section.

(B) Execution of close-out. Not earlier than the close of the third business day following the date telephonic notice of close-out is given to the purchaser, the seller may sell out the transaction at the current market for the account and liability of the purchaser.

(iii) Notice of executed close-out. The party executing a close-out shall, immediately upon execution, notify via hand delivery or other written media having same-day receipt capabilities, the party for whose account and liability the transaction was closed-out, stating the means of closing out utilized and forwarding a copy of the confirmation of the executed transaction, if any.

(iv) Close-out under special rulings. Nothing herein contained shall be construed to prevent brokers, dealers or municipal securities dealers from closing out transactions as directed by a ruling of a national securities exchange, a registered securities association or an appropriate regulatory agency issued in connection with the liquidation of a broker, dealer or municipal securities dealer.

(v) Procedures optional. Nothing herein contained shall be construed to require the parties to follow the close-out procedures herein specified if they otherwise agree.

(i) Good faith deposits. Good faith deposits shall be returned by the manager of a syndicate or similar account formed for the purchase of securities from an issuer, to the members of the syndicate or account within two business days following the date of settlement with the issuer, or, in the event the syndicate or account is not successful in purchasing the issue, within two business days following the return of the deposit from the issuer.

(j) Settlement of syndicate or similar account. Final settlement of a syndicate or similar account formed for the purchase of securities shall be made within 60 days following the date all securities have been delivered by the syndicate or account manager to the syndicate or account members.

(k) Effective date. The requirements of this rule shall become effective on _____ (60 days following the date of approval of the rule by the Securities and Exchange Commission).

[FR Doc.77-357 Filed 1-4-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/14]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Notice of Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on February 2, 1977, at the Department of State in Conference Room 1107 from 9:30 A.M. to 12:30 P.M. The purpose of this open meeting will be to discuss the following topics:

a. the new U.S. copyright law and its international implications

b. the Protocol to the Florence Agreement

c. the UNESCO/WIPO double taxation meeting

d. the UNESCO/WIPO/ILO meetings on video-cassettes and audio-visual discs, and cable transmission

e. U.S.-U.S.S.R. copyright relations

The public attending may, as time permits and subject to the instruction of the Chairman, participate in the discussions or may submit written views to the Chairman prior to or at the meeting for later consideration by the Committee.

Members of the general public who plan to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to February 1, 1977, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Steven R. Pruett, Office of Business Practices, Department of State; the telephone number is area code 202, 632-0307. All non-Government attendees

at the meeting should use the C Street entrance to the building.

December 28, 1975.

HARVEY J. WINTER,
Executive Secretary.

[FR Doc.77-313 Filed 1-4-77;8:45 am]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on standards of training and watchkeeping of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, January 26, 1977, in Room 8334 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting will be to

develop the U.S. position for the "general remarks" paper which was disseminated at the 9th Session of the Subcommittee on Standards of Training and Watchkeeping of the Intergovernmental Maritime Consultative Organization (IMCO), which was held in London December 13–17, 1977

review the report (if available) of the 9th Session of the Subcommittee on Standards of Training and Watchkeeping

The Secretariat has requested that comments on the "general remarks" paper should be received in IMCO on or before March 1, 1977.

Requests for further information on the meeting should be directed to Captain N. G. Emory, United States Coast Guard. He may be reached by telephone on (area code 202) 426–2251.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

DECEMBER 22, 1976.

[FR Doc.77-312 Filed 1-4-77;8:45 am]

[Public Notice CM-7/15]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meetings

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold two open meetings on Wednesday, January 26 and Thursday, January 27, 1977. The January 26 meeting will commence at 10:00 a.m. in room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. The January 27 meeting will commence at 9:30 a.m. in Room 8236 of the Department of Transportation.

The January 26 meeting will be the first meeting of a panel on bulk cargoes of the working group. The purpose of the meeting will be to organize the work, and to consider matters for the 18th Session of the Subcommittee on Containers and Cargoes of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London, July 11–15, 1977. The particular item for discussion will be questions relating to the carriage of ore concentrate cargoes in bulk.

The purpose of the January 27 meeting will be to consider items of the agenda for the 20th Session of the Subcommittee on Subdivision, Stability and Load Lines of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London, February 7–11, 1977. The items for discussion will be based on any documents received from IMCO which originated in other countries. In addition, the working group will consider the outcome of work from the first meeting of the panel on bulk cargoes to be conducted January 26, 1977.

Requests for further information on the meetings should be directed to Mr. Edward H. Middleton, United States Coast Guard (tel: 202/426–2170) or Mr. Ralph Johnson, United States Coast Guard (tel: 202/426–2187).

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

DECEMBER 28, 1976.

[FR Doc.77-314 Filed 1-4-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

[CGD 76-231]

Coast Guard

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Notic of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Subcommittee on Chemical Vessels to be held January 12, 1977, 9 a.m., Room 8334, NASSIF Building, 400 7th Street, SW, Washington, D.C. 20590. The agenda for this meeting is as follows: (1) To begin revision of the rules for bulk hazardous chemicals shipped in barges, 46 CFR Part 151. (2) To draft recommendations for the Coast Guard in developing a position paper on bulk hazardous chemical charges for presentation to the Inter-Governmental Maritime Consultative Organization's Subcommittee on Bulk Chemicals.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Capt. C. E. Mathieu, Commandant (G-MHM), U.S. Coast Guard, Washington, D.C. 20590, 202–426–2296. Any member of the public may present a written statement to the Committee at any time. Special notice: The lateness of this notice is due to administrative oversight.

Issued in Washington, D.C. on December 16, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.77-584 Filed 1-4-77;11:51 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Administrative Ruling 76-6]

ANTIRECESSION FISCAL ASSISTANCE

Change in Procedure

Section 52.23(c) of the interim regulations (31 CFR 52.23(c); 41 FR 44842) promulgated pursuant to Title II of the Public Works Employment Act of 1976 (Pub. L. 94–369), provides that a recipient government may file a request with the Office of Revenue Sharing for verification of the data used to make payments under the Act on the grounds that a processing error, such as typographical or computer programming mistake, was made in such data. The section provides that requests for data verification may be filed with the Director of the Office of Revenue Sharing within 21 days from the date of payment to a recipient government for the calendar quarter to which the data is applicable.

When the interim regulations were filed on October 8, 1976, it was the intention of the Office of Revenue Sharing to provide the data used to compute the allocations to recipient governments at the same time that payments were made. Due to technical operational considerations, however, data will not be provided to recipient governments at that time.

Accordingly, requests for verification of the data for antirecession fiscal assistance payments will be considered timely pursuant to § 52.23(c) of the interim regulations if received by the Director of the Office of Revenue Sharing within 21 days from the date that such data will be mailed to the recipient government by the Office of Revenue Sharing. The permanent antirecession fiscal assistance regulations will reflect this change in procedure.

Dated: December 30, 1976.

JEANNA D. TULLY,
Director,
Office of Revenue Sharing.

Filed for public inspection immediately upon receipt.

[FR Doc.77-466 Filed 1-3-77;2:23 pm]

TAX REFORM ACT OF 1976

Guidelines

The Acting Secretary of the Treasury issued today additional guidelines relating to certain provisions of the Tax Reform Act of 1976 which deny certain tax benefits for participation in or co-

operation with international boycotts. An earlier set of guidelines, consisting of questions and answers, was issued on November 4, 1976 (Treasury News Release WS–1156) and was published in the FEDERAL REGISTER of November 1, 1976 (41 FR 49923). These guidelines relate only to parts A through G of the earlier guideline and add a new part N, relating to the computation of the foreign tax credit. These guidelines do not deal with those provisions of the Tax Reform Act of 1976 which define what constitutes participation in or cooperation with an international boycott. Some of the guidelines issued today are new while others are revisions of earlier questions and answers. The same numbering system is used, and the same introductory material is applicable.

A. BOYCOTT REPORTS

A–1. Q: Who must report as required by section 999(a)?

A. Generally, any United States person (within the meaning of section 7701(a)(30)), or any other person (within the meaning of section 7701(a)(1)) that either claims the benefit of the foreign tax credit under section 901, or owns stock of a DISC, is required to report under section 999(a) if it—

1. has operations; or

2. is a member of a controlled group, a member of which has operations; or

3. is a United States shareholder (within the meaning of section 951(b)) of a foreign corporation that has operations; or

4. is a partner in a partnership that has operations; or

5. is treated under section 671 as the owner of a trust that has operations

in or related to a boycotting country (or with the government, a company, or a national of a boycotting country). Additionally, if a person controls a corporation (within the meaning of section 304(c)) and either that person or the controlled corporation is required to report under section 999(a), then under section 999(e) that person must report whether the corporation had reportable operations and whether the corporation participated in or cooperated with the boycott. The controlled corporation must make the same reports with respect to the operations of the person controlling it.

A boycotting country is

(i) any country that is on the list maintained by the Secretary under section 999(a)(3), or

(ii) any country not on the list maintained by the Secretary under section 999(a)(3), in which the person required to file the report (or a member of the controlled group which includes that person) has operations, and which that person knows or has reason to know requires any person to participate in or cooperate with an international boycott that is not excepted by section 999(b)(4)(A), (B), or (C). Thus, even if the boycott participation required of the person reporting the operation is excepted by section 999(b)(4)(A), (B), or (C), if that person knows or has reason to know that boycott participation not excepted by section 999b(4)(A), (B), or (C) is required of any other person, the country is a boycotting country.

If the person required to file the report (or a member of the controlled group which includes that person) has operations related to a country, but not operations in that country, that country is not a boycotting country unless it is on the list maintained by the Secretary under section 999(a)(3). (For the definition of operations in or related to a country, see the questions and answers under part B.)

A–11. Q: If Company A sells goods or services to Company B (or does other business with Company B) and Company B and Company A are unrelated, and Company A knows or has reason to know that Company B in turn will sell these goods or services for use in a boycotting country, and further, Company B participates in or cooperates with such boycott, is Company A required to report with respect to such operations?

A: Although such operations are related to a boycotting country (see the answer to Question B–1), the reporting requirements are waived for Company A, provided that Company A does not receive a request to participate in or cooperate with an international boycott under section 999(a)(2), Company A does not participate in or cooperate with an international boycott under section 999(b)(3), and Company A's relationship with Company B is not established to facilitate participation in or cooperation with an international boycott.

A–13. Q: In the case of a controlled group, what period of time is the international boycott report to cover, and when is the "International Boycott Report Form," Form 5713, to be filed?

A: For purposes of reporting, all persons described in the answer to Question A–1 are to report all reportable operations by all members of the controlled group (or by any foreign corporation with a United States shareholder who is a member of the controlled group) for the taxable years of such members which end with or within the taxable year of the controlled group's common parent. The international boycott factor is computed on the basis of the operations of all members of the controlled group for the taxable years of such members which end with or within the taxable year of the controlled group's common parent. In the event no common parent exists, the members of the controlled group are to elect the tax year of one of the members to serve as the common tax year for the group. It is contemplated that procedures for making an election will be specified in the instructions of the "International Boycott Report Form," Form 5713. The taxable year election is a binding election to be made once, with subsequent elections for alternative tax years granted only with the approval of the Secretary of the Treasury or his delegate.

Individual members of the controlled group will continue to use their normal tax years for all other purposes, including adjustments required under sections 908, 952(a), and 995(b)(1). When the international boycott factor is used, the controlled group boycott factor, for that year, will be applied to the normal tax year of each taxpayer for determining adjustments under sections 908, 952(a) and 995(b)(1).

The income tax year of a taxpayer may differ from the reporting period covered by the "International Boycott Report Form." Therefore, the Form 5713 which is attached to, and filed with, the income tax return of the taxpayer will be the Form 5713 for the reporting year ending with or within the tax year of the taxpayer.

A–14. Q: Is a United States subsidiary of a foreign corporation or a United States sister corporation of a foreign corporation required under section 999 to report the operations of the foreign parent or sister corporation?

A: Generally, under section 999 a United States person must report the operations of all members of the controlled group of which it is a member. However, if the foreign parent or sister corporation is not otherwise required to report, the requirement that the United States subsidiary or sister corporation report the operations of the foreign parent or sister corporation will be waived for any United States subsidiary or sister corporation which—

1. is entitled to no benefits of deferral, DISC, or the foreign tax credit, or

2. applies the international boycott factor, and forfeits all the benefits of deferral, DISC and the foreign tax credit to which it is entitled (i.e., applies an international boycott factor of one under sections 908(a), 952(a)(3), and 995(b)(1)), or

3. identifies specifically attributable taxes and income, and forfeits all the benefits of deferral, DISC, and the foreign tax credit in respect of which it is unable to demonstrate that the foreign taxes paid and the income earned are attributable to specific operations in which there was no participation in or cooperation with an international boycott.

A–15. Q: Company A receives from Country X an unsolicited invitation to tender for a contract for the construction of an industrial plant in Country X. The tender documents contain a provision stating that Country X will not enter into the contract unless the successful tenderer agrees that it will do no business in connection with the project with any blacklisted United States company. Company A does not respond to the unsolicited invitation. Is Company A required to report the invitation under section 999(a)(2) as a request to participate in or cooperate with an international boycott?

A: No. The section 999(a)(2) reporting requirement will be waived provided that Company A neither solicited the invitation to tender nor responded to the invitation.

A–16. Q: Company A receives requests to comply with boycotts prior to the

issuance of Form 5713. Company A preserves the requests which were evidenced in writing and preserves the notations it makes concerning the details of oral requests. When Form 5713 is issued, it requires more details concerning the requests made of Company A than were preserved, and many of those details can no longer be ascertained. Will Company A's report under section 999(a)(2) be deemed deficient?

A: On October 4, 1976, Company A was put on notice that it would be required to document boycott requests received after November 3, 1977. Form 5713 will not require any details that would not have been preserved by a prudent person having such notice. In addition, under the answer to Question A–15, the reporting requirements of section 999(a)(2) have been waived for certain unsolicited boycott requests. Therefore, if Company A does not supply the required information with respect to the remaining requests that were either solicited or responded to, its report will be deficient.

A–17. Q: A United States partnership consisting of 100 United States partners has operations in a boycotting country. Is each partner required to file Form 5713?

A: Generally, if a partnership has operations in a boycotting country, each partner is required to file Form 5713. However, if the partnership files Form 5713 with its information return and has no operations for the taxable year that constitute participation in or cooperation with an international boycott, then the requirement that each partner file Form 5713 will be waived for each partner that satisfies the following conditions:

1. The partner has no operations in or related to a boycotting country, or with the government, a company, or a national of a boycotting country other than operations that are reported on the Form 5713 filed by the partnership; and

2. The partner attaches to his individual return a certificate signed by a person authorized to sign the partnership return certifying that the partnership filed the Form 5713 and that the partnership has no operations that constituted participation in or cooperation with an international boycott.

A–18. Q: Company A owns 10 percent or more of the outstanding stock of Company C, a foreign corporation that has operations in Country X, but Company A does not have effective control over Company C. Company C participates in or cooperates with an international boycott. Company A requests information from Company C in order to meet its reporting obligations under section 999(a). Company C refuses to provide (or is prohibited by local law, regulation, or practice from providing) that information. Will Company A be subject to the section 999(f) penalties for willful failure to report the activities of Company C?

A: Company A must report on the basis of that information that is reasonably available to it. For example, in most cases Company A will be aware that Company C has operations in Country X, even though Company A is not aware of the operational details. Company A must report on Form 5713 that Company C has operations in Country X. Company A should also describe in a statement attached to Form 5713 the good faith efforts that it has made to obtain all the information required under section 999(a). Although each case must be resolved on the basis of the particular facts and circumstances, Company A will not be subject to the section 999(f) penalties for willful failure to provide information if it can demonstrate that it made good faith efforts to obtain the information but was denied the information by Company C. The answer to this question would be the same if Company C were a domestic corporation.

A–19. Q: The facts are the same as in A–18 above except that Company A owns less than 50 percent of the stock of Company C. What are the tax sanctions to which Company A will be subject?

A: Since Company C is neither a DISC nor a controlled foreign corporation, the sanctions of section 952(a)(3) and 995(b)(1) are not relevant. However, Company A will be subject to the sanctions of section 908(a). Thus, if Company A applies an international boycott factor, that factor is applied to Company A's foreign tax credit in accordance with the answers to Questions F–5, N–1 and N–2. If Company A identifies specifically attributable taxes and income under section 999(c)(2), Company A will lose its section 902 indirect foreign tax credit for the taxes paid by Company C which Company A cannot demonstrate are attributable to specific operations in which there was no boycott participation or cooperation. (To determine whether Company A will lose its section 901 direct foreign credit for income tax withheld by Country X on dividends paid by Company C to Company A, see the answer to Question N–3.)

A–20. Q: Individual G is a national of Country X, which is on the list maintained by the Secretary. G engages in an operation with Company A. For example, if Company A were a bank, the operation might involve a deposit by G, or, if Company A were an automobile dealer, the operation might involve the purchase of a car, or, if Company A were a stockbroker, the operation might involve the purchase or sale of a security, or if Company A were a hotel, the operation might involve the letting of a room. Irrespective of the specific nature of the operation, the agreement under which the operation is consummated is the same agreement which Company A requires of all other customers. Company A is aware of G's nationality, but participation in or cooperation with an international boycott is neither contemplated nor required as a condition of G's willingness to enter into the operation with Company A. Under section 999, what are the reporting obligations of Company A with respect to these operations?

A: Company A is not obligated to report these operations with G under section 999(a). In many business operations, there will be incidental contacts between the nationals or business enterprises of boycotting countries and U.S. persons or businesses in which they have an interest. Such contacts need not be reported under section 999 provided that they satisfy the following criteria:

1. The nationality of the individual or enterprise is merely incidental to the operations,

2. the location of an operation contemplated by the parties is outside any boycotting country,

3. any goods or services to be furnished or obtained in the operation are not produced in a boycotting country and are not intended to be used, consumed, disposed of or performed in a boycotting country,

4. the operation does not contemplate any agreement which would constitute participation in or cooperation with an international boycott,

5. no request for such an agreement is actually made or received by any party to the operation, and

6. there is no such agreement in connection with the operation.

The types of operations described above satisfy these criteria and accordingly need not be reported under section 999. The answer to the question would be the same if Company A were an individual, or if G were a corporation.

B. Definition of "Operations"

B–2. Q: Individual G is a U.S. citizen living in Country X. G is retired. G receives social security payments and a pension, but has no business activities. Does G have "operations" in, or related to, Country X?

A: No. G is not engaged in any business or commercial activities.

B–3. Q: Individual H is a U.S. citizen living in Country X and working there as an employee. H earns a salary and has passive investment income, but has no business income. Does H have "operations" in, or related to, Country X?

A: No. The performance of personal services as an employee does not constitute an "operation."

E. Effective Date Provisions

E–9. Q: Company A entered into a binding contract prior to September 2, 1976 to manufacture and deliver equipment to a customer located in Country X. The contract requires Company A to use no components which are manufactured by blacklisted United States companies. The contract also requires that the vessel on which the equipment is shipped not be blacklisted. On January 15, 1977, Company A is able to have the contract amended to eliminate the requirement regarding components, but is unable to secure any change regarding vessels. Will the amendment regarding components remove the binding contract protection otherwise afforded until December 31, 1977 that Company A has regarding vessels?

A: No. Since Company A could have waited to abrogate or renegotiate its contract until the end of 1977 and since it

is in accord with the legislative purpose for Company A to accelerate elimination of the provision regarding components, it will remain protected until December 31, 1977 from the consequences of its continuing to refrain from shipping the goods on blacklisted vessels.

E–10. Q: If before December 31, 1977 a person carries out several different operations in boycotting countries and the only operation of that person that constitutes participation in or cooperation with an international boycott is carried out in accordance with the terms of a binding contract entered into before September 2, 1976, will the existence of that one boycotting operation trigger the section 999(b)(1) presumption that the other operations of that person in boycotting countries are also operations in connection with which boycott participation or cooperation occurred?

A: No. Operations carried out before December 31, 1977, in accordance with the terms of a binding contract entered into before September 2, 1976, will not trigger the section 999(b)(1) presumption.

E–11. Q: Are operations of a person that constitute participation in or cooperation with an international boycott reflected in the numerator of the person's international boycott factor before December 31, 1977 if those operations are carried out in accordance with the terms of a binding contract entered into before September 2, 1976?

A: No. Boycotting operations carried out before December 31, 1977 in accordance with the terms of a binding contract entered into before September 2, 1976 are not reflected in the numerator of the international boycott factor. They are reflected in the denominator, however.

F. International Boycott Factor and Specifically Attributable Taxes and Income

F–5. Q: In the case of a controlled group (within the meaning of section 993(a)(3)), may one member use the international boycott factor under section 999(c)(1) and another member identify specifically attributable taxes and income under section 999(c)(2)?

A: Yes. Each member may independently choose either to apply the international boycott factor under section 999(c)(1) or to identify specifically attributable taxes and income under section 999(c)(2). The method chosen by each member for determining the loss of tax benefits must be applied consistently to determine all loss of tax benefits of that member. For example, if a member chooses to use the international boycott factor, then it must apply the international boycott factor to determine its loss of the section 902 indirect foreign tax credit in respect of a dividend paid to it by another member of the controlled group, even if that other member determines its loss of tax benefits by identifying specifically attributable taxes and income. In addition, if an affiliated group of corporations files a consolidated return, then the affiliated group must determine its loss of tax benefits either by applying the international boycott factor to the consolidated return, or by having each member determine its loss of tax benefits by identifying specifically attributable taxes and income.

F–6. Q: If Company A chooses to determine its loss of tax benefits by applying the specifically attributable taxes and income method set forth in section 999(c)(2), may it demonstrate the amount of foreign taxes paid and income earned attributable to the specific operations by applying an overall effective rate of foreign taxes and an overall profit margin to each operation?

A: No. Company A must clearly demonstrate foreign taxes paid and income earned attributable to specific operations by performing an in-depth analysis of the profit and loss data of each separate and identifiable operation.

F–7. Q: A United States partnership has operations in a boycotting country. Is the international boycott factor computed at the partnership level?

A: No. The international boycott factor is computed separately by each partner based on information submitted by the partnership and on other activities of that partner. Of course, if the partner can meet the conditions of section 999(c)(2) of the Code, he need not use the international boycott factor.

F–8. Q: Company A desires to determine its loss of tax benefits by applying the specifically attributable taxes and income methods set forth in section 999(c)(2). However, Company A is able to identify specifically attributable taxes and income only with respect to a portion of its operations. Because Company A is unable to determine specifically attributable taxes and income with respect to all its operations, will Company A be required to determine its loss of tax benefits by applying the international boycott factor?

A: No. Company A may compute its loss of tax benefits by applying the specifically attributable taxes and income method if, in addition to the tax benefits that Company A determines are to be lost with respect to the portion of its operations for which it can determine specifically attributable taxes and income, Company A forfeits all the benefits of deferral, DISC, and the foreign tax credit with respect to the remaining portion of its operations for which it cannot identify specifically attributable taxes and income.

N. Reduction of Foreign Tax Credit

N–1. Q: How is the reduction of the foreign tax credit for participation in or cooperation with an international boycott computed under section 908?

A: The method of computation of the reduction of the foreign tax credit under section 908 differs depending on whether the person applying section 908 applies the international boycott factor or identifies specifically attributable taxes and income under section 999(c)(2).

If the person chooses to identify specifically attributable taxes and income, the person reduces the amount of foreign taxes paid before the determination of the section 904 limitation, by the sum of the foreign taxes paid that the person has not clearly demonstrated are attributable to specific operations in which there has been no participation in or cooperation with an international boycott.

If the person applies the international boycott factor, the reduction of the foreign tax credit under section 908 is computed by first determining the foreign tax credit that would be allowed under section 901 for the taxable year if section 908 had not been enacted. The amount of credit allowed under 901 would, of course, reflect the credits allowable under sections 902 and 960, and would also reflect the limitations of both sections 904 and 907. The credit allowed under section 901 would then be reduced by the product of the section 901 credit (before the application of the section 908 reduction) multiplied by the international boycott factor.

N–2. Q: After the reduction of credit has been determined in accordance with the process described in the answer to Question N–1, the taxes denied creditability may be deductible. If the taxes are deducted, is a new section 904 limitation, a new section 901 amount and a new section 908 reduction of credit computed based on the income reduced by the taxes deducted?

A: No. The process described in the answer to Question N–1 is applied only once and the reduction of credit is determined as a result of that single application. If the taxes denied creditability are deducted, no further adjustment is made under section 904, 901 or 908 as a result of the deduction.

N–3. Q: Company A owns 20 percent of the stock of Company C, a corporation organized under the laws of Country X. Company C participates in an international boycott in connection with all its operations. Company C pays a dividend to Company A and Country X withholds income tax on the dividend paid to Company A. Company A computes its loss of tax benefits by identifying specifically attributable taxes and income under section 999(c)(2). Will Company A be denied its section 901 direct foreign tax credit in respect of the income tax withheld by Country X on the dividend paid by Company C?

A: If Company A can demonstrate that its investment in Company C is a clearly separate and identifiable operation in which Company A did not participate in or cooperate with an international boycott, Company A will not be denied its section 901 direct foreign tax credit in respect of the withholding tax on the dividend paid by Company C. On the other hand, even if Company C does not participate in an international boycott, if Company A agreed to participate in or cooperate with an international boycott in connection with its investment in Company C, Company A will lose its foreign tax credit in respect of the withholding tax on the dividend. Thus, whether Company C participates in an international boycott is not relevant to

the determination of Company A's loss of foreign tax credit under the facts of this question. (To determine the denial of the section 902 indirect foreign tax credit for foreign income taxes paid by Company C, see the answer to Question A–19.)

Dated: December 30, 1976.

GEORGE H. DIXON,
Acting Secretary.

[FR Doc.77–352 Filed 1–4–77;8:45 am]

[Supplement to Department Circular; Public Debt Series No. 34–76]

TREASURY NOTES OF SERIES D–1982

Interest Rate

DECEMBER 29, 1976.

The Secretary of the Treasury announced on December 28, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 34–76, dated December 17, 1976, will be 6⅛ percent per annum. Accordingly, the notes are hereby redesignated 6⅛ percent Treasury Notes of Series D–1982. Interest on the notes will be payable at the rate of 6⅛ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77–322 Filed 1–4–77;8:45 am]

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

ADVISORY COMMITTEE

Renewal

Notice is hereby given in accordance with paragraph 7(a) of Office of Management and Budget Circular No. A–63 (Rev'd, March 27, 1974), as amended by Transmittal Memorandum No. 1 (July 19, 1974), that the General Advisory Committee has been renewed effective January 5, 1977.

Dated: December 30, 1976.

FRED C. IKLE,
Director, U.S. Arms Control and Disarmament Agency.

[FR Doc.77–377 Filed 1–4–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 227]

ASSIGNMENT OF HEARINGS

DECEMBER 30, 1976.

Cases assigned for hearing, postponement, cancellation of 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–C–8917, Dignan Trucking, Inc., et al. V. Southern Maryland Transportation Company, Inc., now assigned January 25, 1977, at Washington, D.C. is postponed to January 27, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C. MC 107487 (Sub-No. 6), Columbia Freight Lines, Inc., now assigned February 1, 1977, at Indianapolis, Ind., is canceled and application dismissed.

MC 114737 Sub 7, O & A Tex-Pack Express, Inc., now being assigned March 22, 1977 (9 Days), at El Paso, Texas, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–382 Filed 1–4–77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 30, 1976.

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 21, 1977.

FSA No. 43291—*Joint Water-Rail Container Rates—Black Sea Shipping Company.* Filed by Black Sea Shipping Company, (No. 102), for itself and interested rail carriers. Rates on general commodities, between rail and water carrier terminals on the U.S. Pacific Coast Seaboard, on the one hand, and, on the other, ports and terminals in Europe.

Grounds for relief—Water competition.

FSA No. 43292—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc., (No. 9), for itself and interested rail carriers. Rates on general commodities, from rail carrier terminals on the U.S. Gulf Seaboard, to ports in the United Kingdom and Continental Europe.

Grounds for relief—Water competition.

Tariff—American Export Lines, Inc., tariff No. 1, I.C.C. No. 7. Rates are published to become effective on January 26, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–379 Filed 1–4–77;8:45 am]

[Notice No. 99]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 5, 1977.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 25, 1977. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76152. By order entered December 21, 1976 the Motor Carrier Board approved the transfer to Trecho Transport, Inc., York, N.Y., of the operating rights set forth in Certificate No. MC 138217 (Sub-No. 2), issued November 21, 1975, to Betaways Cargo Carriers, Inc., Buffalo, N.Y., authorizing the transportation of frozen foods, in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Erie, Mercer, Blair, Allegheny, Westmoreland, and Cambria Counties, Pa. S. Michael Richards, 44 North Ave., Webster, N.Y. 14580, practitioner for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–383 Filed 1–4–77;8:45 am]

[Notice No. 173]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

IMPORTANT NOTICE

DECEMBER 28, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the

service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Sub-No. 388TA), filed December 17, 1976. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave., S.W., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, 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), and foodstuffs, from the plantsite and/or warehouse facility utilized by Geo. A. Hormel & Co., at or near Fremont, Nebr., to points in Kansas and Missouri, for 180 days. Supporting shipper Geo. A. Hormel & Company, Box 800, Austin, Minn. 55912. Send protests to C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 41951 (Sub-No. 30TA), filed December 17, 1976. Applicant WHEATLEY TRUCKING, INC., P.O. Box 458, 125 Brohawn Ave., Cambridge, Md. 21613. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hallwood, Va., to points in Ohio, Indiana, Michigan, Illinois, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper John W. Taylor Packing Co., Inc., Hallwood, Va. 23359. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 49368 (Sub-No. 99TA), filed December 15, 1976. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, Mich. 48013. Applicant's representative: Eugene C. Ewald, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authodity sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service; (1) from the plantsites of General Motors Corporation, located at Atlanta and Doraville, Ga., to points in Iowa and Kansas; and (2) from the plantsite of General Motors Corporation, at St. Louis, Mo., to points in Florida, Georgia, North Carolina and South Carolina, under a continuing contract with General Motors Corporation, for 180 days. Supporting shipper: General Motors Corporation, Director, Transportation Economics, E. R. Wiseman, G. M. Logistics Operations, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 51146 (Sub-No. 480TA) (Correction), filed November 22, 1976, published in the FEDERAL REGISTER issue of December 3, 1976, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Such merchandise* as is dealt in by department stores (except foodstuffs, furniture, and commodities in bulk), and (2) *Foodstuffs* (except frozen foods and commodities in bulk), *and furniture*, moving in mixed loads with the commodities described in (1) above, from Secaucus and Jersey City, N.J., and Charlotte, N.C., to Cleveland, Ohio, for 180 days. Supporting shipper: The May Company, 158218 Euclid Ave., Cleveland, Ohio 44114. 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. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 103066 (Sub-No. 50TA), filed December 14, 1976. Applicant: STONE TRUCKING CO., 4927 S. Tacoma, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: C. L. Phillips, Room 248-Classen Blvd., 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including dairy* products, in vehicles equipped with mechanical refrigeration, from the plantsites and/or storage facilities of Borden Foods, Division of Borden, Inc., at or near Plymouth, Wis., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Borden Foods, Division of Borden, Inc., 180 E. Broad St., Columbus, Ohio 43215. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 115904 (Sub-No. 68TA), filed December 16, 1976. Applicant: GROVER TRUCKING CO., 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum;* and (2) *Gypsum wallboard paper;* (1) from the facilities of American Gypsum, at or near Albuquerque, N. Mex., to points in Arizona and Colorado; and (2) from Denver, Colo., and points in the commercial zone thereof to the plantsite of American Gypsum, at or near Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Gypsum Company, P.O. Box 6345, Albuquerque, N. Mex. 87107. Send protests to: Interstate Commerce Commission, Barney L. Hardin, District Supervisor, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 116077 (Sub-No. 375 TA), filed December 16, 1976. Applicant: ROBERTSON TANK LINES, INC., 2000 W. Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder, P.O. Box 1505, Houston, Tex. 77001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nodular pulp*, in bulk, in tank vehicles, from Evadale, Tex., to Ashdown, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eastex Division Temple-Eastex Incorporated, P.O. Box 816 Silsbee, Tex. 77656. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Ave., Houston, Tex. 77002.

No. MC 119880 (Sub-No. 94 TA), filed December 15, 1976. Applicant: DRUM TRANSPORT INC., 617 Chicago St., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain neutral spirits; alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Peoria, and Delavan, Ill., to points in Kentucky, for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., D. J. Anderson, General Traffic Manager, Foot of Edmund St., Peoria, Ill. 61601. 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 119934 (Sub-No. 209 TA), filed December 16, 1976. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Aplicant's representative: Robert W. Loser, II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, edible, in bulk, in tank vehicles, from Edgard, La., to Oakland, Calif.; Sayreville, Woodbridge, and Port Reading, N.J.; Philadelphia, Pa.; Cincinnati, Ohio; Collegedale, Tenn.; Atlanta, Ga.;

St. Louis, Mo.; Houston, Tex., and Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Caire & Gaugnard, P.O. Box 7, Edgard, La. 70049. Send protests to: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 129034 (Sub-No. 13 TA), filed December 17, 1976. Applicant: LOOMIS COURIER SERVICE, INC., 55 Battery St., Seattle, Wash. 98121. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters*, between Seattle, Wash., and the Port of Entry on the United States-Canada border at or near Blaine, Wash., restricted to traffic originating or terminating at Vancouver, British Columbia, Canada, under a continuing contract or contracts with banks or banking institutions, for 180 days. Supporting shippers: There are approximately 7 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: Claud W. Reeves, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 129086 (Sub-No. 22 TA), filed December 17, 1976. Applicant: SPENCER TRUCKING CORPORATION, Rt. 2, Box 254A, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from the plantsite and shipping facilities of FMC, at or near South Heights, Pa., to Keyser, W. Va., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Chattanooga Glass Company, 400 W. 45th St., Chattanooga, Tenn. 37410. SEND PROTESTS TO: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 129537 (Sub-No. 18 TA), filed December 14, 1976. Applicant: REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, Ga. 30701. Applicant's representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs*, from points in Floyd, Bartow, Chatooga, Muscogee, Gordon, Whitfield, Murray, Walker, Catoosa and Troup Counties, Ga., to points in Mississippi, for 180 days. Supporting shippers: There are approximately 70 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: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 134477 (Sub-No. 129 TA), filed December 16, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hide and commodities in bulk), from Huron, S. Dak., to Chicago, Ill.; Plainwell, Mich.; Newark, N.J.; New York, N.Y.; St. Mary's and Bellefontaine, Ohio; and New London and Eau Claire, Wis., for 180 days. Supporting shipper: Huron Dressed Beef, Inc., P.O. Box 924, Huron, S. Dak. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134755 (Sub-No. 84 TA) (Correction), filed November 23, 1976, published in the FEDERAL REGISTER issue of December 7, 1976, and republished as corrected this issue. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at or near Crete Nebr., and Denison, Carroll and Iowa Falls, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Tennessee, Alabama, Mississippi, Louisiana, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Georgia and Florida, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 403, Denison, Iowa 51442. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 134922 (Sub-No. 211 TA), filed December 16, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber crticles*, from Tyler, Tex., to Petaluma, Calif., for 180 days. Supporting shipper: Triple S Tire Center, 412 Madison St., Petaluma, Calif. 94952. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 135236 (Sub-No. 13 TA), filed December 15, 1976. Applicant: LOGAN TRUCKING, INC., 801 Erie Ave., Logansport, Ind. 46947. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening, lard, tallow, cooking oil and margarine* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Swift Edible Oil Co., at or near Bradley, Ill., to points in New Jersey, New York, Maryland, Pennsylvania, Massachusetts and the District of Columbia, and Manassas, Williamsburg, Richmond and Newport News, Va.; Dover, Rehoboth Beach, and Wilmington, Del.; Levitt City, New Haven, New London, Hartford, Meriden, Colchester and Stamford, Conn.; Burling, Brattleboro, Rutland and White River Junction, Vt.; Concord and Manchester, N.H.; Providence and Cranston, R.I.; Fairfield, Lewiston, Portland and Augusta, Maine and to points in the Commercial Zones of the respective named cities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Edible Oil Co., Division of Swift & Co., 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 138000 (Sub-No. 25TA) filed December 17, 1976. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., and its commercial zone, to Elizabeth City, N.C., and its commercial zone and Washington, D.C., and its commercial zone, for 180 days. Applicant has also field an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Potomac Distributing Company, 3010 Earl Place, N.W., Washington, D.C. 20010. Albermarle Distributing Company, Elizabeth City, N.C. 27909. Send Protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 141776 (Sub-No. 2TA) (Correction) filed November 23, 1976, published in the FEDERAL REGISTER issue of December 6, 1976, and republished as

corrected this issue. Applicant: FOOD-TRAIN, INC., Spring and South Centre Sts., Ringtown, Pa. 17967. Applicant's representative: Richard Rueda, Suite 612, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries NOI, candy cough drops, and hollow mold chocolate candy*, from the plant and warehouse sites of Luden's, Incorporated, Reading, Pa., to Cleveland and Cincinnati, Ohio; Detroit and Grand Rapids, Mich.; Melrose Park, Ill.; Milwaukee, Wis.; Minneapolis, Minn.; Des Moines, Iowa, and New Orleans, La., with the right to return refused, exchanged, rejected or damaged merchandise, for 180 days. Supporting shipper: Luden's Incorporated, Reading, Pa. 19603. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503. The purpose of this republication is to add the origin point in this proceeding.

No. MC 142355 (Sub-No. 2TA) filed December 15, 1976. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 E. 56th Ave., Denver, Colo. 80216. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic granules and related materials and supplies*, from points in in Larimer County, Colo., to Salt Lake City, Utah and its commercial zone; and (2) *Plastic handles and related materials and supplies*, from Salt Lake City, Utah and its commercial zone, to points in Larimer County, Colo., restricted to services performed under a continuing contract with Teledyne Water Pik, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Teledyne Water Pik, 1730 E. Prospect, Fort Collins, Colo. 80521. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 142666TA (Correction) filed November 2, 1976, published in the FEDERAL REGISTER issue of December 6, 1976, and republished as corrected this issue. Applicant: J & J TRUCKING, East Wood St., Paris, Ark. 72855. Applicant's representative: James M. Duckett, 1021 Pyramid Life Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, between points in Franklin, Johnson, Logan and Pope Counties, Ark.; and from points in these counties, to Fort Smith and Van Buren, Ark.; restricted to transportation of traffic having a prior or subsequent movement by rail, for 180 days. Supporting shippers: B & D Construction, Inc.; and Multi-Minerals Corp., Star Rt. 2, Ozark, Ark. 72949. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201. The purpose of this republication is to add the other supporting shipper, which was omitted in the previous publication.

No. MC 142696 (Sub-No. 1TA), filed December 20, 1976. Applicant: GREENE'S CARTAGE CO., INC., 1934 Avalon Ave., Muscle Shoals, Ala. 35660. Appplicant's representative: R. S. Richard 57 Adams Ave., P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by home product distributors, restricted to home delivery, from Memphis, Tenn., to points to Tennessee, Alabama and Mississippi, under a continuing contract with Stanley Home Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stanley Home Products, Inc., 700 Firestone, Memphis, Tenn. 38107. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142732TA filed December 16, 1976. Applicant: TIFFANY TRANSPORTATION COMPANY, INC., 3346 N.W. 78th Ave., Miami, Fla. 33122. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk, Classes A and B explosives, livestock, household goods, commodities requiring special handling and special equipment and cement), between points in Dade County, Fla., lying east of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean; all shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: There are approximately 5 statements of support attached to the applicatiion, 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: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 142735TA filed December 20, 1976. Applicant: FLAMINGO TRANSPORT, INC., 1530 Hammondville Road, Pompano Beach, Fla. 33062. Applicant's representative: Frank Linn (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except in bulk and those which because of size or weight require specialized transportation equipment), from the facilities of Alumac Mill Products, Inc., in Grundy County, Ill., to Lebanon, Nashville and Sparta, Tenn.; Peachtree City, Ga.; Reidsville, Charlotte and Greensboro, N.C., and Hialeah, Jacksonville, Miami, Ocala, St. Petersburg and Tampa, Fla., under a continuing contract with Alumax Mill Products, Inc., for 180 days. Supporting shipper: Alumax Mill Products, Inc., 5555 E. Highway 6, Morris, Ill. 60450. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N. W. 53rd Terrace, Miami, Fla. 33166.

No. MC142737TA filed December 20, 1976. Applicant: CLAYTON PUGH, doing business as CLAYTON PUGH TRUCKING, 3819 14th Ave., South, Seattle, Wash. 98108. Applicant's representative: Robert G. Gleason, 15 Court Grady Way, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, fresh and frozen; cheese and cheese products, and shortenings*, canned or cubed, between points in Washington and Oregon west of the Cascade Mountain Range and points in California, for 180 days. Supporting shippers: There are approximately 7 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: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-380 Filed 1-4-77;8:45 am]

[Notice No. 174]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

IMPORTANT NOTICE

DECEMBER 30, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon

which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 45764 (Sub-No. 28TA) filed December 20, 1976. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway & Saville Ave., P.O. Box 38, Eddystone, Pa. 19013. Applicant's representative: Edward Kells (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial machinery*, the transportation of which because of size or weight requires the use of special equipment or special handling and related machinery parts moving on through trailers, in foreign commerce, from Detroit, Mich., to Toluca, Mex., via the International Boundary at Laredo, Tex., under a continuing contract with Chrysler de Mexico, S.A., for 180 days. Supporting shipper: Chrysler de Mexico, S.A., P.O. Box 1688, Detroit, Mich. 48231. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 94350 (Sub-No. 372TA) filed December 20, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes*, from points in Montgomery County, Tenn., to points in Illinois, Indiana, Kentucky, Missouri, North Carolina, Tennessee and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Modular Structures, P.O. Box 2296, Clarksville, Tenn. 37040. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 103051 (Sub-No. 383TA) filed December 20, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: David L. Morgan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch*, in bulk, in tank or hopper type vehicles, from Decatur, Ala., to points in Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, for 180 days. Supporting shipper: American Maize Products Co., 113th St., & Indianapolis Blvd., Hammond, Ind. 46326. 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 108761 (Sub-No. 4 TA) filed December 15, 1976. Applicant: THRONE AUTO SERVICE, INC., 3266 Upton Ave., Toledo, Ohio 43613. Applicant's representative: Michael M. Briley, 300 Madison Ave., Toledo, Ohio 43603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles and replacement vehicles for wrecked or disabled vehicles*, by use of wrecker equipment only, between Toledo, Ohio on the one hand, and, on the other, points in Michigan (except Wayne County); Indiana (except Steuben County); Illinois (except Cook County); and Erie and Pittsburgh, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rollins Leasing Corp., 411 Arco, Toledo, Ohio; Central Transport, 210 City Park, Toledo, Ohio; and Ryder Truck Rental, 1929 E. Manhattan Blvd., Toledo, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 117686 (Sub-No. 160TA) filed December 20, 1976. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 S. Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Minneapolis, Minn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee and Texas, restricted to traffic originating at the plantsite and storage facilities of the Pillsbury Co., at or near Minneapolis, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Olivia Bradley, Transportation Manager, Pillsbury Company, Frozen Food Division, 7350 Commerce Lane, Minneapolis, Minn. 55432. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 123640 (Sub-No. 23TA) filed December 20, 1976. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein, 371 Seventh Ave., New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, footwear accessories, footwear display cases, and display materials, and materials and supplies* used in the distribution of footwear, between Huntington, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan and Kentucky, under a continuing contract with Meldisco, a Division of Melville Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Meldisco, a Division of Melville Corporation, 401 Hackensack Ave., Hackensack, N.J. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 113, 343 W. Wayne St., Fort Wayne, Ind. 46802.

No. MC 123872 (Sub-No. 61TA) filed December 17, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Drawer 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant): Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from points in Alexander and Iredell Counties, N.C., to points in New Mexico, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Gilliam Furniture, Inc., P.O. Box 1610; Blackwelder Furniture Co., P.O. Box 1810; and Statesville Chair Co., Statesville, N.C. Lewittes Furniture Enterprises, Inc., P.O. Box 1027, Taylorsville, N.C. 28681. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 124896 (Sub-No. 18TA) filed December 14, 1976. Applicant: WILLISAASON TRUCK LINES, INC., Thorne & Ralson Sts., P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Farmland Foods, Inc., at or near Carroll, Denison and Iowa Falls, Iowa, to Anniston, Birmingham, Dothan, Leeds, Mobile, Montgomery, Selma and Tuscaloosa, Ala.; Daytona Beach, Ft. Lauderdale, Gainesville, Hollywood, Jacksonville, Miami, Orlando, Plant City, Pompano Beach, Tallahassee and Tampa, Fla.; Albany, Athens, Atlanta, Columbus, Doraville, Dublin, Macon, Rome, Savannah, Thomasville and Way-

cross, Ga.; Greenville, Lexington and Louisville, Ky.; Asheboro, Charlotte, Durham, Greensboro, Greenville, Hickory, Holly Ridge, Kernsville, Lauringburg, Raleigh, Wilmington, Winston-Salem and Wilson, N.C.; Aiken, Charleston, Columbia, Dillon, Evergreen, Florence, Greenville, Orangeburg and Sumter, S.C.; and Chattanooga, Greenville, Jackson, Johnson City, Knoxville, Memphis, Murfreesboro and Nashville, Tenn., restricted to the transportation of traffic originating at the named origins and destined to the destinations, for 180 days. Supporting shipper: Farmland Foods, Inc., Denison, Iowa 51442. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 127616 (Sub-No. 24TA) filed December 20, 1976. Applicant: SAVAGE TRUCKING CO., INC., Elm Street, P.O. Box 27, Chester Depot, Vt. 05144. Applicant's representative: Clarence D. Horton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut timber frame buildings*, from Claremont, N.H., to points in Delaware, Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, North Carolina and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cluster Shed, Inc., Division of Vermont Log Bldgs., Box 202, Hartland, Vt. 05048. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 134314 (Sub-No. 6TA) filed December 20, 1976. Applicant: CHARLES R. STROP, doing business as STROP TRANSPORTATION, R.R. One, Hastings, Nebr. 68901. Applicant's representative: Aryln L. Westergren, 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: *Meats and packinghouse products*, from the plantsite of Dubuque Packing Company, at or near Mankato, Kans., to points in Rhode Island, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Missouri, New Jersey, New York, Nebraska, Ohio, Pennsylvania and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Earl Skahill, General Manager, Dubuque Packing Company, Box 282, Mankato, Kans. 66956. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 134824 (Sub-No. 4TA) filed December 15, 1976. Applicant: FOREST PRODUCTS TRANSPORTS, INC., 216 Newsom Bldg., P.O. Box 567, Columbia, Miss. 39429. Applicant's representative: Harold D. Miller, Jr., 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from the plantsites of Georgia-Pacific Corporation, located at or near Gloster and Roxie, Miss., and the plantsite of St. Regis Company, located at or near Magnolia, Miss., to the plantsite of Georgia-Pacific Corporation, at or near Port Hudson, La., under a continuing contract with Georgia-Pacific Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corporation, P.O. Box 520, Crossett, Ark. 71635. Send protests to: Alan C. Tarant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss 39201.

No. MC 136818 (Sub-No. 12TA) (Correction) filed October 5, 1976, published in the FEDERAL REGISTER issue of October 19, 1976, and republished as corrected this issue. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood, Phoenix, Ariz. 85031. Applicant's representative: Donald Fernaays, 4040 E. McDowell Road, Suite 312, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Thayne, Wyo., to points in California, Illinois, Minnesota, Wisconsin, Pennsylvania and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Star Valley Cheese Corp., Thayne, Wyo. 83127. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025. The purpose of this republication is to add the state of Illinois as a destination point in this proceeding.

No. MC 142145 (Sub-No. 3TA), filed December 20, 1976. Applicant: LINDSAY TRANSPORTATION, INC., Lindsay, Nebr. 68644. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts, equipment, materials and supplies* used in irrigation systems, their shipment or their installation (except commodities in bulk, in tank vehicles), from the facilities utilized by Lindsay Manufacturing Co., at or near Amarillo, Tex., to points in the United States (except Alaska and Hawaii); and *equipment materials and supplies* utilized in the manufacture of irrigation systems (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to the facilities of Lindsay Manufacturing Co., at or near Amarillo, Tex., restricted to a transportation service to be performed under a continuing contract with Lindsay Manufacturing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gerald L. Abts, Vice-President, Finance, Lindsay Manufacturing Co., Box 156, Lindsay, Nebr. 68644. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 142483 (Sub-No. 1TA), filed December 17, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Communications cable* (except commodities in bulk and those which because of size or weight require special equipment), from the plantsite and manufacturing facilities of Comm/Scope Company, located at or near Sherrills Ford, Catawba County, N.C., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming, under a continuing contract with Comm/Scope Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Comm-Scope Company, Rt. 1, Box 199A, Catawba, N.C. 28609. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 142682 (Sub-No. 1 TA) (correction), filed November 23, 1976, published in the FEDERAL REGISTER issue of December 10, 1976, and republished as corrected this issue. Applicant: LARRY A. SANDBERG & NADINE C. SANDBERG, doing business as, L & N HOG MARKET, Rural Route, Rowley, Iowa 52329. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from the plantsite and storage facilities of Wapsie Valley Creamery, Inc., at or near Independence, Iowa, to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wapsie Valley Creamery, Inc., 300 10th St. N.E., Independence, Iowa 50644. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to change docket number MC 142682 (Sub-No. 1) in lieu of MC 142691 TA which was previously published in error.

No. MC 142730 (Sub-No. 1 TA), filed December 16, 1976. Applicant: THOMAS McGINNIS, doing business as T. McGIN-

NIS TRUCKING CO., Route 3, Box 329, Catlettsburg, Ky. 41129. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) (1) *Face brick;* (2) *clay and shale*; (3) *concrete materials*, viz: *sand and gravel*, in bulk, in dump vehicles; (4) *concrete materials*, viz: Limestone, sand, and gravel, in bulk, in dump vehicles; (5) *concrete materials*, viz: Patio blocks, concrete lintels, parking curbs and decorative blocks; and (6) *concrete materials*, viz: decorative blocks and concrete blocks in special shapes; and (b) (1) Those commodities named in (1) and (2) above, from Marion, Glasgow and Richlands, Va., to points in Boyd, Greenup, Carter and Lawrence Counties, Ky.; Gallia, Meigs and Lawrence Counties, Ohio; and Cabell and Wayne Counties, W. Va.; (b) (2) Those commodities named in (3) above, from points in Scioto County, Ohio, to Catlettsburg and Greenup, Ky.; (3) Those commodities named in (4) above, from points in Adams County, Ohio, to Catlettsburg and Greenup, Ky.; (4) Those commodities named in (5) above, from points in Franklin County, Ohio, to Catlettsburg and Greenup, Ky.; and (5) Those commodities named in (6) above, from points in Ross County, Ohio, to Catlettsburg, Ky., under a continuing contract with H & H Supply, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H & H Supply, Inc., 1029 Center St., Catlettsburg, Ky. 41129. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 216 Bakhaus Bldg., 1500 W. Main St., Lexington, Ky. 40505.

PASSENGER APPLICATIONS

No. MC 142652 (Sub-No. 1 TA), filed December 20, 1976. Applicant: BRANDON TRANSPORT INC., 143 Dequoy, St-Gabriel-de-Brandon, Quebec, Canada JOK 2NO. Applicant's representative: Guy Poliquin, Room 140, 580 E. Grande-Allee, Quebec, Quebec, Canada G1R 2K3. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, from points on the International Boundary line in the states of Maine, New Hampshire, Vermont, New York and Michigan, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Montreal, St-Gabriel-de-Brandon in the Province of Quebec, Canada, for 180 days. Supporting shipper: Agence de Voyages Brandon Enrg, 143 Dequoy, St-Gabriel de Brandon, Quebec, Canada. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 142691 (Sub-No. 1 TA) (Correction), filed November 30, 1976, published in the FEDERAL REGISTER issue of December 13, 1976, and republished as corrected this issue. Applicant: SOUTHBOUND, INC., P.O. Box 45157, Baton Rouge, La. 70895. Applicant's representative: E. J. Dominguez, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in round-trip special operations, between Shreveport, Minden, Ruston and Monroe, La., on the one hand, and, on the other, Louisiana State Penitentiary, at or near Tunica, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Helen Walker, 4102 Martha St., Shreveport, La. 71109. Ida Edwards, 4200 Ester Ave., Monroe, La. 71201. Alton Gandy, c/o Amaco Station Dennis Drive Hwy. 7, Minden, La. 71055. Ada C. Veal, 412 Main St., Grambling, La. 71245. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113. The purpose of this republication is to change docket number MC 142691 (Sub-No. 1) in lieu of MC 142682 TA which was previously published in error.

By the Commission.

ROBERT L. OSWALD,
Secretary.

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